

NO. \_\_\_\_\_

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IN THE SUPREME COURT OF THE UNITED STATES

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DEVEON JAMEAR SMITH, Petitioner

vs.

UNITED STATES OF AMERICA, Respondent.

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MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS


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The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

- ☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s): United States Court of Appeals for the Eighth Circuit; United States District Court for the Southern District of Iowa
- ☐ Petitioner has not previously been granted leave to proceed *in forma pauperis* in any other court.
- ☐ Petitioner's affidavit or declaration in support of this motion is attached hereto.
- ☒ Petitioner's affidavit or declaration is not attached because the court below appointed counsel in the current proceeding, and:
- ☐ The appointment was made under the following provision of law: \_\_\_\_\_, or
- ☒ a copy of the order of appointment is appended.

Respectfully submitted,



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JOHN KEITH RIGG

317 Sixth Avenue, Suite 1300

Des Moines, Iowa 50309-4112

Telephone: (515) 284-7930

Email: [jkrigg@dwx.com](mailto:jkrigg@dwx.com)

ATTORNEY FOR PETITIONER

DEVEON JAMEAR SMITH

## EXHIBIT A

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**United States District Court  
Southern District of Iowa**

United States of America	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:22-cr-00127-RGE-HCA-1
	)	
Deveon Jamear Smith	)	<input type="checkbox"/> [Check if Federal Public Defender is
,	)	appearing only for arraignment or
	)	initial appearance]
Defendant.	)	

**ORDER APPOINTING COUNSEL**

The Court finds that the Defendant qualifies for appointment of counsel under the Criminal Justice Act, 18 USC §3006A, and the Criminal Justice Act Plan for the Southern District of Iowa. A CJA Form 23 Financial Affidavit shall be filed within five days of this Order.

It is ORDERED that Federal Defender's Office, or substitute counsel designated pursuant to the CJA Plan, is appointed to represent Defendant for all proceedings, including appeal. The Court may require Defendant to make full or partial repayment of attorney and witness fees, should it find that the Defendant has the ability to make such payment.

Date: April 7, 2023

  
\_\_\_\_\_  
Judge      gnature

William P. Kelly, U.S. Magistrate Judge  
\_\_\_\_\_  
Printed name and title

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

No: 23-3570

United States of America

Appellee

v.

Deveon Jamear Smith

Appellant

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Appeal from U.S. District Court for the Southern District of Iowa - Central  
(4:22-cr-00127-SMR-1)

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**ORDER**

Attorney John Keith Rigg is hereby appointed to represent appellant in this appeal under the Criminal Justice Act. Information regarding the CJA appointment and vouchering process in eVoucher will be emailed to counsel shortly.

November 27, 2023

Order Entered under Rule 27A(a):  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans