

No. _____

In the Supreme Court of the United States

EDWIN FRANQUI,

Petitioner,

v.

STATE OF CONNECTICUT,

Respondent.

**On Petition For Writ of Certiorari to The
Connecticut Supreme Court**

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

CAMERON L. ATKINSON

COUNSEL OF RECORD

ATKINSON LAW, LLC

P.O. Box 340

Harwinton, CT 06791

(203) 677-0782

catkinson@atkinsonlawfirm.com

Counsel for Petitioner

July 18, 2026

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Pursuant to Supreme Court Rule 39, the Petitioner, Edwin Franqui, by and through the undersigned, hereby moves the Court for leave to proceed *in forma pauperis* with respect to his petition for a writ of certiorari and any subsequent proceedings. The undersigned has previously contacted counsel for the respondent and has not received a response to his inquiry regarding their position on this motion.

Franqui has not applied for *in forma pauperis* status in any other court.

Franqui submits that allowing him to proceed *in forma pauperis* in this case is in the interest of justice. He has been incarcerated since July 17, 2020. *See* Decl. of Edwin Franqui, ¶ 4. He is currently serving a 50-year-sentence of incarceration. *See State v. Franqui*, 354 A.3d 201, 207 (Conn. Apr. 21, 2026). His family made great sacrifices to pay attorneys' fees for private counsel to represent him in his trial and the undersigned to represent him in the appeal below. *See* Decl. of Edwin Franqui, ¶¶ 5-6. They still owe the undersigned an outstanding balance for the expenses of transcripts in that case, which they have been unable to pay. Franqui's family can no longer afford to pay for further representation for him or the costs of pursuing further representation. *Id.* at ¶ 7. Notwithstanding that outstanding balance, the undersigned has agreed to pursue Franqui's petition for a writ of certiorari on a *pro bono* basis if he can successfully obtain *in forma pauperis* status. *See* Decl. of Cameron Atkinson, ¶ 7.

The last time the undersigned was counsel of record for a fully briefed petition and paid printing costs, the printing costs were \$8,783.02. *Id.* at ¶ 8. The undersigned

simply cannot afford, given his existing financial obligations, to incur that kind of expense without reimbursement. *Id.* at ¶ 9. Accordingly, while he would be able to pay the Court's filing fee if the Court does not waive it, the undersigned, Franqui, and Franqui's family cannot afford to pay to print his petition for a writ of certiorari in accordance with the Court's rules. *Id.* at ¶¶ 5-6, 8-10; *see also* Decl. of Edwin Franqui, ¶¶ 5-7.

The interests of justice favor permitting Franqui to proceed *in forma pauperis*. His petition for a writ of certiorari presents a deep split between 16 state courts of last resort and 2 federal circuits over an important and recurring issue of constitutional law: whether recanted, out-of-court statements may serve as the primary evidentiary basis for a criminal conviction without violating the Fourteenth Amendment's guarantee of proof beyond a reasonable doubt. The split of authority and the importance of this constitutional issue plainly meet the criteria identified by Supreme Court Rule 10 as being among the reasons that the Court regularly considers. In fact, the question Franqui presents was clearly reserved for a future case by *California v. Green*, 399 U.S. 149, 170 n.19 (1970) This split of authority has percolated for more than 50 years, and courts on each side of the split have engaged with each other's reasoning. Accordingly, Franqui's petition is meritorious, not frivolous, and it presents an important constitutional question ripe for the Court's attention.

Since Franqui is penniless, incarcerated for the next 50 years, and has no remaining assets, he respectfully moves the Court for permission to proceed *in forma pauperis* in this matter.

Dated: July 18, 2026

Respectfully submitted,

Cameron L. Atkinson
Atkinson Law, LLC
Counsel of Record

P.O.Box 340
Harwinton, CT 06791
Phone: (203) 677-0782
catkinson@atkinsonlawfirm.com

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

I, Edwin Franqui, 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	\$ 0	\$ 0	\$ 0	\$ 0
Self-employment	\$ 0	\$ 0	\$ 0	\$ 0
Income from real property (such as rental income)	\$ 0	\$ 0	\$ 0	\$ 0
Interest and dividends	\$ 0	\$ 0	\$ 0	\$ 0
Gifts	\$ 0	\$ 0	\$ 0	\$ 0
Alimony	\$ 0	\$ 0	\$ 0	\$ 0
Child Support	\$ 0	\$ 0	\$ 0	\$ 0
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$ 0	\$ 0	\$ 0
Disability (such as social security, insurance payments)	\$ 0	\$ 0	\$ 0	\$ 0
Unemployment payments	\$ 0	\$ 0	\$ 0	\$ 0
Public-assistance (such as welfare)	\$ 0	\$ 0	\$ 0	\$ 0
Other (specify): <u>N/A</u>	\$ 0	\$ 0	\$ 0	\$ 0
Total monthly income:	\$ 0	\$ 0	\$ 0	\$ 0

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
Barber	Park St,	2022-24	\$ 4,000
Self-employed	Hartford, CT		\$
			\$
			\$

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? \$ 0
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
	\$	\$
	\$	\$
	\$	\$

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

☐ Home Value _____	☐ Other real estate Value _____
☐ Motor Vehicle #1 Year, make & model _____ Value _____	☐ Motor Vehicle #2 Year, make & model _____ 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

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

E. F. Jr.

son

13

E. F.

son

10

N. F.

son

9

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)

\$ 0

\$ 0

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

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

\$ 0

\$ 0

Home maintenance (repairs and upkeep)

\$ 0

\$ 0

Food

\$ 0

\$ 0

Clothing

\$ 0

\$ 0

Laundry and dry-cleaning

\$ 0

\$ 0

Medical and dental expenses

\$ 0

\$ 0

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>0</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>0</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>0</u>
Life	\$ <u>0</u>	\$ <u>0</u>
Health	\$ <u>0</u>	\$ <u>0</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Other: <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Credit card(s)	\$ <u>0</u>	\$ <u>0</u>
Department store(s)	\$ <u>0</u>	\$ <u>0</u>
Other: <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>0</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly expenses:	\$ <u>0</u>	\$ <u>0</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.

I am in jail for 50 years

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? \$10,000

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

Cameron L. Atkinson, Esq. / 203-677-0782
122 Litchfield Rd.
PO 340
Harwinton, CT 06791

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.

My family and I paid my trial lawyer \$10K. I paid Atkinson \$10K for my CT Supreme Court case. I have no property. My family can't afford to pay more. Atkinson has offered to represent me pro bono before the Supreme Court if the printing costs are waived.

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

Executed on: August 17, 2026



(Signature)

DECLARATION OF CAMERON L. ATKINSON

Pursuant to 28 U.S.C. § 1746, Cameron L. Atkinson hereby declares:

1. I am over the age of 18 and understand in and believe in the obligation of an oath to tell the truth.
2. I am counsel to the petitioner, Edwin Franqui.
3. I was privately retained by Franqui's sister to appeal his criminal convictions before the Connecticut Supreme Court at a rate substantially below market value for my services.
4. My retainer agreement for that matter was limited to all proceedings before the Connecticut Supreme Court and also required Franqui and his sister to reimburse me for the expenses of the appeal.
5. My records indicate that Franqui and his sister still owe me \$2,260 for the transcripts necessary to pursue his appeal.
6. I have spoken to them, and they simply do not have the resources to pay that outstanding fee, let alone new attorneys' fees and litigation costs for additional proceedings.
7. I have agreed to represent Franqui *pro bono* in proceedings before the United States Supreme Court if he obtains *in forma pauperis* status because I believe that his case presents important questions of federal constitutional law, the state of the law meets the Court's typical criteria for granting certiorari as stated in Supreme Court Rule 10, the Connecticut Supreme Court decision was constitutionally wrong, and success in his case, or at least constitutional clarity, will develop the law.

8. The last time I was counsel of record at the petition stage before this Court for a fully briefed petition, my records indicate that the total cost of printing the petition for certiorari and the reply brief in compliance with the Court's rules was \$8,783.02.

9. I have existing financial obligations – both of a personal and business nature – that render me unable to incur that kind of expense without reimbursement, which I will not receive in this case.

10. I am able, however, to bear the Court's filing fee, and I would gladly pay it for Franqui.

11. Accordingly, I ask the Court to grant Franqui *in forma pauperis* status to allow him an opportunity to be heard on the important issues that his petition raises.

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

Executed on: July 17, 2026

Cameron L. Atkinson

Cameron L. Atkinson