

No. _____

OCTOBER TERM, 2026

IN THE SUPREME COURT OF THE UNITED STATES

LARRY A. MCDANIEL & SILVIANE WHITMORE, Petitioners,

v.

UNITED STATES OF AMERICA, Respondents.

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Ninth Circuit

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

HOFLAND & TOMSHECK
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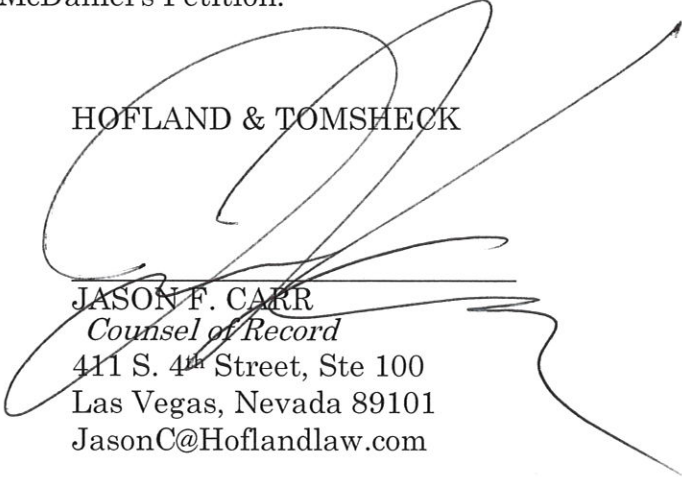
Counsel for Petitioner **MCDANIEL**

Petitioners McDaniel and Whitmore ask for leave to file the attached petition for writ of certiorari without prepayment of costs and to proceed in forma pauperis. Petitioner McDaniel has been granted leave to so proceed in the United States Court of Appeals for the Ninth Circuit which appointed counsel for McDaniel under the Criminal Justice Act. See Appendix C. Mr. McDaniel remains indigent at this time. Granting leave to proceed in forma pauperis is authorized by Supreme Court Rule 39.1.

Because there the core issue presented in this Petition is the same for each Petitioner, Ms. Whitmore, who is represented by private counsel at this time, respectfully requests to be joined to Mr. McDaniel's Petition.

Dated this 14th of May, 2026.

HOFLAND & TOMSHECK



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Counsel for Petitioner **McDaniel**

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

I, Sylviane Whitmore 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 <i>I am 75 years old.</i>	\$ <u>0</u>	\$ <u>n/a</u>	\$ _____	\$ _____
Self-employment	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Income from real property (such as rental income)	\$ <u>1800*</u>	\$ _____	\$ _____	\$ _____
Interest and dividends	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Gifts	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Alimony	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Child Support	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Retirement (such as <u>social security</u> , pensions, annuities, insurance)	\$ <u>2131</u>	\$ _____	\$ _____	\$ _____
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Unemployment payments	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Other (specify): _____	\$ <u>0</u>	\$ <u>0</u>	\$ _____	\$ _____
Total monthly income: \$ <u>3,931</u> \$ _____ \$ _____ \$ _____				

* The government takes 20% of my income for restitution - These are net received by me. Gross amounts are 2200 & 2664 respectively.

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
n/a			\$
			\$
			\$

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
n/a			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ 107,000
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
Checking Account +	\$ 37,000	\$ n/a
Trust Account +	\$ 70,000	\$
Savings Account *	\$ 30,166	\$

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

☒ Home
Value 550,000
Subject to lien by USA

☒ Motor Vehicle #1
Year, make & model 2015 LX R4
Value \$ 9,000 350

Rental Property
☒ Other real estate
Value 550,000
Subject to lien by USA.

☒ Motor Vehicle #2
Year, make & model _____
Value _____

☒ Other assets
Description IRA
Value \$ 210,000 +

* These are segregated funds for potential repayment to social security that may be necessary.

+ I have to have permission from my probation officer to spend any money, due to restitution.

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

n/a

\$ 0
\$ _____
\$ _____

\$ n/a
\$ _____
\$ _____

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

n/a

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.

no mortgage
Rent or home-mortgage payment
(include lot rented for mobile home)

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☒ No

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

Home maintenance (repairs and upkeep)

Food

Clothing

Laundry and dry-cleaning

Medical and dental expenses

You
Prop Taxes
home 217.00
rental 292.00

Your spouse

n/a
\$ _____
\$ 450-
ave
\$ 250-
\$ 730-
\$ 100-
\$ 0
\$ 1,362

includes: cancer medications
secondary coverage
prescription coverage.

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 500	\$ n/a
Recreation, entertainment, newspapers, magazines, etc.	\$ 30	\$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	home rental \$ 103.17 160.33	\$
Life	\$ 0	\$
Health	included prior page under medical \$ 0	\$
Motor Vehicle	\$ 272	\$
Other:	\$ 0	\$
Taxes (not deducted from wages or included in mortgage payments)		
(specify): do not owe for 2025 taxable income appx 23,000	\$ 0	\$
Installment payments		
Motor Vehicle	\$ 0	\$
Credit card(s)	Amex \$ 400	\$
Department store(s)	\$ 0	\$
Other:	\$ 0	\$
Alimony, maintenance, and support paid to others	\$ 0	\$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$
Other (specify): I owe \$1,479 m in restitution	\$	\$
Total monthly expenses:	\$ 4,766.50	\$ ✓

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.

all of my assets are subject to lien
by USA as a result of my restitution
of \$1.477 million.

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? 12,160.48 (for cert petition thus far)

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

Lisa Rasmussen
Mc Letchie Law
602 E. Tenth St
Las Vegas, NV 89101

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:

n/a

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

I am 75 years old, I have recently had breast cancer, All of my assets are subject to government lien due to my restitution + I have segregated funds that may have to be repaid to Social Security.

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

Executed on: 7-28, 2026


(Signature)