

IN THE SUPREME COURT OF OHIO

On Appeal from the Eighth Appellate District Court  
for Cuyahoga County, Ohio  
Case No. 98327

12-1025

STATE OF OHIO,  
Plaintiff/Appellee,

Supreme Court No. \_\_\_\_\_

- vs -

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS  
AND AFFIDAVIT OF INDIGENCY

CHANAN AQU-SIMMONS,  
Defendant/Appellant.

FILED  
JUN 14 2012  
CLERK OF COURT  
SUPREME COURT OF OHIO

[C]omes now, 'CHANAN AQU-SIMMONS,' [d]efendant/appellant ('pro se') in the above entitled cause, and does hereby respectfully move this Honorable Court for: 'LEAVE TO PROCEED IN FORMA PAUPERIS,' in the instant proposed appeal as of right.

In further support of the relief heretofore requested, defendant/appellant states that he is a 'true pauper' as defined by Ohio law, that he previously proceeded in each of the lower courts 'in form pauperis' and that the fact and status of his clear and patent poverty has not changed since the conclusion of those proceedings.

Defendant/appellant further states, that:

AFFIDAVIT OF INDIGENCY

STATE OF OHIO )  
 ) ss:  
MARION COUNTY, OHIO )

[I], 'CHANAN AQU-SIMMONS,' being first duly sworn according to the laws of the State of Ohio, deposes and says that I am the defendant/appellant in the above entitled cause and an inmate at the Marion Correctional Institution, P.O. Box 57, Marion, Ohio, 43301.

I hereby certify, swear and attest 'under penalty of perjury' that I own nor possess any: real estate, stocks, bonds, checking or savings accounts, clothing, furniture, automobiles, cash or anything of relative worth or value which might otherwise be reasonably deemed cognizable as payment of costs and fees in the instant appeal.

I certify that I am not employed and that I have not been gainfully employed for a period in excess of (18) eighteen years.

I certify that I earn \$18.00 per month in 'state pay' at said prison facility from which I must prepay a \$1.00 per month electric usage co-payment; a \$2.00 per month medical co-payment fee, and that I must as well therefrom prepay all costs associated with the reproduction and service of all papers submitted for filing in this action.

I certify that I believe that I am entitled to a grant of the relief heretofore requested by reason of my clear and patent poverty, and I further certify, swear and attest that each of the foregoing statements are true and correct to the best of my knowledge and belief and that I am competent to so testify.

[R]elief is accordingly sought.

[E]xecuted this 6<sup>th</sup> day of June, 2012.



Chanan Aqu-Simmons, #313-893

M.C.I.

P.O. Box 57

Marion, Ohio

43301

\*Subscribed and sworn before me  
this 6<sup>th</sup> day of June, 2012.

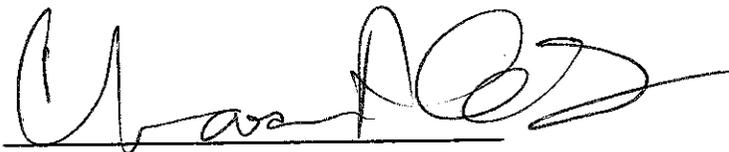


Notary Public

Duane G. Ham  
Notary Public, State Of Ohio  
My Commission Expires July 25, 2012

CERTIFICATE OF SERVICE:

This is to certify that the foregoing was duly served by United States Mail on the Office of the Cuyahoga County Prosecutor, at: 1200 Ontario Street, Cleveland, Ohio, 44113, on this 6<sup>th</sup> day of June, 2012.



Chanan Aqu-Simmons, #313-893

M.C.I.

P.O. Box 57

Marion, Ohio

43301

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