

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

BJ McELVEEN,
Petitioner,

v.

STATE OF LOUISIANA,
Respondent.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

BJ McElveen, appearing through counsel, asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Mr. McElveen was previously granted leave to proceed *in forma pauperis* in all Louisiana state courts, both at trial and on direct appeal. Mr. McElveen was represented at trial by the Office of the Public Defender, and following trial, counsel moved to withdraw and to appoint the Louisiana Appellate Project to represent Mr. McElveen on direct appeal. A copy of this order is attached as Exhibit A.

The Louisiana Appellate Project (which has since been replaced by the Louisiana Appeals & Writ Service) was funded through the Office of the State Public Defender, and provided *pro bono* representation to indigent criminal defendants seeking direct review.

Undersigned counsel was previously employed as a contract attorney for the

Louisiana Appellate Project and was assigned to Mr. McElveen's case on March 5, 2023. Since the dissolution of the Louisiana Appellate Project, counsel has continued to represent Mr. McElveen *pro bono*. Mr. McElveen has also been incarcerated for approximately eight years and therefore has a legal presumption of indigency, pursuant to Louisiana Revised Statute 15:175(A)(1)(b).

Respectfully submitted:

/s/ JANE HOGAN

JANE C. HOGAN, ESQ.
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February 16, 2026

State of Louisiana.

Docket. No 09-18-0487

Versus

Div _____
19th JD

BJ Mcelveen.

MOTION TO APPOINT THE APPELLATE PROJECT IN
THE ABOVE REFERENCED MATTER and RELIEVE
ATTORNEY ROBERT W. Tucker

Now into court comes undersigned counsel who respectfully requests that he
Be relieved . Counsel served as conflict counsel in the above referenced matter.

(1)

Therefore movant trial. Counsel wishes to be relieved and that the appellate
Project be appointed to preserve any appellate rights or further rights Mr Mcelveen
May be entitled to.

IN LIGHT OF THE FOREGOING, it is hereby ordered that Attorney Robert W. Tucker
Be relieved as counsel of record and that the appellate project be appointed to represent Mr.
Mcelveen in any post conviction matters or appeals.



Robert W. Tucker Sr.
Bar No. #21920
3029 S Sherwood Forest Blvd.
STE 233 Baton Rouge, LA
70815
Phone 225-346-4000

s/ Judge Mike McDonald

Judge 19th JDC

STATE OF LOUISIANA

NUMBER 09-18-0487 SECTION VII

VERSUS

19th JUDICIAL DISTRICT COURT

BJ MCELVEEN
D.A. FILE: 08910-18

EAST BATON ROUGE PARISH
STATE OF LOUISIANA

MOTION TO APPOINT THE APPELLATE PROJECT

NOW INTO COURT, through the undersigned counsel, comes BJ Mcelveen who requests the following:

1. Movant hereby gives notice of his desire to appeal.
2. Therefore, he requests that the appellate project be appointed to represent his interest.

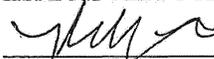
ORDERED

WHEREFORE, it is hereby **ORDERED** that the appellate project be appointed to represent movant going forward.

s/ Judge Mike McDonald

The Honorable Judge

RESPECTFULLY SUBMITTED:



ROBERT W. TUCKER SR
Bar No. 21920
3029 S Sherwood Forest Blvd.
STE 233 Baton Rouge, LA
70815
Phone 225-346-4000

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document has been filed into the record and hand delivered to the district attorney's office.

Baton Rouge, Louisiana this 1st day of February, 2023.



Robert W. Tucker Sr.