

No. 26-\_\_\_\_\_

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In the  
**Supreme Court of the United States**

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HAZEN HUNTER WINCKLER,  
*Petitioner,*

v.

STATE OF SOUTH DAKOTA,  
*Respondent.*

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**On Petition for Writ of Certiorari to the  
Supreme Court of South Dakota**

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

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Tucker J. Volesky  
*Counsel of Record*  
305 N. Kimball  
Mitchell, SD 57301  
(605) 996-5542  
tucker.volesky@  
tuckervoleskylaw.com  
*Counsel for Petitioner*

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## PRELIMINARY STATEMENT

Pursuant to Supreme Court Rule 39, Petitioner Hazen Hunter Winckler, by and through his undersigned counsel, respectfully moves for leave to proceed *in forma pauperis* for purposes of filing his Petition for Writ of Certiorari, which is herewith accompanying this Motion. Supreme Court Rule 12.2. Petitioner seeks review of the judgment and opinion thereon issued by the South Dakota Supreme Court in *State v. Winckler*, 2026 S.D. 19, 33 N.W.3d 58 (March 11, 2026), copies of which are included in the Petition's Appendix.

## BACKGROUND

1. In the proceedings below, Petitioner was found to be indigent and was granted court-appointed counsel to represent him for trial and appellate proceedings.
2. Appended to this motion as Exhibit A are true and correct copies of the Order for Court Appointed Counsel entered in each of Petitioner's state court case files on December 5, 2025.

## LAW AND ANALYSIS

1. Petitioner was appointed counsel below based on indigency and the orders appointing counsel are appended to this motion as Exhibit A, in accordance with Supreme Court Rule 39.1.
2. This Motion precedes and is being attached to the Petition for Writ of Certiorari, which is being filed together herewith, as required by Supreme Court Rule 39.2.

**REQUESTED RELIEF**

Petitioner respectfully requests that the Court grant leave to proceed *in forma pauperis*.

Dated: June 9<sup>th</sup>, 2026.

Respectfully submitted,

/s/ Tucker J. Volesky

Tucker J. Volesky

*Counsel of Record*

305 N. Kimball

Mitchell, SD 57301

(605) 996-5542

Tucker.volesky@tuckervoleskylaw.com

*Counsel for Petitioner*

STATE OF SOUTH DAKOTA )  
 ) SS  
COUNTY OF Charles Mix )

IN CIRCUIT COURT  
15 JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA, )  
 )  
vs. )  
 )  
Hazen Winkler, )  
 )  
DEFENDANT. )

**ORDER FOR  
COURT APPOINTED COUNSEL**

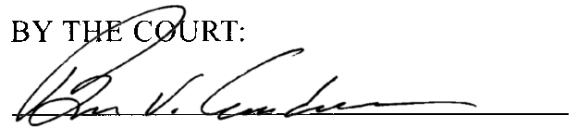
Upon examining the Application for Court Appointed Counsel submitted by the above-named Defendant, the Court is satisfied that the Defendant is indigent and financially unable to obtain counsel.

**IT IS HEREBY ORDERED THAT** Tom Reynolds of Yankton, South Dakota, being a member of the Bar, is hereby appointed to represent the Defendant in all matters pertaining to this action, unless or until relieved by this Court, all pursuant to South Dakota law.

**IT IS FURTHER ORDERED AND AGREED UPON** by the Defendant that the Defendant pay \$ \_\_\_\_\_ per week /biweekly /monthly, (circle applicable schedule), toward court appointed counsel fees with the first payment due on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. Such payment shall be made to the Clerk of Courts for this county and credited to the final amount owed.

12/5/2025 4:14:43 PM

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BY THE COURT:  
  
\_\_\_\_\_  
Judge/Clerk-Magistrate

Attest:  
Robertson, Jennifer, Clerk  
Clerk/Deputy  
\_\_\_\_\_, Deputy



Exhibit A

UJS 223(revised 10/11)

STATE OF SOUTH DAKOTA )  
 ) SS  
COUNTY OF Charles Mix )

IN CIRCUIT COURT  
183 JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA, )  
 )  
vs. )  
 )  
Hazen Winkler, )  
 )  
DEFENDANT. )

**ORDER FOR  
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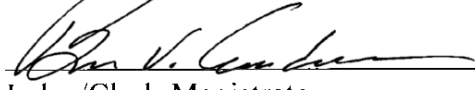
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12/5/2025 4:14:51 PM

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BY THE COURT:

  
\_\_\_\_\_  
Judge/Clerk-Magistrate

Attest:  
Robertson, Jennifer  
Clerk/Deputy \_\_\_\_\_, Clerk



\_\_\_\_\_, Deputy

Exhibit A

UJS 223(revised 10/11)