No.

IN THE SUPREME COURT OF THE UNITED STATES

JONATHAN KING, PETITIONER,

v.

STATE OF FLORIDA, RESPONDENT.

ON PETITION FOR A WRIT OF CERTIORARI TO THE FOURTH DISTRICT COURT OF APPEAL OF FLORIDA

PETITIONER'S MOTION TO PROCEED IN FORMA PAUPERIS

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COMES NOW the Petitioner, Jonathan King, and moves this Court, pursuant to Rule 39.1, Rules of the Supreme Court, to declare him indigent and allow him to proceed in forma pauperis in this cause, in particular to waive any filing fees. As grounds therefore, Petitioner says:

1. Petitioner applies for a writ of certiorari to review the decision of the Fourth District Court of Appeal of Florida affirming his convictions for aggravated battery and other felonies. In 2019, Petitioner was found indigent and, after proceeding pro se for a period, he was represented by court-appointed counsel at his trial and sentencing.

2. Upon his conviction in 2024, Petitioner was found indigent and was represented by court-appointed counsel throughout his state court appellate proceedings.

3. Petitioner is in prison and continues to be indigent and without funds to pay any fees or costs in this action. The state court below appointed counsel for Petitioner as an indigent party pursuant to section 27.51(1), Florida Statutes (providing for appointment of counsel for indigents in criminal trials and appeals upon the court's determination of the defendant's

indigency); Fla. R. App. P. 9.430 (providing for appellate proceedings by indigents).

4. Federal law requires all courts of the United States to allow commencement and prosecution of any suit without prepayment of fees or costs upon the showing made above. 28 U.S.C. §1915(a).

5. Refusal to allow Petitioner to proceed in forma pauperis would deny him equal protection of the law, meaningful access to the courts, and due process of law since he cannot otherwise get the review to which a more affluent defendant would be entitled. *See Burns v. Ohio*, 360 U.S. 252 (1959) (fees should be waived for discretionary appeal by indigent); *Smith v. Bennett*, 365 U.S. 708 (1961) (fees should be waived for indigent prisoner seeking state habeas relief).

WHEREFORE, Petitioner moves that this Court declare him indigent and allow filing and prosecution of his petition without payment of any fees or costs.

Respectfully submitted,

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