

No. \_\_\_\_\_

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IN THE

**Supreme Court of the United States**

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IAN MITCHAM,

*Petitioner,*

v.

STATE OF ARIZONA,

*Respondent.*

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On Petition for Writ of Certiorari  
To the Arizona Supreme Court

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**MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS**

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Martha Barco Penunuri  
Jeffrey Kirchler  
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*Counsel for Petitioner*

## **MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS**

Petitioner Ian Mitcham asks for leave to file the attached petition for a writ of certiorari to the Arizona Court of Appeals without prepayment of costs and to proceed in forma pauperis pursuant to Supreme Court Rule 39.

The Maricopa County Superior Court previously found Mr. Mitcham indigent, and on April 11, 2018, appointed the Office of the Maricopa County Public Defender to represent Mr. Mitcham. Since that time, Mr. Mitcham has been represented by the Office of the Maricopa County Public Defender.

Respectfully submitted this 4th day of February, 2025.

/s/ Mikel Steinfeld

Mikel Steinfeld

*Counsel of Record*

Martha Barco Penunuri

Jeffrey Kirchler

Richard Randall

MARICOPA COUNTY PUBLIC

DEFENDER'S OFFICE

*Counsel for Petitioner*



# SUPERIOR COURT OF ARIZONA FOR

## Maricopa County

### Final Release Order and Order Regarding Counsel

Chris DeRose, Clerk of Court  
\*\*\* Electronically Filed \*\*\*  
M. Martin, Deputy  
4/13/2018 4:17:00 PM  
Filing ID 9257429

State of Arizona

1 Cnt MURDER 1ST DEG- F1

1 Cnt BURGLARY 2ND DE F3

CaseNumber: **PF2018118086001**

vs.

Booking#: **T450007**

**Ian L Mitcham**

It is hereby ordered that **Ian L Mitcham shall be released** as indicated and must comply with ALL release conditions.

#### NEXT HEARINGS

**Status Conference** April 18, 2018 at 08:30 AM at South Court Tower, 175 W. Madison Street, 3rd Floor, Phoenix, AZ, 85003-2243 Courtroom: 3D **Docket: RCCT2**

**Preliminary Hearing** April 20, 2018 at 08:45 AM at South Court Tower, 175 W. Madison Street, 3rd Floor, Phoenix, AZ, 85003-2243 Courtroom: 3D **Docket: RCCT2**

**WARNING: If the defendant appears at the next hearing without a lawyer, the hearing may still proceed as scheduled.**

#### RELEASE TYPE

##### Bailable As a Matter of Right

The defendant has been found to be bailable as a matter of right. IT IS HEREBY ORDERED that the defendant must comply with all release conditions and shall be released from custody in this Cause Number as follows:

##### Cash Only Appearance Bond

The defendant will deposit with the Clerk of the above Court the total sum, in cash, of **\$5,000,000.00**, which includes all applicable surcharges.

#### RELEASE CONDITIONS

1. You are not to return to the scene of the alleged crime.
2. You are not to initiate contact with the alleged victim or victims.
3. You are not to have any physical contact with any alleged victim.
4. You are not to initiate contact with the alleged complainant or witness.
5. You are not to initiate contact with the arresting officers.
6. You are not to possess any weapons.
7. You are not to possess any drugs without a valid prescription.
8. You are not to drive a motor vehicle without a valid driver's license.
9. You must continue to provide the court with proof of your local address.

You must appear at all court proceedings in this case or your release conditions can be revoked, a warrant will be issued and proceedings may go forward in your absence. You must maintain contact with your attorney. If convicted, you will be required to appear for Sentencing. If you fail to appear, you may lose your right to a direct appeal. In addition, failure to appear at a future court proceeding may result in a waiver of any claim that you were not informed of a plea offer made in your case by the State. **a.** You will appear to answer and submit to all further orders and processes of the court having jurisdiction of the case. **b.** You will refrain from committing any criminal offenses. **c.** You will diligently prosecute any appeal. **d.** You will not leave the state without permission of the court. If you violate any conditions of this release order, the court may order the bond and any security deposited in connection therewith forfeited to the State of Arizona. In addition, the court may issue a warrant for your arrest upon learning of your violation of any conditions of your release. After a hearing, if the court finds that you have not complied with the conditions of release, it may modify the conditions or revoke your release altogether.

If you are released on a felony charge, and the court finds the proof evident or the presumption great that you committed a felony during the period of release, the court must revoke your release. You may also be subject to an additional criminal charge, and upon conviction you could be punished by imprisonment in addition to the punishment which would otherwise be impossible for the crime committed during the period of release. Upon finding that you violated conditions of release, the court may also find you in contempt of court and sentence you to a term of imprisonment, a fine, or both.

#### ATTORNEY APPOINTMENT

The Court finds you to be indigent and orders an attorney to provide you representation.

You must contact the Office of the Maricopa County Public Defender at **620 W. Jackson Street, Suite 4015, Phoenix, AZ 85003. 602-506-7711**



**SUPERIOR COURT OF ARIZONA FOR**

**Maricopa County**

**Final Release Order and Order Regarding Counsel**

Case#: **PF2018118086001**

Booking#: **T450007**

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**ACKNOWLEDGEMENT BY DEFENDANT**

I have received a copy of this form. I understand the standard conditions, all other conditions, and the consequences of violating this release order. I agree to comply fully with each of the conditions imposed on my release and to notify the court promptly in the event I change my place of residence.

Date 4/11/2018 5:00:00 AM

Address: 3724 EAST EARLL DRIVE

City, State, Zip: PHOENIX, AZ, 85018

*Cindi Nannetti*

*Ian L Mitcham*

**Cindi S Nannetti**

Judge / Commissioner

Signature: \_\_\_\_\_

**Ian L Mitcham**

Defendant