

OCTOBER TERM 2026

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

DEREK SALES,
Petitioner,

v.

STATE OF ARKANSAS,
Respondent.

MOTION FOR LEAVE TO FILE *IN FORMA PAUPERIS*

--- CAPITAL CASE ---

Petitioner Derek Sales, through undersigned counsel, moves pursuant to Supreme Court Rule 39.1 for leave to proceed *in forma pauperis* in his Petition for Writ of Certiorari. Petitioner is indigent; he has sought and been appointed counsel throughout the proceedings below in state and federal court.

On June 5, 2006, the Bradley County Circuit Court found Mr. Sales indigent and granted his motion to appoint the Tenth District Public Defender Office to represent him at trial in this case. On May 11, 2009, the court again found Mr. Sales indigent and appointed postconviction counsel to represent him under Ark. R. Crim. Pro. 37.5. On January 8, 2026, Mr. Sales's motion to have attorney Lee Short recognized as counsel under Rule 37.5 was granted by the Arkansas Supreme Court. This order is attached. *See also In Re Sales*, No. 4:13-mc-6-DPM (E.D.Ark. April 18, 2013) (finding Mr. Sales indigent and appointing federal habeas counsel).

Undersigned counsel hereby certifies that Mr. Sales is incarcerated and remains indigent at present. Mr. Sales respectfully requests that this Court allow him to proceed *in forma pauperis*.

Respectfully submitted,

Lee Short
Short Law Firm
425 W. Broadway St.
Suite A
North Little Rock, AR 72114
(501) 766-2207
LeeDShort@gmail.com

/s/ Timothy Kane
Timothy Kane*
Daniel Lawless
Federal Community Defender Office
for the Eastern District of Pennsylvania
Capital Habeas Corpus Unit
Suite 545-W, The Curtis Center
Independence Square West
Philadelphia, PA 19106
(215) 928-0520
Timothy_Kane@fd.org
Daniel_Lawless@fd.org

*Counsel of Record and Member of the Bar of
the Supreme Court

Counsel for Petitioner Derek Sales

Dated: September 21, 2026

STATE OF ARKANSAS,)
)
 SUPREME COURT)


CLERK

CC: LEE D. SHORT
PAMELA RUMPZ, SENIOR ASSISTANT ATTORNEY GENERAL
HON. ROBERT BYNUM GIBSON, JR., CIRCUIT JUDGE