

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 04:10-cr-00162-FJG
)	
THEODORE WIGGINS,)	
)	
Defendant.)	

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

COMES NOW Defendant, Theodore S. Wiggins, by and through his attorney of record, and pursuant to 28 U.S.C. § 1915(a)(1), and moves this Honorable Court to make and enter its Order, granting Defendant leave of Court to proceed in forma pauperis upon appeal of his conviction in the above captioned case. The grounds for Defendant’s request will be set forth in the subsequent numbered paragraphs, to-wit:

1. Defendant is a poor person, without the means or funds to prosecute an appeal of his conviction in the above captioned case. Specifically, Defendant has neither the funds to pay the required filing fee nor to pay other costs related to the prosecution of his appeal, including the costs of preparation of a required transcript.

2. Evidencing Defendant’s pauper status is the fact that Defendant is being represented by undersigned counsel who was appointed by this Court to represent Defendant after the Court found that defendant was indigent. To secure this representation, Defendant established to the satisfaction of this Court

that he was indigent, without the means or funds to hire counsel to represent him in connection with the trial of the above captioned cause.

3. Defendant has been incarcerated since prior to his arrest in this case on 06/09/2010. Defendant has been sentenced to life in prison by this Court. As a result, Defendant continues to have no means or funds to bear the costs of an appeal, and has no ability to generate such funds. In addition, Defendant has prepared a current "Financial Affidavit", CJA Form 23, and has appended that affidavit to this pleading.

4. The ends of justice will best be served by the Court granting the relief sought in this request.

WHEREFORE, Defendant, Theodore S. Wiggins, prays this Honorable Court make and enter its Order granting his leave to proceed, on appeal, in forma pauperis.

Respectfully submitted,

/s/ MICHAEL W. WALKER
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ATTORNEY FOR DEFENDANT,
Theodore S. Wiggins

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was served electronically via the CM/ECF filing system, this 14th day of December, 2012, upon the following:

Brent Venneman, Assistant United States Attorney

Sydney Snyder, Special Assistant United States Attorney

/s/ MICHAEL W. WALKER

Michael W. Walker