

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

TONY TERRELL CLARK, *Petitioner*,

v.

MISSISSIPPI, *Respondent*

AMENDED MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner, Tony Terrell Clark asks for leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*, and in support thereof states as follows:

1. Petitioner is without funds to hire counsel or pay the costs of this appeal.
2. Petitioner has previously been granted leave to proceed *in forma pauperis* in the Circuit Court of Madison County, Mississippi, and the Mississippi Supreme Court pursuant to the Criminal Justice Act.
3. Due to inclement weather, counsel for Clark was unable to obtain his signature on the Affidavit or Declaration in Support of Motion for Leave to Proceed in Forma Pauperis. Clark has now signed the Affidavit or Declaration in Support of Motion for Leave to Proceed in Forma Pauperis which is attached as Exhibit "A."
4. Pursuant to Rule 39.1, Petitioner seeks leave to proceed *in forma pauperis* in this Court.

WHEREFORE, based on his continued indigency, Petitioner prays this Court enter an order authorizing him to proceed *in forma pauperis* in the above captioned cause.

RESPECTFULLY SUBMITTED, this the 13th day of February, 2026.

Respectfully submitted,

/s/S. Beth Windham

Krissy C. Nobile

S. Beth Windham

Mississippi Office of Capital Post-
Conviction Counsel

239 North Lamar St., Suite 404

Jackson, MS 39201

(601) 359-5733

knobile@pcc.state.ms.us

bwindham@pcc.state.ms.us

CERTIFICATE OF SERVICE

I, S. Beth Windham, do hereby certify that I have this day caused to be delivered via the Court's e-filing service and e-mail the foregoing *Amended Motion for Leave to File In Forma Pauperis* to Counsel for Respondent:

LaDonna C. Holland
Office of the Attorney General
Post Office Box 220
Jackson, MS 39205-0220
Ashley.Sulser@ago.ms.gov
Ladonna.Holland@ago.ms.gov

This the 13th day of February 2026.

/s/S. Beth Windham
KRISSEY C. NOBILE
S. BETH WINDHAM
MISSISSIPPI OFFICE OF CAPITAL POST-CONVICTION
COUNSEL
239 North Lamar Street, Suite 404
Jackson, MS 39201
(601) 359-5733
knobile@pcc.state.ms.us
bwindham@pcc.state.ms.us

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Tony Terrell Clark — PETITIONER
(Your Name)

VS.

State of Mississippi — 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):

The Circuit Court of Madison Co., Mississippi

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.

Tony Clark
(Signature)

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

I, Tony Terrell Clark, 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	\$ 0	\$	\$ 0	\$
Self-employment	\$ 0	\$	\$ 0	\$
Income from real property (such as rental income)	\$ 0	\$	\$ 0	\$
Interest and dividends	\$ 0	\$	\$ 0	\$
Gifts	\$ 0	\$	\$ 0	\$
Alimony	\$ 0	\$	\$ 0	\$
Child Support	\$ 0	\$	\$ 0	\$
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$	\$ 0	\$
Disability (such as social security, insurance payments)	\$ 0	\$	\$ 0	\$
Unemployment payments	\$ 0	\$	\$ 0	\$
Public-assistance (such as welfare)	\$ 0	\$	\$ 0	\$
Other (specify): _____	\$ 0	\$	\$ 0	\$
Total monthly income:	\$ 0	\$	\$ 0	\$

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
n/a			\$
			\$
			\$

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
n/a			\$
			\$
			\$

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

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

- Home
Value n/a
- Other real estate
Value _____
- Motor Vehicle #1
Year, make & model n/a
Value _____
- Motor Vehicle #2
Year, make & model _____
Value _____
- Other assets
Description n/a
Value _____

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
n/a	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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
n/a	_____	_____
_____	_____	_____
_____	_____	_____

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) 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	\$ n/a	\$ _____
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ n/a	\$ _____
Home maintenance (repairs and upkeep)	\$ n/a	\$ _____
Food	\$ n/a	\$ _____
Clothing	\$ n/a	\$ _____
Laundry and dry-cleaning	\$ n/a	\$ _____
Medical and dental expenses	\$ n/a	\$ _____

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

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.

Death row inmate in the Mississippi Dept. of Corrections.

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

Executed on: February 11, 2026

Tosy Clark
(Signature)