

No. _____

In the
Supreme Court of the United States

RICKIE ISAIAH GIBSON, JR.,

Petitioner,

v.

STATE OF ARIZONA,

Respondent.

On Petition for a Writ of Certiorari to the
Arizona Court of Appeals

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner asks leave to file the attached petition for writ of certiorari without prepayment of costs and to proceed in forma pauperis. Petitioner was deemed indigent and represented by court-appointed counsel at his trial, on appeal before the Arizona Court of Appeals, and the Arizona Supreme Court. All courts below permitted Petitioner to proceed in forma pauperis as is established by attached appendices.

In lieu of a financial affidavit, Petitioner has attached the orders of the Pinal County Superior Court appointing counsel for Petitioner at trial and on appeal.

Respectfully submitted,

July 31, 2026



Kevin D. Heade
Counsel of Record
Arizona State Bar #029909
Pinal County Public Defender Office
PO Box 2457
Florence, Arizona 85132
(520) 866-7199
Kevin.Heade@Pinal.gov

Counsel for Petitioner

IN THE SUPERIOR COURT

8:59 a.m. Hearing starts
9:02 a.m. Hearing ends

PINAL COUNTY, STATE OF ARIZONA

Date: 04/28/2023

ARRAIGNMENT JUDGE
Heard by: HON MATTHEW REED
Courtroom: 2B
Court reporter: LESLIE CRAITH

REBECCA PADILLA, CLERK

By Deputy Clerk: T SMITH

THE STATE OF ARIZONA	)	<u>S1100CR202300906</u>
Plaintiff	)	
vs	)	MINUTE ENTRY ACTION:
	)	
RICKIE ISAIAH GIBSON	)	<u>ARRAIGNMENT</u>
	)	
Defendant	)	

PRESENT: Plaintiff appearing by counsel, April Holley, Deputy County Attorney.

Defendant appearing in person in the custody of Pinal County Sheriff and with counsel, Michael Nachmanson, Deputy Public Defender.

Defendant states true name is RICKIE ISAIAH GIBSON.

Defendant is advised of the Grand Jury Indictment/Information filed, the nature of the charge(s) and of Defendant's rights under law.

IT IS HEREBY ORDERED appointing the Pinal County Public Defender's Office to represent defendant.

Defendant is furnished a copy of the Indictment/Information and the reading of same is waived.

Counsel states to the Court the defendant desires to enter a plea at this time and enters a plea of NOT GUILTY to the charge(s) reflected in the Indictment.

IT IS FURTHER ORDERED, as follows:

SETTING the above-entitled cause for Initial Pretrial Conference on Monday, June 12, 2023, at 9:00 a.m., before the Honorable Daniel Washburn, TO WHOM THIS CASE IS HEREBY ASSIGNED.

Trial counsel and defendant(s) shall appear in person at the hearing above ordered; failure to appear may result in sanctions being entered by the Court;

The State shall provide discovery to the defense within thirty (30) days of the Arraignment; the defense shall provide discovery to the State within forty (40) days of the Arraignment.

THE RECORD MAY SHOW that the Victim Representative and next of kin are appearing in the courtroom.

FURTHER ORDERED affirming the Defendant's Release Type as follows;

Defendant is in custody in lieu of posting a Cash Bond in the amount of \$1,000,000.00.

FURTHER ORDERED the Defendant shall comply with the following standard conditions of release as follows;

- (2) Violate no federal, state, or local criminal law.
- (3) Not leave the state of Arizona without written permission from the court.
- (4) Diligently pursue any appeal if released from custody after judgment and sentence have been imposed.
- (6) Provide a current address and phone number to the court and to your attorney and immediately notify both of any changes.
- (8) Not drive a motor vehicle without a valid driver's license in your possession.
- (9) Not threaten or initiate any type of contact with any person as specified: «text».

Formal DETERMINATION OF RELEASE CONDITIONS signed and filed this date.

Counsel for defendant shall have until the first pretrial setting to request an extension of time to file a written request to remand case to the Grand Jury for a new finding of probable cause or file a request for extension.

Defendant(s) is advised to personally appear in Court on the dates set herein or a Bench Warrant may issue; a trial date may be set, the trial may go forward in his/her absence and the defendant(s) may be tried and convicted even though not present.

The Defendant is advised by the Court that if he/she fails to appear for sentencing he/she waives his/her right to appeal.

Mailed/distributed copy: 05/04/2023

OFFICE DISTRIBUTION:

**ADULT PROBATION
COURT APPOINTMENTS
COUNTY ATTORNEY
PUBLIC DEFENDER
PCSO - JAIL
VICTIM ASSISTANCE
JUDGE/REED/WASHBURN**

IN THE SUPERIOR COURT
PINAL COUNTY, STATE OF ARIZONA

Date: 01/17/25

Judge: **THE HON JASON HOLMBERG**

REBECCA PADILLA, CLERK

Courtroom: None

Court Reporter: None

By Deputy Clerk: F. LOPEZ

THE STATE OF ARIZONA,	)	S1100CR202300906
	)	
	)	MINUTE ENTRY ACTION:
	)	
vs.	)	WITHDRAW COUNSEL AND
RICKIE ISAIAH GIBSON, JR	)	APPOINTMENT OF COUNSEL ON APPEAL
Defendant.	)	

The Court having reviewed defendant's Notice of Appeal and for good cause showing,

IT IS HEREBY ORDERED withdrawing Anne Elsberry as counsel of record for defendant.

IT IS FURTHER ORDERED appointing Kevin Heade as counsel on appeal for defendant.

FURTHER ORDERED directing Anne Elsberry to forward their files in this matter to Kevin Heade within ten (10) days from this date.

Mailed/distributed copy: 01/17/25

ANNE ELSBERRY (E)

KEVIN HEADE (E)

Office Distribution:

JUDGE/HARRIS