

File • Stamp • RETURN TO •

CASE NO.

26-5728

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

EDWARD SMITH – PETITIONER

Vs.

STATE OF OHIO – RESPONDENT

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner, Edward Smith, respectfully asks for leave to file his petition for writ of certiorari, without prepayment of costs and to proceed in forma pauperis. Petitioner attaches a Declaration in support of his Motion for Leave to Proceed in Forma Pauperis attached as Exhibit A. Also please refer to Attachment Exhibit B: Smith's Motion to proceed in forma pauperis without prepayment of cost was granted by The First Appellate District Court of Ohio, Hamilton County. The Judgment Entry was made on August 21, 2025, and determined Smith was previously declared indigent, therefore, he was not charged a filing fee in that case. The Supreme Court of Ohio, also, accepted The First District Appellate Court Judgment Entry as well, on February 18, 2026 Smith was permitted to file his Notice of Appeal and Memorandum in Support of Jurisdiction without prepayment of costs and to proceed in forma pauperis.

Respectfully Submitted,

Edward Smith

Edward Smith #346-408
Grafton Correctional Inst.
2500 S. Avon Belden Rd.
Grafton, Ohio 44044

Supreme Court, U.S.
FILED

MAY 19 2026

OFFICE OF THE CLERK

RECEIVED

SEP 21 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

RECEIVED

JUL 28 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

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

I, Edward Smith, 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>State Pay</u>	\$ 20.00	\$ "0"	\$ 20.00	\$ "0"
Total monthly income:	\$ 20.00	\$ "0"	\$ 20.00	\$ "0"

Exhibit A

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"	"N/A"	"N/A"	\$ "0"
			\$
			\$

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"	"N/A"	"N/A"	\$ "0"
			\$
			\$

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.

Financial institution	Type of account	Amount you have	Amount your spouse has
"N/A"	"N/A"	\$ "0"	\$ "0"
		\$	\$
		\$	\$

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

☐ Home
Value "N/A"

☐ Other real estate
Value "N/A"

☐ Motor Vehicle #1
Year, make & model "N/A"
Value "N/A"

☐ Motor Vehicle #2
Year, make & model "N/A"
Value "N/A"

☐ Other assets
Description "N/A"
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"	\$ "0"	\$ "0"
	\$	\$
	\$	\$

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
"N/A"	"N/A"	"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.

	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)	\$ "0"	\$ "0"
Recreation, entertainment, newspapers, magazines, etc.	\$ "0"	\$ "0"
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ "0"	\$ "0"
Life	\$ "0"	\$ "0"
Health	\$ "0"	\$ "0"
Motor Vehicle	\$ "0"	\$ "0"
Other: _____	\$ "0"	\$ "0"
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ "0"	\$ "0"
Installment payments		
Motor Vehicle	\$ "0"	\$ "0"
Credit card(s)	\$ "0"	\$ "0"
Department store(s)	\$ "0"	\$ "0"
Other: _____	\$ "0"	\$ "0"
Alimony, maintenance, and support paid to others	\$ "0"	\$ "0"
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ "0"	\$ "0"
Other (specify): <u>hygiene, postage, & legal copies</u>	\$ 20.00/mo	\$ "0"
Total monthly expenses:	\$ 20.00/mo	\$ "0"

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? _____

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

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 am incarcerated and earn minimal "state pay" for prison labor that is insufficient to meet even my own basic needs

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

Executed on: July 9th, 2026

Edward Smith
(Signature)

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,
PLAINTIFF-APPELLEE,

: APPEAL NO. C-250290
: TRIAL NO. B-9609928

V.

EDWARD SMITH,
DEFENDANT-APPELLANT.

: *ENTRY GRANTING IN PART*
: *APPELLANT'S MOTION TO TRANSMIT*
: *THE RECORD AND DENYING MOTION*
: *TO PROCEED IN FORMA PAUPERIS AS*
: *MOOT*

This case is before the Court on appellant's motion to proceed in forma pauperis, filed on May 20, 2025, and his motion to order and transmit the record, filed on July 15, 2025 and supplemented on July 18, 2025.

Regarding the record for this appeal, the transcript of docket and journal entries was filed on July 3, 2025, and includes all filings in the trial court case from March 23, 2001 forward. Documents pre-dating March 23, 2001 are only partially available as part of a case scan performed by the Clerk of Courts' office in connection with its document retention and destruction schedule. The case scan was filed as part of the transcript of docket and journal entries.

As to transcripts of proceedings, the transcripts from appellant's 1999 re-trial were also scanned as part of the Clerk of Courts document retention and destruction schedule. The transcripts have not been filed in this appeal. The Court, therefore, orders the Clerk of Courts to certify and file the transcripts of proceedings from the 1999 re-trial in this appeal, on or before August 29, 2025. With the filing of the transcripts, the Court will have the complete record necessary for determining this appeal.

Regarding the motion to proceed in forma pauperis, appellant has previously been determined to be indigent and was, therefore, not charged a filing fee in this case. The motion is, therefore, denied as moot.

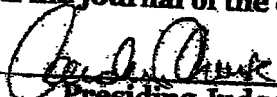
CROUSE, P.J., BOCK and MOORE, JJ.

Exhibit B

OHIO FIRST DISTRICT COURT OF APPEALS

To the clerk:

Enter upon the journal of the court on AUG 21 2025.

By: 
Presiding Judge

(Copies sent to all counsel)