

No. __-____

In The
Supreme Court of the United States

DAVID SWIMS,

Petitioner,

v.

STATE OF MISSISSIPPI,

Respondent

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The petitioner, David Swims, asks for leave to file the attached Petition for Writ of Certiorari to the Court of Appeals of Mississippi without prepayment of costs and to proceed *in forma pauperis*. Petitioner was found to be indigent by the Circuit Court of Lafayette County, Mississippi at trial and appointed the Indigent Appeals Division of the Mississippi Office of the State Public Defender for direct appeal. Pursuant to Supreme Court Rule 39, the documentation confirming this is attached to this motion.

Respectfully submitted, this the 22th day of May 2026,

/s/ Stacy Ferraro
Stacy Ferraro
Counsel of record
Office of the State Public Defender
Indigent Appeals Division
239 N. Lamar Street, Suite 701
Jackson MS 39201
sferraro@ospd.ms.gov
(601) 576-4207

Counsel for Applicant/Petitioner David Swims

IN THE CIRCUIT COURT OF LAFAYETTE COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS

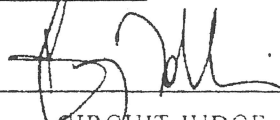
DAVID SWIMS JR

Case Number LK21-334

ORDER TO APPOINT COUNSEL

ON THIS day this cause came on to be heard before the Court on petition and affidavit of the Defendant

DAVID SWIMS JR on the charges of MURDER AND FELON IN POSSESSION OF FIREARM
and being unable because of poverty to employ an attorney in this cause. WHEREUPON it is hereby ordered by the
Court that the Honorable MITCHELL DRISKELL, III MSB# _____ a qualified member
of the bar, be and he is hereby appointed by the (Court) (Clerk) to defend and represent the defendant in this
cause. ORDERED THIS THE 3RD DAY OF FEBRUARY 2022



CIRCUIT JUDGE

Defendant's Address

☒ In Custody ☐ Out On Bond

BONDING COMPANY: NO LIMIT BAIL BONDS

FILE THIS THE 3rd DAY OF
FEB., 2022
MINUTE BOOK CRMB22 PAGE 24748
JEFF BUSBY, CIRCUIT CLERK
BY JB D.C.

Serial: 250924

IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

No. 2023-TS-01244-COA

DAVID SWIMS A/K/A DAVID LEE SWIMS, JR.

Appellant

v.

STATE OF MISSISSIPPI

Appellee

ORDER

This matter comes before the panel of Wilson, P.J., Greenlee and McDonald, JJ., on the motion of Mitchell O. Driskell III, who seeks to withdraw and substitute George T. Holmes, the director of the Indigent Appeals Division of the Mississippi Office of State Public Defender, as counsel for the appellant. Holmes has filed an entry of appearance, and the Lafayette County Circuit Court has found that the appellant is indigent. The motion is well taken. However, Driskell has “a continuing duty to cooperate with” Holmes. *See* M.R.A.P. 6(b). As the record has not been assembled or transmitted, Driskell’s continuing duty includes examination of the record as set forth in Rule 10(b)(5) of the Mississippi Rules of Appellate Procedure.

THEREFORE, the motion to withdraw and substitute counsel is granted. Subject to his continuing duty, Mitchell O. Driskell III shall be allowed to withdraw, and George T. Holmes shall be substituted as counsel for the appellant.

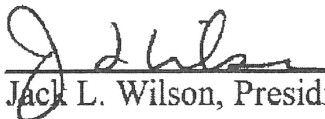
DIGITAL SIGNATURE

Order#: 250924

Sig Serial: 100008320

Org: COA

Date: 02/28/2024


Jack L. Wilson, Presiding Judge