

No.

26-5017

ORIGINAL

Supreme Court, U.S.
FILED

APR -3 2026

OFFICE OF THE CLERK

I N T H E
S U P R E M E C O U R T O F T H E
U N I T E D S T A T E S O F A M E R I C A

Nicholas Sexton
Petitioner,

v.

State of Maine
Respondents,

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

NOW COMES the Petitioner, Nicholas Sexton ("Petitioner"), pro se, and hereby moves this Court for leave to file all motions/pleadings associated with a PETITION FOR WRIT OF CERTIORARI ("Petition"), without repayment of costs, and to proceed In Forma Pauperis pursuant to United States Supreme Court ("U.S. S. Ct.") Rules of Practice and Procedure, Part VII., Rule 39. As grounds for this MOTION, the following facts are stated;

I: Background Facts

(1). The Petitioner is seeking a Writ of Certioari from this Court from the Penobscot County Superior Court, denying his post-conviction petition, as well as from the Maine Supreme Judicial Court of its denial of a certificate of probable cause on that post-conviction petition.

(2). The Petitioner was granted indigent status from the lower court and was appointed counsel at the beginning of those proceedings. A copy of that 'NOTICE OF APPOINTMENT' is attached to this MOTION.

(3). The Petitioner asks this Court to waive all filing fees related to the Petition for Writ of Certioari pursuant to 28 U.S.C. §1911, U.S. S. Ct Rule 38, Fees, (a). As well as the 'Copy Requirements' set forth in Rule 21, Motions to the Court, thereby only requiring this Petitioner to file the original only, pursuant to Rule 39, (2), which states; "...it suffices to file an original and 10 copies, unless the party is an inmate confined in an institution and is not represented by counsel, in which case the original, alone, suffices."

II. Conclusion

(4). WHEREFORE, the Petitioner asks this Court to GRANT In Forma Pauperis status to this Petitioner, as he has no funds for filing fees, service fees, or copies which this Court requires to file a Petition For Writ Of Certioari, as he is incarcerated.¹

Respectfully submitted,

Nicholas Sexton

Nicholas Sexton 111838

P.O. Box 14

Concord, N.H. 03302*

Sworn Declaration

I declare under penalty of perjury, that I am incarcerated and without funds for Court costs and that the foregoing is true and correct.

Executed on January 21, 2026

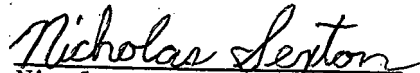
Nicholas Sexton

Nicholas Sexton, pro se

1-A sworn declaration will be incorporated herein as to the Petitioner's incarceration.

Certificate of Service

I Certify, that a copy of this MOTION FOR LEAVE TO PROCEED IN FORMA PAUPER-
IS, was forwarded through the Legal Mail Receptacle, of the NH State Prison,
addressed to the Maine State Attorney General Office, Augusta, on this day of
5/21/ 2026.


Nicholas J. Sexton 111838
P.O. Box 14
Concord, N.H. 03302

STATE OF MAINE

Location PENOBSCOT CRIMINAL DOCKET
Docket No. PENCD-CR-2022-01928

STATE OF MAINE

v.

NOTICE OF APPOINTMENT

NICHOLAS SEXTON # 111838
PO Box 14
Concord NH 03302

The purpose of this notice is to inform you, NICHOLAS SEXTON that your court-appointed attorney is:

LAWRENCE WINGER Appt Date: 10/13/2022
75 PEARL STREET, 2ND FLOOR
PORTLAND ME 04101
TEL: (207) 807-0333

YOU MUST CONTACT YOUR ATTORNEY IMMEDIATELY to make an appointment to discuss your case. If you fail to do so you may miss important deadlines and make it more difficult for your attorney to assist you.

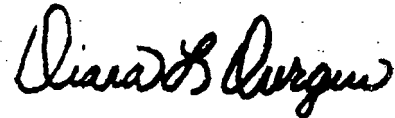
You must contact this Court if there are any changes in your address or financial status. Failure to do so could result in a violation of a court Order and criminal prosecution.

If you should have any questions, please contact the court at:

PENOBSCOT COUNTY SUPERIOR COURT
78 EXCHANGE STREET

BANGOR, ME 04401-4913

TEL (207) 561-2300
TTY: (711) -



Date: 10/18/2022

Clerk

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Nicholas Sexton, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>NA</u>	\$ _____	\$ <u>NA</u>	\$ _____
Self-employment	\$ <u>NA</u>	\$ _____	\$ <u>NA</u>	\$ _____
Income from real property (such as rental income)	\$ <u>NA</u>	\$ _____	\$ <u>NA</u>	\$ _____
Interest and dividends	\$ <u>NA</u>	\$ _____	\$ <u>NA</u>	\$ _____
Gifts	\$ <u>NA</u>	\$ _____	\$ <u>NA</u>	\$ _____
Alimony	\$ <u>NA</u>	\$ _____	\$ <u>NA</u>	\$ _____
Child Support	\$ <u>NA</u>	\$ _____	\$ <u>NA</u>	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>NA</u>	\$ _____	\$ <u>NA</u>	\$ _____
Disability (such as social security, insurance payments)	\$ <u>NA</u>	\$ _____	\$ <u>NA</u>	\$ _____
Unemployment payments	\$ <u>NA</u>	\$ _____	\$ <u>NA</u>	\$ _____
Public-assistance (such as welfare)	\$ <u>NA</u>	\$ _____	\$ <u>NA</u>	\$ _____
Other (specify): _____	\$ <u>NA</u>	\$ _____	\$ <u>NA</u>	\$ _____
Total monthly income:	\$ <u>NA</u>	\$ _____	\$ <u>NA</u>	\$ _____

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
NA			\$
			\$
			\$

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
NA			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ ~~103.84~~ ^{\$} 103.84 in Prison Account
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
Prison Account	\$ 103.84	\$
	\$	\$
	\$	\$

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☐ Home
Value NA

☐ Other real estate
Value NA

☐ Motor Vehicle #1
Year, make & model NA
Value

☐ Motor Vehicle #2
Year, make & model NA
Value

☐ Other assets
Description
Value

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money

Amount owed to you

Amount owed to your spouse

NA

\$

\$

\$

\$

\$

\$

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name

Relationship

Age

NA

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

You

~~Your spouse~~

Rent or home-mortgage payment
(include lot rented for mobile home)

\$ NA

\$

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

Utilities (electricity, heating fuel,
water, sewer, and telephone)

\$ NA

\$

Home maintenance (repairs and upkeep)

\$ NA

\$

Food

\$ NA

\$

Clothing

\$ NA

\$

Laundry and dry-cleaning

\$ NA

\$

Medical and dental expenses

\$ NA

\$

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>NA</u>	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>NA</u>	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>NA</u>	\$ _____
Life	\$ <u>NA</u>	\$ _____
Health	\$ <u>NA</u>	\$ _____
Motor Vehicle	\$ <u>NA</u>	\$ _____
Other: _____	\$ <u>NA</u>	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>NA</u>	\$ _____
Installment payments		
Motor Vehicle	\$ <u>NA</u>	\$ _____
Credit card(s)	\$ <u>NA</u>	\$ _____
Department store(s)	\$ <u>NA</u>	\$ _____
Other: _____	\$ <u>NA</u>	\$ _____
Alimony, maintenance, and support paid to others	\$ <u>NA</u>	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>NA</u>	\$ _____
Other (specify): _____	\$ <u>NA</u>	\$ _____
Total monthly expenses:	\$ <u>NA</u>	\$ _____

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☒ No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☐ No

If yes, how much? My Mom Paid \$15,000 to an attorney to help me in a state Court with Post-conviction. My mom Passed away so she can no longer help. She Just
If yes, state the attorney's name, address, and telephone number: Passed away a couple months ago.
Attorneys name is: Attorney Mehron Buerger
97A Exchange st. # 404
Portland, Me 04101

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much? _____

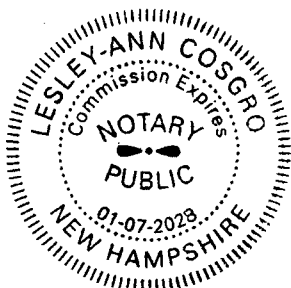
If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I've been in Prison since 2012.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 6, 2026



A handwritten signature of the notary, Lesley-Ann Cosgro.

commission expires 1/7/2028

Nicholas Sexton
(Signature)