

IN THE OHIO SUPREME COURT

Gross, Tony R.

Appellant/Defendant.

Counsel Of Record:

Tony R. Gross, A-336-748  
PO Box 45699, S.O.C.F.  
Lucasville, OH. 45699.

vs.

State of Ohio,

Plaintiff/Appellee.

Counsel Of Record:

Mr. D. Michael Haddox.  
Chief Prosecutor Musk.,  
Cty. PO Box 189, 27 N.  
Fifth St. Suite 201.  
Zanesville, OH. 43702-  
0189.

Ohio Supreme Court  
Case No.

07-0089

Appeal's Court  
Case No. CT-2006-0006.

Trial Court  
Case No. CR-94-0140.

Document Title:

"Appellant's Motion For  
Leave-Of-Court To Proceed In  
Forma Pauperis, pursuant to  
S.Ct. Prac. R. XV, Section 3."

DEFENDANT/APPELLANT'S MOTION FOR

LEAVE-OF-COURT TO PROCEED IN FORMA PAUPERIS.

Now comes the Defendant/Appellant in the above captioned proceedings and humbly MOTIONS this Court For LEAVE-OF-COURT TO PROCEED IN FORMA PAUPERIS pursuant to S.Ct.Prac.R. XV, Section 3, without pre-payment of fees nor costs associated with the prosecution of this CLAIMED/DISCRETIONARY/APPEAL OF RIGHT due to his impoverished and indigent status as reflected in the attached Memorandum In Support in this case which raises a substantial constitutional question stemming from a capital offense felony to which has also generated a substantial amount of great, general, and public interest statewide.

Respectfully Submitted,

*Tony R. Gross*  
Tony R. Gross, Appellant,  
Defendant, Counsel, pro se.

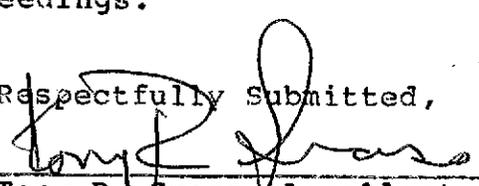
FILED  
JAN 17 2007  
MARCIA J. MENGEL, CLERK  
SUPREME COURT OF OHIO

**MEMORANDUM IN SUPPORT**

**In Support, the Appellant Offers:**

- 1) He has been incarcerated for nearly thirteen years now.
- 2) He receives but \$17.00 a month state-pay from the Department of Corrections.
- 3) He receives, often \$65.00 a month from family donations to purchase "veggie diet" food supplements, personal hygiene, and stationary supplies.
- 4) Often he receives \$150.00 a year to purchase personal, sundry clothing, shoes, etc., and this too is from family donations.
- 5) He has no other source of income and has submitted an affidavit to that effect, (See attached Affidavit Of Indigency).
- 6) Supreme Court Practice Rule, XV, Section 3 provides that indigents may proceed in an action--without prepayment of fees--providing they submit an Affidavit Of Indigency, as been done here.
- 7) Furthermore, the Appellant feels he has meritorious issues/claims that warrant relief in this court and pursuant to federal law must exhaust these state remedies before he can proceed in the federal court system.
- 8) Wherefore having met the prerequisites and amply qualifying, the Appellant prays this Court grant his LEAVE OF COURT to proceed to prosecute this appeal without prepayment of fees or costs normally associated with such proceedings.

Respectfully Submitted,

  
\_\_\_\_\_  
Tony R. Gross, Appellant,  
Counsel, pro se.

IN THE SUPREME COURT OF OHIO

"Affidavit Of Indigency"

I, Tony R. Gross, do hereby state that I am without the necessary funds to pay the costs of this action for the following reasons:

- 1) He has been incarcerated for nearly thirteen years now.
- 2) He receives but \$17.00 a month state-pay from the Department of Corrections.
- 3) He receives, often \$65.00 a month from family donations to purchase "veggie diet" food supplements, personal hygiene, and stationary supplies.
- 4) Often he receives \$150.00 a year to purchase personal, sundry clothing, shoes, etc., and this too is from family donations.
- 5) He has no other source of income nor assets;

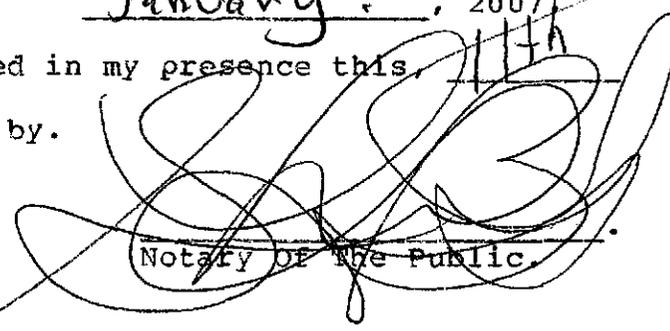
Pursuant to Rule XV, Section 3, of the Rules Of Practice Of The Ohio Supreme Court, I am requesting that the filing fee and security deposit, if applicable, be waived;

further, the affiant saith nought.

By,   
Tony R. Gross, Appellant/  
 Affiant, Counsel, pro se.

Executed this, 11th day of January, 2007.

Personally sworn to and subscribed in my presence this, 11th day of, January, 2007, by.

  
 Notary Of The Public.



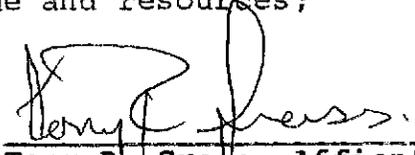
SHERRIL L. BRYANT  
 Notary Public, State of Ohio  
 My Comm. Expires 3/31/14

MY commission expires: 3/31/14

**VERIFICATION OATH**

Wherefore, the Appellant, under penalty of perjury, offers the following:

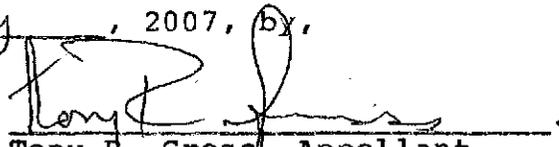
- 1) This Motion and all it's attachments/exhibits, are all true and accurate--copied from the original documents;
  - 2) It's Statements and Facts herein--are all true and correct;
  - 3) It's been submitted in earnest and good faith to protect the Appellant's legal rights;
  - 4) It was not done to create an undue burden nor hardship on any party;
  - 5) Nor was it done to waste the Court's time and resources;
- further, the affiant saith nought;

by,   
Tony R. Gross, Affiant/  
Appellant/Counsel, pro se.

Executed this, 11th day of, January, 2007.

**CERTIFICATE OF SERVICE**

A true copy of the attached and foregoing "Appellant's Motion To Proceed In Forma Pauperis, Without Prepayment Of Fees Or Costs," was, via 1st-class, prepaid, U.S. Postal Service, SERVED upon COUNSEL FOR THE State/Plaintiff/Appellee, Mr. D. Michael Haddox Chief Prosecutor Musk., Cty. PO Box 189, 27 N. Fifth St. Suite 201, Zanesville, OH. 43702-0189 on this, 11th day of, January, 2007, by,

  
Tony R. Gross, Appellant,  
Counsel, pro se.