

**UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT**

333 Constitution Avenue, NW
Washington, DC 20001-2866
Phone: 202-216-7000 | Facsimile: 202-219-8530

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT

JUL - 7 2023

RECEIVED

United States of America

USCA No. 23 - 3086

v.

Richard Barnett

USDC No. 1:21-cr-00038-CRC-1

**MOTION FOR LEAVE TO PROCEED
ON APPEAL IN FORMA PAUPERIS**

I, Richard Barnett, declare that I am the appellant/petitioner appellee/respondent in the above-entitled proceeding. In support of this motion to proceed on appeal without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to prepay the costs of said proceeding or to give security therefor. My affidavit or sworn statement is attached.

I believe I am entitled to relief. The issues that I desire to present on appeal/review are as follows: (Provide a statement of the issues you will present to the court. Attach an additional sheet if necessary.)

Ineffective assistance of counsel, unconstitutional statutes, 23193, 1512C2. Abuse of discretion denying motions; change of venue, motion to continue, rule 29, rule 33.

Signature

[Handwritten Signature]

Name of Pro Se Litigant

Richard M. Barnett

Address

PII

Submit original with a certificate of service to:

Clerk of Court
United States Court of Appeals
for the District of Columbia Circuit
E. Barrett Prettyman U.S. Courthouse, Room 5523
333 Constitution Avenue, N.W.
Washington, DC 20001

I, Richard Barnett⁻¹⁻, certify that this has been served on Allison Provt via email

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USCA No. 23-3086

v.

Richard Bennett

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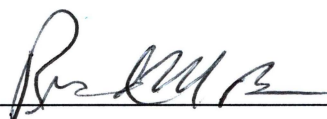
**AFFIDAVIT ACCOMPANYING MOTION FOR
PERMISSION TO APPEAL IN FORMA PAUPERIS**

Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Instructions

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Signed: 

Date: 6/30/2023

My issues on appeal are: Ineffective assistance of counsel. Unconstitutional statutes, 231a3, 1512 c2. Abuse of discretion denying motions; change of venue, motion to continue, rule 29, rule 33

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	<u>0</u>	<u>N/A</u>	<u>0</u>	<u>N/A</u>
Self-employment	<u>2,600</u>	<u>"</u>	<u>0</u>	<u>"</u>
	You	Spouse	You	Spouse
Income from real property (such as rental income)	<u>0</u>	<u>"</u>	<u>0</u>	<u>"</u>
Interest and dividends	<u>0</u>	<u>"</u>	<u>0</u>	<u>"</u>
Gifts	<u>0</u>	<u>"</u>	<u>0</u>	<u>"</u>
Alimony	<u>0</u>	<u>"</u>	<u>0</u>	<u>"</u>
Child support	<u>0</u>	<u>"</u>	<u>0</u>	<u>"</u>
Retirement (such as social security, pensions, annuities, insurance)	<u>0</u>	<u>"</u>	<u>0</u>	<u>"</u>
Disability (such as social security, insurance payments)	<u>0</u>	<u>"</u>	<u>0</u>	<u>"</u>
Unemployment payments	<u>0</u>	<u>"</u>	<u>0</u>	<u>"</u>
Public-assistance (such as welfare)	<u>0</u>	<u>"</u>	<u>0</u>	<u>"</u>
Other (specify): _____	<u>0</u>	<u>"</u>	<u>0</u>	<u>"</u>
Total monthly income:	<u>2,600</u>	<u>"</u>	<u>0</u>	<u>"</u>

2. List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
<u>self</u>	PII	<u>5/21 - Present</u>	<u>2600</u>
_____	_____	_____	_____
_____	_____	_____	_____

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
<u>N/A</u>	_____	_____	_____
_____	_____	_____	_____

4. How much cash do you and your spouse have? \$2500

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
<u>Legacy Bank</u>	<u>checking</u>	<u>2200</u>	<u>N/A</u>
_____	_____	_____	_____
_____	_____	_____	_____

If you are a prisoner, seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home (Value)	Other real estate(Value)	Motor Vehicle #1	<u>11,000</u> (Value)
<u>N/A</u>	_____	Make & Year:	<u>2013 Dodge</u>
_____	_____	Model:	<u>Ram</u>
_____	_____	Registration #:	_____
Motor Vehicle #2	<u>N/A</u>	Other Assets (Value)	Other Assets (Value)
Make & Year:	_____	_____	_____
Model:	_____	_____	_____
Registration #:	_____	_____	_____

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>N/A</u>	<u> </u>	<u>N/A</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

7. State every person, business, or organization to whom you or your spouse owes money, the nature of the indebtedness, and the amount owed.

Person to whom you or your spouse owe money	Nature of indebtedness (e.g., mortgage, credit card)	Amount owed	
		by you	by spouse
<u>David Rye</u>	<u>Personal loan</u>	<u>\$20,000</u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>

8. State the persons who rely on you or your spouse for support.

Name [or, if under 18, initials only]	Relationship	Age
<u>N/A</u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

9. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Spouse
Rent or home-mortgage payment (include lot rented for mobile home)	<u>600</u>	<u> </u>
Are real-estate taxes included?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Is property insurance included?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	You	Spouse
Utilities (electricity, heating fuel, water, sewer, and telephone)	<u>180</u>	<u> </u>
Home maintenance (repairs and upkeep)	<u>200</u>	<u> </u>

	You	Spouse
Food	<u>400</u>	<u>N/A</u>
Clothing	<u>150</u>	<u>0</u>
Laundry and dry-cleaning	<u>-</u>	<u>0</u>
Medical and dental expenses	<u>-</u>	<u>0</u>
Transportation (not including motor vehicle payments)	<u>600</u>	<u>0</u>
Recreation, entertainment, newspapers, magazines, etc.	<u>-</u>	<u>0</u>
Insurance (not deducted from wages or included in mortgage payments)	<u>-</u>	<u>0</u>
Homeowner's or renter's	<u>-</u>	<u>0</u>
Life	<u>80</u>	<u>0</u>
Health	<u>-</u>	<u>0</u>
Motor Vehicle	<u>167</u>	<u>0</u>
Other: _____	<u>-</u>	<u>0</u>
Taxes (not deducted from wages or included in mortgage payments)	<u>-</u>	<u>0</u>
(specify) _____		
Installment payments	<u>-</u>	<u>0</u>
Motor Vehicle	<u>-</u>	<u>0</u>
Credit card (name): _____	<u>-</u>	<u>0</u>
Department store (name): _____	<u>-</u>	<u>0</u>
Other: _____	<u>-</u>	<u>0</u>
Alimony, maintenance, and support paid to others	<u>-</u>	<u>0</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	<u>-</u>	<u>0</u>
Other(specify): _____	<u>-</u>	<u>0</u>
Total monthly expenses:	<u>2,377</u>	<u>0</u>

10. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months? Yes No

If yes, describe on an attached sheet.

I am on house arrest and self surrender, will be incarcerated.

11. Have you paid-or will you be paying-an attorney any money for services in connection with this case, including the completion of this form? Yes No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

12. Have you paid-or will you be paying-anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form? *NO*

If yes, how much? _____

If yes, state the person's name, address, and telephone number:

13. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

I am under house arrest and expect to self surrender for a 4 1/2 year sentence soon. A large part of last year's "income" was selling personal items to cover bills.

14. State the city and state of your legal residence.

PII

Your daytime phone number: (479) *PII*

Your age: *62* Your years of schooling: *12*

PII

Case 1:21-cr-00038-CRC Document 212
USCA Case #23-3086 Document #2007024

Filed 07/10/23 Page 8 of 8
Filed 07/07/2023 Page 8 of 8

Retail



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United States Court of Appeals
for the District of Columbia Circuit
E. Barrett Prettyman U.S. Courthouse, Room 5523
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