

No. _____

In the
Supreme Court of the United States

CLARENCE FRY,

Petitioner,

v.

TIMOTHY SHOOP, WARDEN,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

CAPITAL CASE

MOTION FOR LEAVE TO APPEAL *IN FORMA PAUPERIS*

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

[X] Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

- (1). Ohio Supreme Court
- (2). Ohio Court of Appeals, Ninth District
- (3). Supreme Court of the United States
- (4). United States District Court for the Northern District of Ohio

[X] Petitioner's affidavit or declaration in support of this motion is attached hereto.

[X] A copy of the order of appointment in the United States District Court for the Northern District of Ohio is appended.

Respectfully Submitted,

STEPHEN C. NEWMAN
Federal Public Defender
Ohio Bar No. 0051928

/s/ Sharon A. Hicks
SHARON A. HICKS
Counsel of Record
Ohio Bar No. 0076178
Assistant Federal Public Defender
Office of the Federal Public Defender
Northern District of Ohio
Capital Habeas Unit
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**COUNSEL FOR PETITIONER
CLARENCE FRY**

AFFIDAVIT OF DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

I, Clarence Fry, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty, I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u> </u>
Self-employment	\$ <u>Ø</u>	\$ <u> </u>	\$ <u>Ø</u>	\$ <u> </u>
Income from real property (such as rental income)	\$ <u>Ø</u>	\$ <u> </u>	\$ <u>Ø</u>	\$ <u> </u>
Interest and dividends	\$ <u>Ø</u>	\$ <u> </u>	\$ <u>Ø</u>	\$ <u> </u>
Gifts	\$ <u>Ø</u>	\$ <u> </u>	\$ <u>Ø</u>	\$ <u> </u>
Alimony	\$ <u>Ø</u>	\$ <u> </u>	\$ <u>Ø</u>	\$ <u> </u>
Child Support	\$ <u>Ø</u>	\$ <u> </u>	\$ <u>Ø</u>	\$ <u> </u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>Ø</u>	\$ <u> </u>	\$ <u>Ø</u>	\$ <u> </u>
Disability (such as social security, insurance payments)	\$ <u>Ø</u>	\$ <u> </u>	\$ <u>Ø</u>	\$ <u> </u>
Unemployment payments	\$ <u>Ø</u>	\$ <u> </u>	\$ <u>Ø</u>	\$ <u> </u>
Public-assistance (such as welfare)	\$ <u>Ø</u>	\$ <u> </u>	\$ <u>Ø</u>	\$ <u> </u>

Income source	Average monthly amount during the past 12 months		Amount expected next month	
Other (specify): _____	\$ <u>0</u>	\$ <u>0</u>	\$ _____	\$ _____
Total monthly income:	\$ <u>0</u>	\$ <u>0</u>	\$ _____	\$ _____

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
<u>0 N/A</u>	<u>N/A</u>	<u>N/A</u>	\$ <u>N/A</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

4. How much cash do you and your spouse have? \$ 0

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
_____	_____	\$ <u>0</u>	\$ _____
_____	_____	\$ <u>0</u>	\$ _____
_____	_____	\$ <u>0</u>	\$ _____

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

<input type="checkbox"/> Home	<input type="checkbox"/> Other real estate
Value <u> </u>	Value <u> </u>
<input type="checkbox"/> Motor Vehicle #1	<input type="checkbox"/> Motor Vehicle #2
Year, make & model <u> </u>	Year, make & model <u> </u>
Value <u> </u>	Value <u> </u>
<input type="checkbox"/> Other assets	
Description <u> </u>	
Value <u> </u>	

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your Spouse
<u> </u>	\$ <u> </u>	\$ <u> </u>
<u> </u>	\$ <u> </u>	\$ <u> </u>
<u> </u>	\$ <u> </u>	\$ <u> </u>

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
<u> </u>	<u> </u>	\$ <u> </u>
<u> </u>	<u> </u>	\$ <u> </u>
<u> </u>	<u> </u>	\$ <u> </u>

8. Estimate the average monthly expenses of you and your family. Show separately the amount paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>0</u>	\$ _____
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>0</u>	\$ _____
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ _____
Food	\$ <u>0</u>	\$ _____
Clothing	\$ <u>0</u>	\$ _____
Laundry and dry-cleaning	\$ <u>0</u>	\$ _____
Medical and dental expenses	\$ <u>0</u>	\$ _____
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ _____
Life	\$ <u>0</u>	\$ _____
Health	\$ <u>0</u>	\$ _____
Motor Vehicle	\$ <u>0</u>	\$ _____
Other: _____	\$ <u>0</u>	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>0</u>	\$ _____
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ _____

	You	Your spouse
Credit card(s)	\$ <u>0</u>	\$ _____
Department store(s)	\$ <u>0</u>	\$ _____
Other: _____	\$ <u>0</u>	\$ _____
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ _____
Other (specify): _____	\$ <u>0</u>	\$ _____
 Total monthly expenses:	 \$ <u>0</u>	 \$ _____

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☒ No

If yes, describe on an attached sheet.

10. Have you paid —or will you be paying —an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid – or will you be paying – anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much?

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 25, 20 25.

(Signature)

Petitioner's motion to for the appointment of counsel is granted - 10/4/2019

s/ Pamela A. Barker
PAMELA A. BARKER
UNITED STATES
DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

CLARENCE FRY,)	Case No. 1:19-cv-02307-PAB
)	
Petitioner,)	Judge: Pamela A. Barker
)	
v.)	Magistrate Judge:
)	
TIM SHOOP, WARDEN,)	CAPITAL HABEAS CASE
)	
Respondent.)	

**PETITIONER FRY'S MOTION FOR THE APPOINTMENT OF COUNSEL FOR
CAPITAL HABEAS PROCEEDINGS**

Now comes Petitioner Clarence Fry, by and through the undersigned counsel, and moves this Court to appoint counsel on his behalf. Mr. Fry was convicted of aggravated murder, among other things, and he was sentenced to death in the State of Ohio.

Mr. Fry is now before this Court seeking the appointment of counsel to represent him in his federal habeas corpus proceedings. Mr. Fry has contemporaneously filed a Notice of Intention to File a Habeas Petition and a Motion to Proceed in Forma Pauperis.

Respectfully submitted,

STEPHEN C. NEWMAN (0051928)
Federal Public Defender

/s/Sharon A. Hicks
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