

No.

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2025

---

STEVEN MULKEY,

Petitioner,

v.

STATE OF ALABAMA,

Respondent.

---

ON PETITION FOR A WRIT OF CERTIORARI  
TO THE ALABAMA COURT OF CRIMINAL APPEALS

---

CORRECTED MOTION TO PROCEED *IN FORMA PAUPERIS*

---

Petitioner Steven Mulkey, pursuant to Rule 39 of the Rules of the Supreme Court of the United States, respectfully requests leave to file the attached Petition for Writ of Certiorari to the Alabama Court of Criminal Appeals without prepayment of costs and to proceed *in forma pauperis*. Petitioner was declared indigent prior to his trial and proceeded *in forma pauperis* in all prior proceedings in state court. *See* Sup. Ct. R. 39(1). Counsel was appointed to represent Mr. Mulkey, pursuant to Ala. Code §§ 15-12-21 and 15-12-22. *See* Sup. Ct. R. 39(1). Attached hereto are:

- a. Petitioner's affidavit affirming that he is "financially unable to hire an attorney" and "request[ing] that the court appoint one for me," and the court below's order, dated October 29, 2018, declaring Petitioner indigent and granting his request for counsel. (attached as Appendix A);
- b. An order, dated October 30, 2018, finding that Petitioner is indigent and appointing counsel to represent him in proceedings below. (attached as Appendix B); and
- c. The court below's order, dated April 27, 2023, declaring that Petitioner is indigent and appointing counsel to represent him on the appeal of his capital conviction and death sentence. (attached as Appendix C).

For these reasons, Mr. Mulkey respectfully requests that this Court grant him leave to proceed *in forma pauperis* in this Court.

Respectfully Submitted,

/s/ Randall Susskind

RANDALL SUSSKIND

Counsel of Record

122 Commerce Street

Montgomery, AL 36104

(334) 269-1803

rsusskind@ejl.org

May 19, 2026

*Counsel for Petitioner*

# **Appendix A**



ELECTRONICALLY FILED  
10/29/2018 1:23 PM  
01-DC-2018-011099.00  
CIRCUIT COURT OF  
JEFFERSON COUNTY, ALABAMA  
ANNE-MARIE ADAMS, CLERK

|                                                                                          |                                                        |                                        |
|------------------------------------------------------------------------------------------|--------------------------------------------------------|----------------------------------------|
| State of Alabama<br>Unified Judicial System<br><br>Form C-10<br>Page 1 of 2<br>Rev. 3/18 | <b>AFFIDAVIT OF SUBSTANTIAL<br/>HARDSHIP AND ORDER</b> | Case Number<br><br><u>DC2018-11099</u> |
|------------------------------------------------------------------------------------------|--------------------------------------------------------|----------------------------------------|

IN THE Circuit COURT OF Jefferson, ALABAMA  
(Circuit, District, or Municipal) (Name of County or Municipality)

STYLE OF CASE: Plaintiff(s) v. Steven Richard Mulkey Defendant(s)

TYPE OF PROCEEDING: \_\_\_\_\_ CHARGE(s) (if applicable): Cap Murder

☐ CIVIL CASE— I, because of substantial hardship, am unable to pay the docket fee and service fees in this case. I request that payment of these fees be waived initially and taxed as costs at the conclusion of the case.  
☐ CIVIL CASE— (such as paternity, support, termination of parental rights, dependency) – I am financially unable to hire an attorney and I request that the court appoint one for me.  
☒ CRIMINAL CASE— I am financially unable to hire an attorney and request that the court appoint one for me.  
☐ DELINQUENCY/NEED OF SUPERVISION— I am financially unable to hire an attorney and request that the court appoint one for my child/me

**AFFIDAVIT**

SECTION 1.

1. IDENTIFICATION

Full name Steven Richard Mulkey Date of Birth 10/06/1990  
 Spouse's full name (if married) \_\_\_\_\_  
 Complete home address 2310 North River Hwy  
Birmingham, Alabama 35264  
 Number of people living in household myself and a Room mate  
 Home telephone number 256-525-9419 - my Sister Cell Phone #  
 Occupation/Job Unemployed Length of employment \_\_\_\_\_  
 Last 4 of Driver's License Number Suspended Last 4 of Social Security Number 8189  
 Employer \_\_\_\_\_ Employer's telephone number \_\_\_\_\_  
 Employer's address \_\_\_\_\_

2. ASSISTANCE BENEFITS

Do you or anyone residing in your household receive benefits from any of the following sources? (if so, please check those which apply):

☐ AFDC    ☐ Food Stamps    ☐ SSI    ☐ Medicaid    ☐ Other NO

3. INCOME/EXPENSE STATEMENT

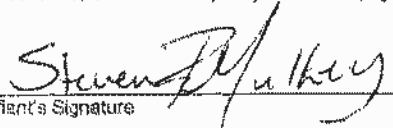
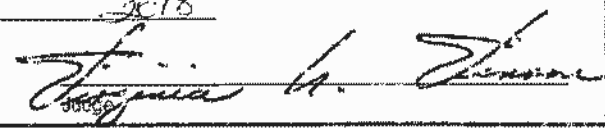
Monthly Gross Income:

|                                                             |             |
|-------------------------------------------------------------|-------------|
| Monthly Gross Income                                        | \$ <u>0</u> |
| Spouse's Monthly Gross Income (unless a marital offense)    | \$ <u>0</u> |
| Other Earnings: Commissions, Bonuses, Interest Income, etc. | \$ <u>0</u> |
| Contributions from Other People Living in Household         | \$ <u>0</u> |
| Unemployment/Workmen's Compensation,                        | \$ <u>0</u> |
| Social Security, Retirements, etc.                          | \$ <u>0</u> |
| Other Income (be specific) <u>0</u>                         | \$ <u>0</u> |
| <b>TOTAL MONTHLY GROSS INCOME</b>                           |             |

Monthly Expenses:

|                                                |             |
|------------------------------------------------|-------------|
| A. Living Expenses                             | \$ <u>0</u> |
| Rent/Mortgage                                  | \$ <u>0</u> |
| Total Utilities: Gas, Electricity, Water, etc. | \$ <u>0</u> |
| Food                                           | \$ <u>0</u> |
| Clothing                                       | \$ <u>0</u> |
| Health Care/Medical                            | \$ <u>0</u> |
| Insurance                                      | \$ <u>0</u> |
| Car Payment(s)/Transportation Expenses         | \$ <u>0</u> |
| Loan Payment(s)                                | \$ <u>0</u> |

\*OPTIONAL

| Form C-10 Page 2 of 2 Rev. 5/18                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                         | <b>AFFIDAVIT OF SUBSTANTIAL HARDSHIP AND ORDER</b>                                                                                                                                                                                                                                  |                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| <p>Monthly Expenses (cont'd page 1)</p> <p>Credit Card Payment(s) _____</p> <p>Educational/Employment Expenses _____</p> <p>Other Expenses (be specific) _____</p> <p style="text-align: center;"><b>Sub-Total</b></p> <p>B. Child Support Payment(s)/Alimony _____</p> <p style="text-align: center;"><b>Sub-Total</b></p> <p>C. Exceptional Expenses _____</p> <p style="text-align: center;"><b>TOTAL MONTHLY EXPENSES</b> (add subtotals from A &amp; B monthly only)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> | <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>                                                                                                                                                                             | <p>A \$ _____</p> <p>B \$ _____</p> <p>\$ _____</p> |
| <p><b>Total Gross Monthly Income Less total monthly expenses:</b></p> <p style="text-align: center;"><b>DISPOSABLE MONTHLY INCOME</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                         | <p>\$ _____</p>                                                                                                                                                                                                                                                                     |                                                     |
| <p><b>4. LIQUID ASSETS:</b></p> <p>Cash on Hand/Bank (or otherwise available such as stocks, bonds, certificates of deposit) _____</p> <p>Equity in Real Estate (value of property less what you owe) _____</p> <p>Equity in Personal Property, etc. (such as the value of motor vehicles, stereo, VCR, furnishing, jewelry, tools, guns, less what you owe) _____</p> <p>Other (be specific) _____</p> <p>Do you own anything else of value? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(land, house, boat, TV, stereo, jewelry)</p> <p>If so, describe _____</p> <p style="text-align: center;"><b>TOTAL LIQUID ASSETS</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                         |                                                                                                                                                                                                                                                                                     |                                                     |
| <p><b>5. Affidavit/Request</b></p> <p>I swear or affirm that the answers are true and reflect my current financial status. I understand that a false statement or answer to any question in the affidavit may subject me to the penalties of perjury. I authorize the court or its authorized representative to obtain records of information pertaining to my financial status from any source in order to verify information provided by me. I further understand and acknowledge that, if the court appoints an attorney to represent me, the court may require me to pay all or part of the fees and expenses of my court-appointed counsel.</p> <p>Sworn to and subscribed before me this _____</p> <p style="text-align: center;">29 day of October 2018</p> <p>_____</p> <p style="text-align: center;">Judge/Clerk/Notary</p>                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                         |                                                                                                                                                                                                                                                                                     |                                                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                         | <p style="text-align: center;"> <br/>           Affiant's Signature         </p> <p style="text-align: center;">           Steven Richard Mulkey<br/>           Print or Type Name         </p> |                                                     |
| <p><b>ORDER OF COURT</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                         |                                                                                                                                                                                                                                                                                     |                                                     |
| <p><b>SECTION II</b></p> <p>IT IS THEREFORE, ORDERED, AND ADJUDGED BY THE COURT AS FOLLOWS:</p> <p><input type="checkbox"/> Affiant is not indigent and request is DENIED.</p> <p><input type="checkbox"/> Affiant is partially indigent and able to contribute monetarily toward his/her defense; therefore defendant is ordered to pay \$ _____ towards the anticipated cost of appointed counsel. Said amount is to be paid to the clerk of court or as otherwise ordered and disbursed as follows: _____</p> <p><input checked="" type="checkbox"/> Affiant is indigent and request is GRANTED.</p> <p><input type="checkbox"/> The prepayment of docket fees is waived.</p> <p>IT IS FURTHER ORDERED AND ADJUDGED that _____ is hereby appointed as counsel to represent affiant.</p> <p>IT IS FURTHER ORDERED AND ADJUDGED that the court reserves the right and may order reimbursement of attorney's fees and expenses, approved by the court and paid to the appointed counsel, and costs of court.</p> <p>Done this 29 day of Oct 2018</p> <p style="text-align: center;"> <br/>           Judge         </p> |                                                                                                         |                                                                                                                                                                                                                                                                                     |                                                     |

# **Appendix B**



ELECTRONICALLY FILED  
10/30/2018 7:55 AM  
01-DC-2018-011099.00  
CIRCUIT COURT OF  
JEFFERSON COUNTY, ALABAMA  
ANNE-MARIE ADAMS, CLERK

**IN THE DISTRICT COURT OF JEFFERSON COUNTY, ALABAMA  
BIRMINGHAM DIVISION**

|                       |   |                             |
|-----------------------|---|-----------------------------|
| STATE OF ALABAMA      | ) |                             |
|                       | ) |                             |
| V.                    | ) | Case No.: DC-2018-011099.00 |
|                       | ) |                             |
| MULKEY STEVEN RICHARD | ) |                             |
| Defendant.            | ) |                             |

**ORDER OF ATTORNEY APPOINTMENT**

The Defendant is without counsel and is unable to employ an attorney. The Defendant is declared indigent and the Court appoints the Honorable **Christopher Daniel(DAN049) & Kathy Luker (LUK006)**, Attorney at Law to represent him/her.

The Public Defender's Office was not appointed to the case due to the following reason(s):

\_\_\_\_\_ There is a conflict of interest involving the Public Defender's Office. Ala.Code 1975 15-12-46

\_\_\_\_\_ The Defendant has other pending cases and is represented by this attorney in those cases. Ala. Code 1975 15-12-5(d)

\_\_\_\_\_ The Public Defender's office cannot provide prompt and adequate representation at this time due to the nature of the case. The Defendant is charged with

\_\_\_\_\_  
Ala.Code 1975 15-12-46

**DONE this 30<sup>th</sup> day of October, 2018.**

**/s/ VIRGINIA A VINSON**  
**DISTRICT JUDGE**

# **Appendix C**





ELECTRONICALLY FILED  
4/27/2023 2:06 PM  
01-CC-2019-000980.00  
CIRCUIT COURT OF  
JEFFERSON COUNTY, ALABAMA  
JACQUELINE ANDERSON SMITH, CLERK

**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA  
BIRMINGHAM DIVISION**

|                       |   |                             |
|-----------------------|---|-----------------------------|
| STATE OF ALABAMA      | ) |                             |
|                       | ) |                             |
| V.                    | ) | Case No.: CC-2019-000980.00 |
|                       | ) |                             |
| MULKEY STEVEN RICHARD | ) |                             |
| Defendant.            | ) |                             |

**ORDER ON MOTION TO WITHDRAW & APPOINTMENT OF ATTORNEY FOR  
APPEAL**

MOTION TO WITHDRAW filed by BROWER WILLIAM SCOTT is hereby GRANTED.

Defendant gives Oral Notice of Appeal.

Defendant is found to be indigent. A free transcript is hereby ordered according to law and the Honorable William Dawson (DAW002) & Bridges Jones (JON227) is appointed to represent the defendant on appeal.

Appeal bond is set in the amount of NO BOND.

**DONE this 27<sup>th</sup> day of April, 2023.**

/s/ ALARIC O. MAY  
CIRCUIT JUDGE