ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO
Appellee

Vs.

LARRY McGOWAN
Appellant

On Appeal from the
Summit County Court of Appeals
Ninth Appellate District

15-1596

Court of Appeals
Case No.: CA-27092

MOTION TO PROCEED *IN FORMA PAUPERIS*
BY APPELLANT, LARRY McGOWAN

JAMES W. ARMSTRONG
2101 Front Street
Riverfront Centre, Suite 101
Cuyahoga Falls, OH 44221
Registration No. 0055653
(330) 923-2122
(330) 923-8167 Fax
jarmstronglawyer@aol.com

Counsel for Appellant

RICHARD S. KASAY
ASST. PROSECUTING ATTORNEY
Reg. No. 0013952
53 University Avenue
Akron, Ohio 44308
(330) 643-2800
(330) 643-2137 Fax
kasay@prosecutor.summitoh.net

Counsel for Appellee State of Ohio

FILED
SEP 28 2015
CLERK OF COURT
SUPREME COURT OF OHIO

RECEIVED
SEP 28 2015
CLERK OF COURT
SUPREME COURT OF OHIO

Motion to Proceed In Forma Pauperis and Waive Filing Costs

Now comes the Appellant Larry McGowan, by and through undersigned counsel, and hereby moves this Court to allow him to proceed *in forma pauperis* and waive the filing costs in this matter. Attached hereto and incorporated herein as Exhibit A is Appellant's affidavit of indigency and trial court order appointing undersigned counsel to represent Mr. McGowan in his appeal is attached hereto and incorporated herein as Exhibit B. Further, this is a case involving a conflict among the appellate districts justifying the involvement of the Supreme Court of Ohio to remedy the current conflict.

Respectfully submitted,

LEIPPLY & ARMSTRONG

James W. Armstrong 0055653
Counsel for Appellant-Defendant
2101 Front Street
Riverfront Centre, Suite 101
Cuyahoga Falls, OH 44221
(330) 923-2122
(330) 923-8167 Fax
jarmstronglawyer@aol.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Proceed *In Forma Pauperis* was sent vial regular U.S. Mail to Richard S. Kasay, Esq., Assistant Prosecuting Attorney, Summit County Prosecutor, 53 University Ave., Akron, Ohio 44308 this 25th day of September, 2015.

James W. Armstrong

FINANCIAL DISCLOSURE / AFFIDAVIT OF INDIGENCY

($25.00 application fee may be assessed—see notice on reverse side)

I. PERSONAL INFORMATION

Applicant's Name	D.O.B.	Person Represented's Name *(if juvenile)*	D.O.B.
LARRY McGOWAN	5-26-75		

Mailing Address	City	State	Zip Code
2075 S. AVON-Belden RD	GRAFTON	OH	44044

Case No.	Phone	Cell Phone
CR12123401	( ) NA	( ) NA

II. OTHER PERSONS LIVING IN HOUSEHOLD

Name	D.O.B.	Relationship	Name	D.O.B.	Relationship
1)			3)		
2)			4)		

NA

III. PRESUMPTIVE ELIGIBILITY

The appointment of counsel is presumed if the person represented meets any of the qualifications below. Please place an 'X'

Ohio Works First / TANF: ____ SSI: ____ SSD: ____ Medicaid: ____ Poverty Related Veterans' Benefits: ____ Food Stamps: ____

Refugee Settlement Benefits: ____ Incarcerated in state penitentiary: ____ Committed to a Public Mental Health Facility: ____

Other (please describe): _____ Juvenile: ____ *(If juvenile, please continue at Section VIII)*

NA

IV. INCOME AND EMPLOYER

	Applicant	Spouse (Do not include spouse's income if spouse is alleged victim)	Total Income
Gross Monthly Employment Income	0		0
Unemployment, Worker's Compensation, Child Support, Other Types of Income	0		0
		TOTAL INCOME	$ 0

Employer's Name: NA Phone Number: _____

Employer's Address: _____

V. LIQUID ASSETS

Type of Asset	Estimated Value
Checking, Savings, Money Market Accounts	$ 0
Stocks, Bonds, CDs	$ 0
Other Liquid Assets or Cash on Hand	$ 0
Total Liquid Assets	$ 0

VI. MONTHLY EXPENSES

Type of Expense	Amount	Type of Expense	Amount
Child Support Paid Out	0	Telephone	0
Child Care (if working only)	0	Transportation / Fuel	0
Insurance (medical, dental, auto, etc.)	0	Taxes Withheld or Owed	0
Medical / Dental Expenses or Associated Costs of Caring for Infirm Family Member	0	Credit Card, Other Loans	0
Rent / Mortgage	0	Utilities (Gas, Electric, Water / Sewer, Trash)	0
Food	0	Other (Specify)	0
EXPENSES	$ 0	**EXPENSES**	$ 0

VII. DETERMINATION OF INDIGENCY

If applicant's Total Income in Section IV is at or below 187.5% of the Federal Poverty Guidelines, counsel must be appointed.

For applicants whose Total Income in Section IV is above 125% of the Federal Poverty Guidelines, see recoupment notice in Section XI.

If applicant's Liquid Assets in Section V exceed figures provided in O[illegible] sel may be denied if applicant can employ counsel using those liquid assets.

If applicant's Total Income falls above 187.5% of Federal Poverty G[illegible] ly unable to employ counsel after paying monthly expenses in Section VI, counsel must be appointed.

EXHIBIT

tabbies

A

COPY

IN THE COURT OF COMMON PLEAS
COUNTY OF SUMMIT

DANIEL M. HORRIGAN
2013 SEP 23 PM 10:40
SUMMIT COUNTY
CLERK OF COURTS

THE STATE OF OHIO **Case No. CR 12 12 3401**

vs.

LARRY MCGOWAN **JOURNAL ENTRY**

THIS DAY, to-wit: The 17th day of September, A.D., 2013, upon due consideration of this Court, IT IS HEREBY ORDERED that Attorney James Armstrong be appointed to represent this Defendant, for purposes of appeal in this case, due to the Defendant being in indigent circumstances.

APPROVED:
September 18, 2013
dcs

Judy Hunter

JUDY HUNTER, Visiting Judge
Sitting on Assignment
Pursuant to Art. IV, Sec. 6
Ohio Constitution for

THE COURTROOM OF JUDY HUNTER
Court of Common Pleas
Summit County, Ohio

cc: Prosecutor John Baumoel
Attorney James Armstrong
Attorney Joseph Gorman

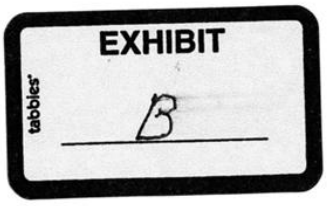

EXHIBIT
tabbies
B