

No. \_\_\_\_\_  
(Capital Case)

---

In The  
**Supreme Court of the United States**

---

TERRY PITCHFORD

v.

BURL CAIN, Commissioner, Mississippi Department of Corrections; LYNN FITCH,  
Attorney General for the State of Mississippi.

---

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

---

Joseph J. Perkovich  
*Counsel of Record*  
Phillips Black, Inc.  
PO Box 3547  
New York, NY 10008  
(212) 400-1660  
j.perkovich@phillipsblack.org

J. Scott Gilbert  
Watkins & Eager PLLC  
The Emporium Building  
400 East Capitol Street  
Jackson, MS 39201  
(601) 965-1922  
sgilbert@watkinseager.com

Joseph C. Welling  
Phillips Black, Inc.  
100 N. Tucker Blvd., Ste. 750  
St. Louis, MO 63101  
(314) 629-2492  
j.welling@phillipsblack.org

*Counsel for Terry Pitchford*

TO THE HONORABLE COURT:

COMES NOW the Petitioner, Terry Pitchford, represented by undersigned counsel, and before this Honorable Court respectfully requests to proceed *in forma pauperis*, pursuant to Rule 39.1 of the Rules of the Supreme Court of the United States. In support of this motion, the undersigned respectfully states the following:

The petitioner was determined to be indigent in the course of the criminal proceedings before the United States Court of Appeals for the Fifth Circuit, pursuant to 28 U.S.C. § 3599, 28 U.S.C. § 3006A, and *McFarland v. Scott*, 512 U.S. 849 (1994). Pursuant to Rule 39.1, because the court below appointed undersigned counsel to represent an indigent, no affidavit of indigency is required.

The undersigned has represented the petitioner as court appointed counsel by the United States Court of Appeals for the Fifth Circuit. That appointment includes pursuing this litigation. *See Harbison v. Bell*, 556 U.S. 180 (2009). The undersigned understands that this appointment exempts the petitioner from payment of fees or costs, and from the filing of an affidavit in compliance with 28 U.S.C. § 1915(a) pursuant to Rule 39.1.

WHEREFORE, it is respectfully requested that this Honorable Court grant the petitioner's request to proceed in forma pauperis, and that this court accept the attached petition for writ of certiorari.

RESPECTFULLY REQUESTED,

/s/ Joseph J. Perkovich  
JOSEPH J. PERKOVICH  
*Counsel of Record*  
Phillips Black, Inc.  
PO Box 3547  
New York, NY 10008  
212.400.1660 (tel)  
888.532.0897 (fax)  
j.perkovich@phillipsblack.org

/s Joseph C. Welling  
JOSEPH C. WELLING  
Phillips Black, Inc.  
100 N. Tucker Blvd., Ste. 750  
St. Louis, MO 63101  
314.629.2492 (tel)  
888.543.4964 (fax)

/s J. Scott Gilbert  
J. SCOTT GILBERT  
Watkins & Eager PLLC  
The Emporium Building  
400 East Capitol Street  
Jackson, MS 39201  
(601) 965-1922  
sgilbert@watkinseager.com

*Counsel for Mr. Pitchford*

May 28, 2025