

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

IN THE SUPREME COURT OF THE UNITED STATES

---

---

CLYDE WENDELL SMITH,

*Petitioner,*

v.

STATE OF MISSISSIPPI

*Respondent.*

---

---

ON PETITION FOR WRIT OF CERTIORARI  
TO THE MISSISSIPPI SUPREME COURT

---

---

CAPITAL CASE

---

---

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

Petitioner, Clyde Wendell Smith, moves the Court to permit him to proceed *in forma pauperis* in this proceeding under Supreme Court Rule 39.1. Petitioner has been found indigent by each state and federal court in which he has challenged his conviction and death sentence and has been allowed to proceed *in forma pauperis* before the Circuit Court of Leflore County, Mississippi; the Mississippi Supreme Court; the United States District Court for the Northern District of Mississippi; and this Court. A copy of the order of appointment by the court below has been appended to this motion.

I HEREBY CERTIFY that a true copy of the foregoing Motion for Leave to Proceed *in Forma Pauperis* has been furnished to the Supreme Court of the United States via electronic service and FedEx and, pursuant to Sup. Ct. R. 29, furnished by United States

Mail, first class postage prepaid, to Brad Smith, Special Assistant Attorney General,  
Office of the Attorney General, Post Office Box 220, Jackson, Mississippi 39205-0220, on  
October 3, 2025.

Respectfully submitted,

/s/ Krissy C. Nobile  
KRISSY C. NOBILE  
*Counsel of Record*  
Mississippi Office of Capital  
Post-Conviction Counsel  
239 North Lamar Street, Suite 404  
Jackson, MS 39201  
Tel: 601-359-5733  
knobile@pcc.state.ms.us

/s/ Marie F. Donnelly  
MARIE F. DONNELLY, admitted *pro hac vice*  
Capital Habeas Unit  
Office of the Federal Defender  
Middle District of Florida  
400 North Tampa Street, Suite 2700  
Tampa, FL 33602  
Tel: 813-228-2715  
marie\_donnelly@fd.org

COUNSEL FOR MR. SMITH

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**CLYDE WENDELL SMITH**

**PETITIONER**

**V.**

**NO. 4:17CV87-SA**

**MARSHALL FISHER and  
JIM HOOD**

**RESPONDENTS**

**ORDER APPOINTING COUNSEL AND GRANTING  
MOTION TO PROCEED *IN FORMA PAUPERIS***

Petitioner Clyde Wendell Smith, a State prisoner under a sentence of death, has filed a motion for the appointment of counsel and has requested to proceed *in forma pauperis* in connection with these federal habeas corpus proceedings. Upon due consideration, the Court finds that the motion should be granted.

***Application to Proceed In Forma Pauperis***

Smith's application [1] for leave to proceed *in forma pauperis* is **GRANTED**.<sup>1</sup>

**Motion for Appointment of Counsel**

The Court finds that Smith is entitled to the appointment of counsel under the provisions of 18 U.S.C. § 3599. *See also McFarland v. Scott*, 512 U.S. 849 (1994). Therefore, Smith's motion [1] for appointment of counsel is **GRANTED**. The Court finds that attorney David Calder qualifies for appointment as lead counsel as set forth in 18 U.S.C. § 3599(c). The Court further finds that good cause exists for additionally appointing attorney Marie Donnelly as counsel of record in this cause under 18 U.S.C. § 3599(d).

---

<sup>1</sup> The Court notes that Smith's counsel has requested but has not yet obtained Smith's inmate account information. *See* Doc. #1 at 6. However, inasmuch as Smith has been incarcerated since 1992 and has declared through counsel that he has no income or assets, the Court finds that Smith's request to proceed as a pauper should be preliminarily granted. Counsel should file Smith's verified inmate account information upon receipt of same.

Accordingly, David Calder and Marie Donnelly are hereby appointed counsel of record for Smith in this habeas corpus proceeding. Appointed counsel are entitled to compensation in accordance with Volume VII, Chapter II, of the Guide to Judicial Policies and Procedures, which Counsel is directed to read along with the instructions for form CJA 30 in order to ensure proper compensation for time and expenses incurred. A copy of this Order, along with CJA 30 forms shall be sent to:

David Calder  
Attorney at Law  
Post Office Box 111  
Oxford, MS 38655

Marie F. Donnelly  
Attorney at Law  
Post Office Box 6528  
Evanston, IL 60204

Smith shall file and serve on the Mississippi Attorney General his federal habeas corpus petition on or before the limitations deadline imposed by the Antiterrorism and Effective Death Penalty Act of 1996. *See* 28 U.S.C. § 2244(d). The petition shall include all grounds for federal habeas corpus relief that Smith wishes this Court to consider in connection with his capital murder conviction and death sentence. The Court will issue a scheduling order once the petition has been filed.

**SO ORDERED**, this 20th day of June, 2017.

/s/ Sharion Aycock  
**UNITED STATES DISTRICT JUDGE**