

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
AUG - 5 2025
OFFICE OF THE CLERK

Jason Strauch — PETITIONER
(Your Name)

VS.

State of New Mexico — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

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):

New Mexico Supreme Court (See Exhibit A for Order, Application, Letter),
New Mexico Court of Appeals and NM State Second Judicial District Court.

☐ 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.

Exhibit A - Free Process Order NMSC
Exhibit B - NM Application for Free Process
Exhibit C - NM Supreme Court Clerk Letter
Re: Free Process

Jason Strauch
(Signature)

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

I, Jason Strauch, 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	<i>Divorced</i> Spouse	You	<i>Divorced</i> Spouse
Employment	\$ <u>52</u>	\$ <u>NA</u>	\$ <u>55</u>	\$ <u>NA</u>
Self-employment	\$ <u>-</u>	\$ <u> </u>	\$ <u>-</u>	\$ <u> </u>
Income from real property (such as rental income)	\$ <u>-</u>	\$ <u> </u>	\$ <u>-</u>	\$ <u> </u>
Interest and dividends	\$ <u>-</u>	\$ <u> </u>	\$ <u>-</u>	\$ <u> </u>
Gifts (<i>Not Guaranteed</i>)	\$ <u>250</u>	\$ <u> </u>	\$ <u>250</u>	\$ <u> </u>
Alimony	\$ <u>-</u>	\$ <u> </u>	\$ <u>-</u>	\$ <u> </u>
Child Support	\$ <u>-</u>	\$ <u> </u>	\$ <u>-</u>	\$ <u> </u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>-</u>	\$ <u> </u>	\$ <u>-</u>	\$ <u> </u>
Disability (such as social security, insurance payments)	\$ <u>-</u>	\$ <u> </u>	\$ <u>-</u>	\$ <u> </u>
Unemployment payments	\$ <u>-</u>	\$ <u> </u>	\$ <u>-</u>	\$ <u> </u>
Public-assistance (such as welfare)	\$ <u>-</u>	\$ <u> </u>	\$ <u>-</u>	\$ <u> </u>
Other (specify): _____	\$ <u>-</u>	\$ <u> </u>	\$ <u>-</u>	\$ <u> </u>
Total monthly income:	\$ <u>300</u>	\$ <u>↓</u>	\$ <u>305</u>	\$ <u>↓</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
Otero County Prison	10 McGregor Ave BB Chaparral, NM Rd 88001	Feb 2020 - Present	\$ ~55
			\$
			\$

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
NA	NA	NA	\$ NA
			\$
			\$

4. How much cash do you and your spouse have? \$ Don't Have Cash In Prison
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
Seward Credit Union	\$ Unknown	\$ NA
	\$ ~5,000	\$ 505
	\$	\$

Check w Power of Attorney Dave Schoenwald
POA Dave Schoenwald (505) 977-5919

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

☒ Home
Value \$110,000 Taxable Value
1959 Construction

☐ Other real estate
Value

☒ Motor Vehicle #1
Year, make & model 1986 SAAB 900
Value \$1000 (May Run)

☒ Motor Vehicle #2
Year, make & model 1985 SAAB 900
Value \$500 (Not Running In 2019)

☒ Other assets
Description Bikes (Pedal), Tools and Equipment
Value ? \$2-5,000

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>None</u>	\$ <u>NA</u>	\$ <u>NA</u>
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
<u>None</u>	_____	_____
_____	_____	_____
_____	_____	_____

8. Estimate the average monthly expenses of you and your family. Show separately the amounts 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>1650</u>	\$ <u>—</u>
Are real estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>250</u>	\$ _____
Home maintenance (repairs and upkeep)	\$ <u>—</u>	\$ _____
Food	\$ <u>140</u>	\$ _____
Clothing	\$ <u>25</u>	\$ _____
Laundry and dry-cleaning	\$ <u>—</u>	\$ _____
Medical and dental expenses	\$ <u>—</u>	\$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>—</u>	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>—</u>	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>—</u>	\$ _____
Life	\$ <u>—</u>	\$ _____
Health	\$ <u>—</u>	\$ _____
Motor Vehicle	\$ <u>—</u>	\$ _____
Other: _____	\$ <u>—</u>	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>—</u>	\$ _____
Installment payments		
Motor Vehicle	\$ <u>—</u>	\$ _____
Credit card(s)	\$ <u>—</u>	\$ _____
Department store(s)	\$ <u>—</u>	\$ _____
Other: _____	\$ <u>—</u>	\$ _____
Alimony, maintenance, and support paid to others	\$ <u>—</u>	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>—</u>	\$ _____
Other (specify): <u>Hygiene (Soap, Toothpaste,</u>	\$ <u>20</u>	\$ _____
<u>Shampoo, Lotion,</u>		
<u>Deodorant)</u>	\$ <u>2085</u>	\$ _____
Total monthly expenses:		

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 No Other Person, But Spent My Entire Income In A Month For Copies and Certified Mailing.

If yes, how much? _____

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

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

and was not working prior 3 1/2 years due to probation 10 yrs no income!
I have been incarcerated for almost 6 years with income less than \$600/year after Deductions. I pay my mortgage out of my retirement account from 20 years of service to the Nation and my Sandia (National Lab) Colleague is nice enough to send me money for food and hygiene and clothes.
I declare under penalty of perjury that the foregoing is true and correct.
Executed on: August 6, 2025

Jason Strach
(Signature)

Elizabeth Garcia

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

March 04, 2025

NO. S-1-SC-40779

JASON STRAUCH,

Petitioner,

v.

STATE OF NEW MEXICO,

Respondent.

ORDER

WHEREAS, this matter came on for consideration by the Court upon motion for free process, and the Court having considered the foregoing and being sufficiently advised; Chief Justice David K. Thomson, Justice Michael E. Vigil, Justice C. Shannon Bacon, Justice Julie J. Vargas, and Justice Briana H. Zamora concurring;

NOW, THEREFORE, IT IS ORDERED that the motion for free process is GRANTED.

IT IS SO ORDERED.



WITNESS, the Honorable David K. Thomson, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 4th day of March, 2025.

Elizabeth A. Garcia, Clerk of Court
Supreme Court of New Mexico

By *Mycole Vigil*
Deputy Clerk

I CERTIFY AND ATTEST:
A true copy was served on all parties
or their counsel of record on date filed.

Mycole Vigil
Clerk of the Supreme Court
of the State of New Mexico

Exhibit A

4-222. Application for free process and affidavit of indigency.

[For use with Supreme Court General Rule 23-114 NMRA]

STATE OF NEW MEXICO

COUNTY OF Otero

NM Supreme Court COURT

Jason Strach, Petitioner,

v. State of New Mexico, Respondent.

No. 5-1-SC-40779

APPLICATION FOR FREE PROCESS AND AFFIDAVIT OF INDIGENCY

I request that the court enter an order permitting me to file this case without prepayment of fees and costs and give upon my oath or affirmation the following statement.

My marital status is: Single ___ Married ___ Divorced X Separated ___ Widowed ___

I request interpretation services: ___ yes X no (If yes, please describe what you need)

INFORMATION ABOUT MY FINANCES (check all that apply to you and fill in the blanks):

A. PUBLIC ASSISTANCE

X I do not receive public assistance (If you check this blank, go directly to Section B EMPLOYMENT/UNEMPLOYMENT).

___ I currently receive the following public assistance in _____ County (please check all applicable public assistance programs):

___ Temporary Assistance for Needy Families (TANF)

___ Food Stamps

___ Medicaid (for myself)

___ General Assistance (GA)

___ Supplemental Security Income (SSI)

___ Public Housing

___ Disability Security Income (DSI)

___ Department of Health Case Management Services (DHMS)

___ Other (please describe _____)

B. EMPLOYMENT/UNEMPLOYMENT

Exhibit B 1/4

___ I am currently unemployed and have been unemployed for ___ months in the past year. I am unemployed because _____.

___ I receive unemployment benefits in the amount of \$ _____ per month.

___ I have no income because I am unemployed.

X I am employed. I am paid \$0.50 per hour and work 25 hours per week. ~ \$50/month

My employer's name, address and phone number is:

Otero County Prison Facility - Tucuman - Gross
10 M. Greer Range Rd. - per XIII Amendment
Chaparral, NM 88001 section paid slave wages

___ I am married, and my spouse is unemployed and has been unemployed for ___ months in the past year because _____.

___ My spouse receives unemployment benefits in the amount of \$ _____ per month.

___ I am married, and my spouse is employed. My spouse is paid \$ _____ per hour and works _____ hours per week.

My spouse's employer's name, address and phone number is:

C. OTHER SOURCES OF INCOME (Check all that apply)

___ I have income from another source not mentioned above.

___ Child Support \$ _____

___ Alimony \$ _____

___ Investments \$ _____

___ Community property from my spouse \$ _____

___ Other _____ \$ _____

X I do not have any other sources of income.

___ I am married, and my spouse has income from another source not mentioned above.

___ Child Support \$ _____

___ Alimony \$ _____

___ Investments \$ _____

___ Other _____ \$ _____

___ Other _____ \$ _____

___ I am married, and my spouse does not have any other sources of income.

___ Another adult contributes to household income in the following amount: \$ _____

Exhibit B 2/4

D. OTHER ASSETS (Please list other assets owned by you or your spouse that can be turned into cash. Do not include money you have in retirement accounts):

Cash on hand \$ —
Bank accounts \$ Unknown - check with Power of Attorney
Income tax refund \$ — Dr. Dave Schoenwald (505) 977-5919
Other assets (describe below):
1982 + 1986 Vehicles \$ ~1000 Total, Only one Rgn In 2019 when Came
House, Under Mortgage \$ — pd By Retirement IRA, Unoccupied and. To Prison

IF YOU DO NOT HAVE ACCESS TO YOUR OWN OR YOUR SPOUSE'S INCOME OR ASSETS, EXPLAIN WHY.

I am incarcerated and the ~\$40 per month I earn does not even cover basic hygiene or food to maintain health. My friend acts as power of attorney to manage my IRAs to keep house from being foreclosed. was on SS Disability prior To prison and am 61 years old.

E. MONTHLY EXPENSES

House Payment/Rent \$ 1650
Utilities \$ 150
Telephone \$ 42
Groceries (after food stamps) \$ —
Car Payment(s) \$ —
Gasoline \$ —
Insurance \$ None
Child Care \$ —
Student and Consumer Loans \$ —
Court-ordered family support obligations \$ —
Other court-ordered payments \$ —
Medical expenses \$ — No Real Medical Care In Prison
Other Legal Mailings \$ 30+ print, copiers, notary, Certified Mail

F. HOUSEHOLD

I live at Otero County Prison Facility
and the head of the household is warden Hector Rios

Other than myself, the other members of the household are:

<u>Name</u>	<u>Age</u>	<u>Employment</u>	<u>I Support</u>
<u>—</u>	<u>—</u>	<u>—</u>	<u>()</u>

()
()
()
()
()

This statement is made under oath. I hereby state that the above information regarding my financial condition is correct to the best of my knowledge. I hereby authorize the Court to obtain information from financial institutions, employers, relatives, the federal internal revenue service and other state agencies. If at any time the Court discovers that information in this application for free process was false, misleading, inaccurate, or incomplete at the time the application was submitted, the Court may require me to pay for any costs or fees that were waived under an order of free process that was granted based on the information in this application.

Jason Strauch
(Signature)

Jason Strauch
(Print Name)

X Petitioner _____ Respondent
(Pro Se)

10 McGregor Range Rd.
(Street Address)

Chaparral, NM 88001
(City, State, Zip Code)

(505) 265-5320 (Unmonitored)
(Telephone)

State of New Mexico)

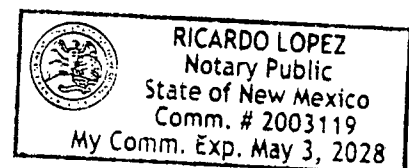
County of OTERO) ss

Signed and sworn to (or affirmed) before me on February 20th 2025 (date)
by Jason STRAUCH (name of applicant).

Ricardo Lopez
Notary

My commission expires: May 3, 2028

Exhibit C 4/4



IN THE SUPREME COURT OF THE STATE OF NM

LETTER TO THE CLERK OF THE SUPREME COURT

JASON STRAUCH, Petitioner

February 20, 2025

Re: Application For Free Process Pursuant to Rule 23-114 NMR
S-1-SC-40779

Dear Supreme Court Clerk,

Please file the enclosed Form 4-222 Application For Free process and a Affidavit of indigency, and return to me the filed and endorsed Order for free process (Form 4-223) For my records. I see that the presumptive indigency for criminal proceedings per Rule 9-403(A)(3) due to being incarcerated does not apply to a Writ of Mandamus concerning a criminal matter of not following the rules of law by a state district court.

My prison "earnings" as a tutor of \$0.50/hr for 25 hours a week and about 50 weeks per year amounts to about \$600 per year gross earnings, or under 4% of the 2025 US Dept. of Health and Human Services poverty level of \$15,650 for an individual, well under Rule 23-114(A)(2) level to establish indigency of earning under 185% of Fed. poverty level.

I have NO other earnings and am forced to spend my retirement account to keep a house to live in upon release and retirement. I spent more than half my monthly income to print, copy, notarize and mail this S-1-SC-40779 Writ of Mandamus to save my life.

Exhibit C 1/2

Self Affirmation Per Rule 23-115 NMRA

I swear under penalty of perjury that this letter and the enclosed Application For Free Process are true and correct to the best of my knowledge and information available this 20th day of February, 2025.

Jason Strach

Jason Strach, # B3794
Otero County Prison Facility
10 McGregor Range Rd.
Chaparral, NM 88008

Certificate of Mailing

This letter and the enclosed Application For Free Process and Order for Free Process were placed in the US Mail, postage paid on February 21, 2025.

Jason Strach

Exhibit C 2 1/2