DOCKET NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JAMES CLARK III,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner, **JAMES CLARK III**, MOVES THIS Court for leave to proceed *in forma pauperis*, and in support of this request, shows as follows:

1. Pursuant to Rule 39.1, a party seeking to proceed *in forma pauperis* must file with this motion a notarized affidavit in support or, if the court below appointed counsel for an indigent party, a copy of the order of the lower court's order of appointment. Attached is a copy of the order of the Circuit Court of Florida's Eighth Judicial Circuit declaring Petitioner insolvent and appointing the Public Defender's Office as counsel for his appeal.

2. Petitioner was adjudged insolvent for the purposes of appeal in the First District Court of Appeal for the State of Florida and was represented there by appointed counsel.

WHEREFORE, Petitioner respectfully requests that he be permitted to proceed *in forma pauperis* in this matter.

/s/ Barbara Busharis
BARBARA BUSHARIS
Assistant Public Defender
Florida Bar # 71780
Leon County Courthouse
301 S. Monroe St., Suite 401
Tallahassee, Florida 32301
850-606-8500
Counsel of Record for Petitioner
victor.holder@flpd2.com

CERTIFICATE OF SERVICE

I, Barbara Busharis, a member of the bar of this Court, hereby certify that on this day of November 16, 2026, a copy of this motion was served, via electronic transmission, by agreement of the parties, to Trisha Meggs Pate, Assistant Attorney General, counsel for Respondent, at crimapptlh@myfloridalegal.com, and that all parties required to be served have been served.

/s/ Barbara Busharis
BARBARA BUSHARIS
Assistant Public Defender
Florida Bar # 71780
Leon County Courthouse
301 S. Monroe St., Suite 401
Tallahassee, Florida 32301
850-606-8500
Counsel of Record for Petitioner
victor.holder@flpd2.com

IN THE CIRCUIT COURT
OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA

CASE NUMBER: 01-2021-CF-000094-A
Circuit Criminal Division I

STATE OF FLORIDA,
Plaintiff,

-vs-

JAMES CLARK, III,
Defendant.

ORDER OF INSOLVENCY AND APPOINTING THE PUBLIC DEFENDER FOR APPEAL

THIS CAUSE, having come before this Court on Defendant's Motion for Order of Insolvency and Appointing the Public Defender for Appeal from the Judgment and Sentence entered in this case on May 9, 2024, and the Court having been fully advised in the premises, and having found him/her insolvent, it is hereby

ORDERED AND ADJUDGED that the Defendant's Motion is GRANTED. The Office of the Public Defender of the Eighth Judicial Circuit of Florida is hereby appointed as Counsel for the Appellant/Defendant on appeal of the above-styled case.

IT IS FURTHER ORDERED AND ADJUDGED that said Defendant, James Clark III, is insolvent and without funds to pay the cost of this appeal, and the State of Florida, through the Justice Administrative Commission, is hereby directed to bear all costs necessary and incident to this appeal.

DONE AND ORDERED on Tuesday, May 28, 2024.

01-2021-CF-000094-A 05/28/2024 11:52:28 AM

David P. Kreider, Circuit Judge
01-2021-CF-000094-A 05/28/2024 11:52:28 AM

"2021 CF 000094 A" 199264057 Filed at Alachua County Clerk 05/28/2024 12:09:13 PM EDT