

IN UNITED STATES SUPREME COURT

KEITH EDMUND GAVIN

PETITIONER, PRO SE.

v.

STATE OF ALABAMA

RESPONDENT.

CASE NO. CC-98-61

CASE NO. CC-98-62

MOTION FOR STAY
OF EXECUTION

NOW COMES KEITH EDMUND GAVIN, PETITIONER, PRO SE,
SEEKING A STAY OF EXECUTION.

PETITIONER, PRO SE
REASONING'S FOR STAY

Petitioner, Keith Edmund Gavin, Filed a motion
to Dismiss For Lack of Jurisdiction of the Indictment
due to Territorial Jurisdiction in the Cherokee Circuit
Court on June 11th, 2024

PETITIONER WAS DENIED DUE PROCESS OF HIS RIGHT TO BE HEARD ON HIS PETITION FILED IN A TIMELY MANNER, (SEE PETITIONER'S FILES).

PETITIONER IS BEING DENIED DUE PROCESS OF LAW BECAUSE PETITIONER DIDN'T PAY THE FILING FEE, WHEN THE PETITIONER IS INDIGENT, THEREFORE, DENYING PETITIONER THE RIGHT TO BE HEARD UNDER THE 14TH AMENDMENT OF THE UNITED STATES CONSTITUTION.

PETITIONER SEEKING THIS HONORABLE SUPREME COURT OF THE UNITED STATES OF AMERICA TO GRANT THE PETITIONER A STAY OF EXECUTION, SO THAT THE FILING FEE IS PAID, AND THAT THE CHEROKEE CIRCUIT COURT CAN MAKE A RULING ON THE PETITIONER'S, PETITION ON THE ISSUE OF LACK OF JURISDICTION.

PETITIONER is Filing this stay of EXECUTION, pro se, the petitioner is indigent, and now comes Keith Edmund Gavin, the petitioner seek that this Honorable Supreme Court of the United States grant a stay of EXECUTION.

PETITIONER is only seeking to be heard on the Factual Findings of petitioner's claim of Lack of Jurisdiction claim which petitioner can raised at any time and the right to be heard, under the 14th Amendment of the Due Process Clause of the United States Constitution.

In this case, justice should not be denied because Filing Fee's wasn't paid when it should had been waived because of petitioner's indigent status.

PETITIONER has yet to be informed as of this date July 17th, 2024 that he need to pay Filing Fee's to proceed on his petition that was Filed June 17th 2024 according to the Cherokee Circuit Court.

PETITIONER ONLY LEARNED OF A FILING FEE THROUGH THE ATTORNEY GENERAL OFFICE OF ALABAMA WHEN THEY FILE A RESPONSE TO PETITIONER MOTION FOR STAY OF EXECUTION TO THE ALABAMA SUPREME COURT. AS OF THIS DATE OF JULY 17th, 2024, PETITIONER STILL HAVEN'T RECEIVED NOTICED FROM THE CHEROKEE CIRCUIT COURT THAT THE PETITIONER WAS DENIED TO PROCEED IN FORMA PAUPERIS FEE.

PETITIONER, PRO SE, KEITH EDMUND GAVIN, ASK THE SUPREME COURT OF THE UNITED STATES OF AMERICA TO GRANT STAY OF EXECUTION.

Keith Edmund Gavin
PETITIONER, PRO SE. SIGNATURE

DATE: JULY 17th, 2024



IN THE CIRCUIT COURT OF CHEROKEE COUNTY, ALABAMA

STATE OF ALABAMA

V.

GAVIN KEITH EDMUND #Z-665
Defendant.

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Case No.: CC-1998-61.61-62.61

ORDER

The Petitioner, Keith Edmund Gavin, (Pro Se), requests relief from conviction for Capital Murder and sentence of Death pursuant to **Alabama Rule of Criminal Procedure 32.**

On June 17, 2024, Mr. Gavin submitted an In Forma Pauperis Declaration to the Court. In the Motion, Mr. Gavin executed the following declaration:

“I, Keith Gavin, declare that I am the petitioner in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs, or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to relief.”

He stated in his declaration that he is not presently employed. Mr. Gavin is not self-employed and does not own any type of business. He does not pay rent, interest, or dividends. He has no pensions, annuities, or life insurance payments. He has no gifts or inheritance. However, he did state that he has received money from another source that was not listed on the declaration within the last twelve months.

Mr. Gavin listed that he received payment from an unnamed relative in the form of eighty dollars. He received fifty dollars from an unnamed friend and eighty-five dollars from his brother. The amounts listed total two hundred and fifteen dollars. In addition, he stated that he did not own any cash or have any money in a checking/savings account.

Lastly, he stated in the declaration that he does not own real estate, stocks, bonds, notes, automobiles, or other valuable property.

However, the Court received an Average Inmate Deposit Balance Sheet for Keith Gavin. The Inmate Deposit Balance Sheet shows that Mr. Gavin has been receiving at least one hundred and thirty dollars per month for the last twelve months consecutively. His gross deposits total exactly \$2,811.00.

“[A]n inmate who has appreciably more than the amount necessary to pay a filing fee deposited in his inmate account in the 12 months preceding the filing of an [In Forma Pauperis] request is not indigent as that term is defined in Rule 6.3(a), Ala. R. Crim. P. Wyre has \$876.52 deposited to his account in that period-more than twice the amount necessary to pay the filing fee. Thus, he is not indigent.” *Cloud v. State*, 234 So. 3d 538 (Ala. Crim. App. 2016) *citing Ex Parte Wyre*, 74

So. 479 (Ala. Crim. App. 2011).

As stated in the quote above, Mr. Gavin has appreciably more than the amount necessary to pay the filing fee.

Based upon the petition, arguments, evidence, and applicable law, it is hereby

ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. That the Petition for Relief from conviction for Capital Murder and sentence of Death filed pursuant to **Alabama Rule of Criminal Procedure 32** is **DISMISSED**.
2. That due to the dismissal this Court has no jurisdiction to address the other issues raised in the petition.

Done this 9th day of July, 2024.

/s/ SHAUNATHAN C. BELL
CIRCUIT JUDGE