

No. 26-\_\_\_\_\_

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In the  
**Supreme Court of the United States**

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Jeffrey Alvarez,  
*Petitioner,*

v.

State of Arizona,  
*Respondent.*

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

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**MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

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## **MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

Petitioner Jeffrey Alvarez asks leave to file his Petition for a Writ of Certiorari to the Arizona Court of Appeals without prepayment of costs and to proceed *in forma pauperis* pursuant to Supreme Court Rule 39.

While Mr. Alvarez has never formally moved to proceed *in forma pauperis*, the Maricopa County Superior Court found Mr. Alvarez indigent and appointed him counsel on June 5, 2019. A copy of the order is attached. Since then, Mr. Alvarez has been represented by indigent counsel. And the Office of the Maricopa County Public Defender has represented Mr. Alvarez since he initiated the direct appeal of his convictions and sentences, including representing Mr. Alvarez during the restitution proceeding at issue and the appeal therefrom.

Respectfully submitted,

Mikel Steinfeld  
*Counsel of Record*  
Aaron Moskowitz  
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Public Defender  
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**SUPERIOR COURT OF ARIZONA FOR  
Maricopa County  
Amended Release Order and Order Regarding Counsel**

Clerk of the Superior Court  
\*\*\* Electronically Filed \*\*\*  
K. Curtner, Deputy  
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State of Arizona      2 Cnt MURDER 1ST DEG- F1

1 Cnt Att.MURDER 1ST DEG- F2

CaseNumber: **PF2019003621001**

vs.

Booking#: **F111436**

**Jeffrey Alvarez**

It is hereby ordered that **Jeffrey Alvarez shall be released** as indicated and must comply with ALL release conditions.

**NEXT HEARINGS**

**Status Conference**      June 12, 2019 at 08:30 AM at South Court Tower, 175 W. Madison Street, 3rd Floor, Phoenix, AZ,  
85003-2243 Courtroom: 3D    **Docket: RCCT2**

**Preliminary Hearing**      June 14, 2019 at 08:30 AM at South Court Tower, 175 W. Madison Street, 3rd Floor, Phoenix, AZ,  
85003-2243 Courtroom: 3D    **Docket: RCCT2**

**WARNING: If the defendant appears at the next hearing without a lawyer, the hearing may still proceed as scheduled.**

**RELEASE TYPE**

**Bailable As a Matter of Right**

The defendant has been found to be bailable as a matter of right. IT IS HEREBY ORDERED that the defendant must comply with all release conditions and shall be released from custody in this Cause Number as follows:

**Cash Only Appearance Bond**

The defendant will deposit with the Clerk of the above Court the total sum, in cash, of **\$1,500,000.00**, which includes all applicable surcharges.

**If the bond is posted the defendant is subject to the supervision restrictions and conditions of the Pretrial Services Agency set forth below.**

PSA Supervision  
Electronic Monitoring

Installed after release

House Arrest -

You must Remain at your Home until authorized to report to Pretrial Services for your Electronic Monitoring Equipment Installation.

After Installation, You may Leave Home ONLY During the hours Approved By Your Pretrial Officer.

**For Installation you shall report to one of the following locations the next Business Day after your release from jail:**

**Pretrial Services Office  
620 W Jackson St, 3rd Floor  
Phoenix, AZ 85003-0631**

**Pretrial Services Office  
222 E Javelina Ave Ste 1400  
Mesa, AZ 85210-6237**

**Pretrial Services Office  
175 W Madison Street, Suite 2306  
Phoenix, AZ 85003**

**RELEASE CONDITIONS**

1. You are not to return to the scene of the alleged crime.
2. You must continue to provide the court with proof of your local address.
3. You must submit to DNA testing at the police department that arrested you within five (5) days of release from custody. You must bring proof of your DNA Testing to your next hearing. If you do not submit to testing your release will be revoked.
4. You must return to the police department that arrested you and have them 10-Print fingerprint you. If you are released from custody you must complete this before your next hearing. You must bring proof of your fingerprinting to your next hearing or your release may be revoked.
5. You are currently on probation. You must contact your probation officer within 72 hours of your release from custody. If you are on Maricopa County probation and do not have your probation officer's name or telephone number, please call 602.506.3581 and select option #1 to speak with a representative who will assist you in contacting your assigned probation officer.



# SUPERIOR COURT OF ARIZONA FOR

## Maricopa County

### Amended Release Order and Order Regarding Counsel

Case#: PF2019003621001

Booking#: F111436

6. You are not to initiate contact with the alleged victim or victims.
7. You are not to have any physical contact with any alleged victim.
8. You are not to initiate contact with the arresting officers.
9. You are not to have any contact with any co-defendant.
10. You are not to possess any weapons.
11. You are not to possess any drugs without a valid prescription.
12. You are not to possess or consume any alcohol.
13. You are not to drive a motor vehicle without a valid driver's license.

You must appear at all court proceedings in this case or your release conditions can be revoked, a warrant will be issued and proceedings may go forward in your absence. You must maintain contact with your attorney. If convicted, you will be required to appear for Sentencing. If you fail to appear, you may lose your right to a direct appeal. In addition, failure to appear at a future court proceeding may result in a waiver of any claim that you were not informed of a plea offer made in your case by the State. **a.** You will appear to answer and submit to all further orders and processes of the court having jurisdiction of the case. **b.** You will refrain from committing any criminal offenses. **c.** You will diligently prosecute any appeal. **d.** You will not leave the state without permission of the court. If you violate any conditions of this release order, the court may order the bond and any security deposited in connection therewith forfeited to the State of Arizona. In addition, the court may issue a warrant for your arrest upon learning of your violation of any conditions of your release. After a hearing, if the court finds that you have not complied with the conditions of release, it may modify the conditions or revoke your release altogether.

If you are released on a felony charge, and the court finds the proof evident or the presumption great that you committed a felony during the period of release, the court must revoke your release. You may also be subject to an additional criminal charge, and upon conviction you could be punished by imprisonment in addition to the punishment which would otherwise be impossible for the crime committed during the period of release. Upon finding that you violated conditions of release, the court may also find you in contempt of court and sentence you to a term of imprisonment, a fine, or both.

#### ATTORNEY APPOINTMENT

The Court finds you to be indigent and orders an attorney to provide you representation.

You must contact the Office of the Maricopa County Public Defender at **620 W. Jackson Street, Suite 4015, Phoenix, AZ 85003. 602-506-7711**

#### ACKNOWLEDGEMENT BY DEFENDANT

I have received a copy of this form. I understand the standard conditions, all other conditions, and the consequences of violating this release order. I agree to comply fully with each of the conditions imposed on my release and to notify the court promptly in the event I change my place of residence.

Amended Date 6/5/2019 2:31:05 PM

Address:

City, State, Zip:

**Melody G Harmon**

Judge / Commissioner

Signature:

**Jeffrey Alvarez**

Defendant