

Capital Case

Case No. 19-1106

In the Supreme Court of the United States

TOMMY SHARP, Interim Warden,
Oklahoma State Penitentiary,
Petitioner,

v.

RODERICK L. SMITH,
Respondent.

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Tenth Circuit

**MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*
RESPONDENT'S BRIEF IN OPPOSITION**

Respondent, Mr. Smith, respectfully requests leave of this Court to file the attached Respondent's Brief in Opposition to Petitioner's Petition for Writ of Certiorari without payment of costs and to proceed *in forma pauperis* pursuant to Rule 39 of the *Rules of the Supreme Court of the United States* and 18 U.S.C. § 3006A(d)(7). In support thereof, Respondent states as follows:

Roderick L. Smith is in the custody of the State of Oklahoma, Oklahoma Department of Corrections, Oklahoma State Penitentiary, incarcerated under a conviction of first-degree murder for which he has been sentenced to death.

Mr. Smith is indigent and has been represented by court-appointed counsel throughout the proceedings against him. On June 16, 2014, the United States District Court for the Western District of Oklahoma, Case No. CIV-14-579-R (Doc. 6), appointed the Federal Public Defender's Office to represent Mr. Smith in federal habeas corpus proceedings. On August 31, 2017, the Tenth Circuit Court of Appeals granted counsel's Motion to Continue CJA Appointment on Appeal, Case No. 17-6184, and appointed the Office of the Federal Public Defender for the Western District of Oklahoma to represent Mr. Roderick L. Smith pursuant to 18 U.S.C. §§ 3006A(c) and 3599(a)(2). *See* Order filed Aug. 31, 2017. This filing is in compliance with Sup. Ct. R. 39 and is preceded and attached to the front of each copy of Respondent's Brief in Opposition.

Respectfully submitted,

s/ Emma V. Rolls

EMMA V. ROLLS, OBA # 18820 *
THOMAS D. HIRD, OBA # 13580
Assistant Federal Public Defenders
Office of the Federal Public Defender
Western District of Oklahoma
Capital Habeas Unit
215 Dean A. McGee Ave., Suite 707
Oklahoma City, Oklahoma 73102
(405) 609-5975 - telephone
(405) 609-5976 - facsimile
emma_rolls@fd.org
tom_hird@fd.org

COUNSEL FOR RESPONDENT, RODERICK L. SMITH

Dated this 26th day of May, 2020

* Counsel of Record