

**VERIFIED MOTION TO PROCEED IN *FORMA PAUPERIS* FOR PURPOSES  
OF APPELLATE EXPENSES**

The Petitioner, [name], by counsel, respectfully requests to proceed *in forma pauperis* for the purpose of the expense of the appeal, including expenses related to trial transcription, record preparation and filing fee. In support of the Motion, [name] states the following:

1. In December of 2014, [name] filed an Affidavit of Indigency and requested appointment of the State Public Defender. The Affidavit is attached and incorporated as Exhibit A.

2. Based on the Affidavit, [name] was determined indigent and the State Public Defender was appointed on January 17, 2015. On June 10, 2015, the State Public Defender's Office withdrew and undersigned counsel entered her Appearance. The fact that the State Public Defender's Office does not represent Mr. [name] does not change the fact he is indigent and has a right to pursue post-conviction relief and appeal.

3. [name]'s circumstances, set forth in the Affidavit, have not changed. He remains incarcerated.

4. A non-party is paying for legal fees that will be incurred by undersigned counsel in the representation of [name] on appeal from the denial of the Petition for Post-Conviction Relief. Undersigned counsel's legal fees do not include the payment of the county's fees for preparation of the transcript or the payment of filing fees to the Court of Appeals.

5. On April 6, 2016, the trial court issued Findings of Fact and Conclusions of Law Denying Post-Conviction Relief. On April 8, 2016, those Findings and Conclusions were filed in the Jefferson Superior Court. Based on undersigned counsel's experience as a trial, appellate

and post- conviction attorney, she believes there are meritorious issues for appeal and intends to appeal the decision.

6. In order to assure [name]' absolute right to appeal guaranteed by Article VII, § 6 of the Indiana Constitution and I.C. 35-38-4-1, [name]' request to proceed *forma pauperis* for purposes of expenses should be granted. Griffin v. Illinois, 351 U.S. 12 (1955) (“[There] can be no equal justice where the kind of trial a man gets depends on the amount of money he has.”); Beauchamp v. State, 788 N.E.2d 881 (Ind.Ct.App. 2003) (simply because a defendant hired a private attorney does not mean that he can afford all expenses associated with trial).

WHEREFORE, the Petitioner, Michael [name], by counsel, respectfully requests to proceed *in forma pauperis* for the purposes of the expense of appellate record, including the post-conviction hearing transcript and Clerk's Portion preparation and filing fee, and for all other relief and just in the premises.

The undersigned affirm under penalties of perjury that the foregoing representations are true to the best of their knowledge and belief.

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