26-5965

ORIGINAL

Supreme Court, U.S.
FILED
SEP 29 2026
OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

JUSTIN ROY SMITH, Petitioner, v. STATE OF WASHINGTON, Respondent.	No. _____ MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner respectfully moves for leave to proceed in forma pauperis pursuant to Rule 39 of the Rules of this Court. Petitioner is incarcerated at Stafford Creek Corrections Center and is without funds to pay the costs of this proceeding. Leave to proceed at public expense was sought in, and granted by, the Superior Court of Washington for Snohomish County, which found Petitioner indigent and appointed counsel to represent him in the Court of Appeals of Washington, pursuant to Washington Rule of Appellate Procedure 15.2 and RCW 10.73.150.

RECEIVED
OCT 15 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

A copy of aforementioned Superior Court order of appointment is appended to this motion. Sup. Ct. R. 39.1.

Respectfully submitted,

JUSTIN ROY SMITH
Petitioner Pro Se
Stafford Creek Corrections Center
191 Constantine Way
Aberdeen, WA 98520

Dated: September 29, 2026

APPENDIX TO MOTION

Order Authorizing the Defendant to Seek Review at Public Expense and Appointing an Attorney, Superior Court of Washington for Snohomish County, No. 20-1-01315-31. (2 pgs)

FILED

2024 MAR -4 PM 3:42

HEIDI PERCY
COUNTY CLERK
SNOHOMISH CO. WASH

20-1-01315-31
ORPRFP 71
Order to Proceed In Forma Pauperis
16244144

STATE OF WASHINGTON
SNOHOMISH COUNTY SUPERIOR COURT

STATE OF WASHINGTON, Plaintiff, vs. Smith, Justin R, Defendant	No. 20-1-01315-31 ORDER AUTHORIZING THE DEFENDANT TO SEEK REVIEW AT PUBLIC EXPENSE AND APPOINTING AN ATTORNEY

THIS MATTER having come on regularly before the undersigned judge upon the motion of the defendant for an order authorizing the defendant to seek review at public expense and the Court having considered the records and files herein, now therefore,

IT IS HEREBY ORDERED that the defendant shall be allowed

(X) To appeal from the certain judgment and sentence and every part thereof in the above-entitled cause, entered on the 6th day of October, 2021 and the order of revocation and every part thereof in the above-entitled cause, entered on the 4th day of March, 2024, at public expense--to include the following:

1.) All filing fees;

2.) Attorney fees and the cost of preparation of briefs (including copying costs);

3.) Costs of preparation of the statement of facts which shall contain the verbatim report of the following proceedings, all of which are necessary for review:

( ) Pre-trial hearing Date(s): _____
Judge(s): _____

( ) Trial Date(s): _____
Judge(s): _____

APPEALS FOLDER

Snohomish County Public Defender Association
2722 Colby Avenue, Ste 200
Everett, Washington 98201
Ph 425-339-6300 | Fax 425-339-6363

71

( ) Post-trial hearing Date(s): _____
Judge(s): _____

(X) Sentencing hearing(s) Date(s): 10/6/2021
Judge(s): Ellis

(X) Other: Revocation hearing Date(s): 3/4/2024
_____ Judge(s): Steffner
_____
_____

4.) Cost of a copy of the above record for the joint use of defendant's counsel and the prosecuting attorney; and

5.) Costs of the preparation of necessary clerk's papers.

IT IS FURTHER ORDERED that counsel on appeal, or his/her representative, is authorized to remove the clerk's file from the Clerk's Office for the purpose of reproducing clerk's papers and designating the record for review.

AND IT IS FURTHER ORDERED that trial counsel is allowed to withdraw and that counsel on appeal be appointed by the Court of Appeals pursuant to RAP 15.2. Payment for expenses of this appointment is authorized under contract with the Office of Public Defense.

DONE IN OPEN COURT this 4 day of March, 2024.

JUDGE
William Steffener

Presented by:

Ana L Faoro, WSBA No. 54249
Attorney for Defendant

Snohomish County Public Defender Association
2722 Colby Avenue, Ste 200
Everett, Washington 98201
Ph 425-339-6300 | Fax 425-339-6363