

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

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**SUPREME COURT OF THE UNITED STATES**

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KEITH FOSTER,  
*Petitioner,*

v.

COMMONWEALTH OF PENNSYLVANIA,  
*Respondent.*

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ON PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF  
PENNSYLVANIA

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

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STEVEN A. TEHOVNIK  
Deputy Director – Trial Division  
*\*Counsel of Record*  
PA I.D. #321443

ALLEGHENY COUNTY  
OFFICE OF THE PUBLIC DEFENDER  
#400 County Office Building  
542 Forbes Avenue  
Pittsburgh, PA 15219  
(412) 522-0041

Counsel for Petitioner  
Keith Foster

**MOTION TO PROCEED ON WRIT OF CERTIORARI  
IN FORMA PAUPERIS**

AND NOW, comes the Petitioner Keith Foster (“Mr. Foster”), by and through his counsel, Steven A. Tehovnik, Esquire, Deputy Public Defender of Trial (“Undersigned Counsel”), and the Allegheny County Office of the Public Defender, who files the within Motion to Proceed on Writ of Certiorari *In Forma Pauperis* pursuant to Rule 39 of this Honorable Court.

1. Pursuant to the Pennsylvania Public Defender Act, 16 P.S. §§ 9960.1-9960.13, and Pa.R.Crim.P. 122 (Appointment of Counsel), the Allegheny County Office of the Public Defender was appointed to represent Mr. Foster at trial and, when the Commonwealth of Pennsylvania filed an interlocutory appeal as of right, Undersigned Counsel handled the appeal on behalf of Mr. Foster.
2. Mr. Foster has previously been granted leave to proceed *in forma pauperis* by the Supreme Court of Pennsylvania on July 24, 2023. *See* Pennsylvania Rule of Criminal Procedure 552; Pennsylvania Supreme Court Docket<sup>1</sup> and Verified Statement in Support of Continuation of *In Forma Pauperis* Status<sup>2</sup>, 194 WAL 2023.
3. The Allegheny County Office of the Public Defender has represented Mr. Foster from the case’s inception at magisterial district court, at the trial court, and through the appellate courts, including both the Superior and Supreme Courts of Pennsylvania, and counsel is aware of no changes to his financial

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<sup>1</sup> Attached hereto as Appendix A.

<sup>2</sup> Attached hereto as Appendix B.

situation that would affect his qualification for our services as an indigent defendant and for *in forma pauperis* status.<sup>3</sup>

Date: July 29, 2025

/s/ Steven A. Tehovnik  
STEVEN A. TEHOVNIK  
Deputy Director – Trial Division  
*\*Counsel of Record*  
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<sup>3</sup> Mr. Foster's signed Affidavit or Declaration in Support of Motion for Leave to Proceed *In Forma Pauperis* is attached hereto as Appendix C.