

No.

IN THE SUPREME COURT OF THE UNITED STATES

NEAL LEE MINTON, PETITIONER,

v.

STATE OF FLORIDA, RESPONDENT.

*ON PETITION FOR A WRIT OF CERTIORARI TO
THE FOURTH DISTRICT COURT OF APPEAL OF FLORIDA*

PETITIONER'S MOTION TO PROCEED IN FORMA PAUPERIS

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COMES NOW the Petitioner, Neal Lee Minton, and moves this Court, pursuant to Rule 39.1, Rules of the Supreme Court, to declare him indigent and allow him to proceed in forma pauperis in this cause, in particular to waive any filing fees. As grounds therefore, Petitioner says:

1. Petitioner applies for a writ of certiorari to review the decision of the Fourth District Court of Appeal of Florida affirming his sentences for two counts of simple sale or possession with intent to sell methamphetamine, one count of trafficking in 28 to 200 grams of methamphetamine, and one count of trafficking in 14 to 28 grams of methamphetamine, and his resulting sentences, including and surcharges totaling \$157,500.

2. Upon his arrest in 2023 in this case, Petitioner was declared indigent, and he proceeded as an indigent in his state trial court proceedings and his state court appeal.

3. Petitioner continues to be indigent and without funds to pay any fees or costs in this action. The state court below appointed counsel for Petitioner as an indigent party pursuant to sections 27.51 and 9214.17, Florida Statutes (providing for

appointment of counsel for indigents in criminal trial and appellate court cases, and authorizing in forma pauperis criminal appeals upon the court's determination of the defendant's indigency); Fla. R. Crim. P. (providing counsel to indigents); Fla. R. App. P. 9.430 (providing for appellate proceedings by indigents).

4. Federal law requires all courts of the United States to allow commencement and prosecution of any suit without prepayment of fees or costs upon the showing made above. 28 U.S.C. §1915(a).

5. Refusal to allow Petitioner to proceed in forma pauperis would deny him equal protection of the law, meaningful access to the courts, and due process of law since he cannot otherwise get the review to which a more affluent defendant would be entitled. *See Burns v. Ohio*, 360 U.S. 252 (1959) (fees should be waived for discretionary appeal by indigent); *Smith v. Bennett*, 365 U.S. 708 (1961) (fees should be waived for indigent prisoner seeking state habeas relief).

WHEREFORE, Petitioner moves that this Court declare him indigent and allow filing and prosecution of his petition

without payment of any fees or costs.

Respectfully submitted,

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