



Committee for Public Counsel Services
Private Counsel Division
75 Federal Street, 5th Floor, Boston, MA 02110
Tel: (617) 482-6212 – Fax: (617) 988-8495

ANTHONY J. BENEDETTI
CHIEF COUNSEL

VANESSA VÉLEZ
DEPUTY CHIEF COUNSEL

ELIZABETH DEMBITZER
DIRECTOR OF CRIMINAL APPEALS

To Whom It May Concern:

Before CPCS can assign an attorney to your case you must be found "indigent" by the court. In other words, a judge must first make a determination that you are without funds to pay for an attorney yourself. To ask the court to find you indigent you must complete and file the following documents in the court where you were convicted:

1. Cover letter to the Clerk, Criminal Session
2. Motion to be Declared Indigent, with Affidavit of Indigence. **If you are incarcerated, you must also attach a printout of your canteen account.** (Your motion will be denied if you are incarcerated and do not attach a printout of you canteen account.)

Do not send these forms back to me.

You, or someone on your behalf, may personally deliver these documents to the criminal clerk's office, or you may mail them to the court.

Once the court rules on your motion, it typically notifies CPCS. We will then assign an attorney to your case and notify you of the assignment. If the court sends you copies of the ruled-on motion, you should mail them to my attention.

If the court denies you motion, you are entitled to an evidentiary hearing to reconsider the judge's findings and the appointment of counsel for that hearing. Please contact me if you need more information about how to request this hearing.

If you do not receive notice from the Court or from CPCS within 45 days of mailing the motions to the court, please contact me, and I will look into the matter.

Sincerely,

Kathleen M. O'Connell
Staff Attorney,
Criminal Appeals Unit
Private Counsel Division

Clerk of Court, Criminal Business

Date:

_____ [name of court]

_____ [court address]

_____ [court address line 2]

_____ [City, State and Zip code]

RE: Commonwealth v _____ [print name of defendant]

Docket No (s). _____ [print docket number or numbers]

To Whom It May Concern:

Please find enclosed for filling the Defendant's Motion to Be Declared Indigent, with Affidavit of Indigency and, if required, a Canteen Printout.

Please bring this motion to the attention of the Court for ruling. After the Court acts, please forward a copy of the motion to:

Criminal Appeals Unit
Private Counsel Division
75 Federal Street, 5th Floor
Boston, MA 02110

Thank you for your attention to this matter.

Sincerely,

[Your signature]

_____, pro se

[Print your name]

[Print your mailing address]

COMMONWEALTH OF MASSACHUSETTS

_____, ss.
[County]

[Name of Court] Court

DEFENDANT'S MOTION TO BE DECLARED INDIGENT

Now comes the defendant, pro se, in the above-entitled matter and moves this Honorable Court, pursuant to G.L. ch. 211D and Supreme Judicial Court Rule 3:10, to declare the defendant indigent.

As reasons for the foregoing request, the defendant states:

1. The defendant is now indigent and therefore without funds to hire an attorney to pursue post-conviction remedies.
2. A party's indigency status may be reviewed at any stage of a court proceeding if information regarding a change in financial circumstances becomes available to a probation officer or through the court's verification system, or from some other source, including the party. SJC Rule 3:10, Section 7
3. The defendant has requested post-conviction assistance from CPCS, which can only be carried out if the defendant is declared indigent.

In support of this motion the defendant has attached his Affidavit of Indigency and, if required, Canteen Printout.

Respectfully submitted,

_____, Pro Se

[Signature]

[Name]

[Address]

Date: _____

IMPOUNDED - CONFIDENTIAL

COMMONWEALTH OF MASSACHUSETTS

_____ Court

NO. _____

INFORMATION FOR THE INMATE/APPLICANT: You have requested that the _____ Court waive the filing fees and (normal) costs and allow you to proceed as an indigent plaintiff. You are required to provide the court with information about your finances so that the court can determine whether you are unable to pay the fee or to make partial payments. You are required to sign this affidavit form under the penalties of perjury. This includes a statement that no action has been taken to hide assets. The court can dismiss the complaint if it finds that the claim of indigency is untrue. In addition, the court may impose costs on an inmate who intentionally files an affidavit that contains false information or that omits material information. You are also subject to loss of up to 60 days of good time earned or to be earned under G. L. c. 127, § 129C (for blood donation) or under c. 127, § 129D (for work, education or rehabilitation programs) if the court finds that the affidavit is frivolous and filed in bad faith in order to abuse the judicial process. See G. L. c. 261, § 29.

_____, Plaintiff(s)

v.

_____, Defendant(s)

INMATE'S AFFIDAVIT OF INDIGENCY AND REQUEST FOR WAIVER OF NORMAL FEES AND COSTS IN COMPLIANCE WITH GENERAL LAWS c. 261, § 29

Pursuant to General Laws c. 261, § 29, the applicant, _____, swears (or affirms) that the following information is true. (NAME)

SOCIAL SECURITY #: _____

DATE OF BIRTH: _____

INMATE IDENTIFICATION #: _____

CORRECTIONAL FACILITY: _____

ASSETS:

CASH: _____

MONIES IN BANK ACCOUNTS:

INMATE CANTEEN ACCOUNT: _____

OTHER INSTITUTIONAL ACCOUNT: _____

NON-PRISON ACCOUNT(S): _____

REAL ESTATE: _____

OTHER INVESTMENTS: _____

ACCESSIBLE ASSETS OF A SPOUSE: _____

INCOME:

LAST SIX MONTHS' INCOME: _____

___ INCOME EXPECTED IN NEXT SIX MONTHS: _____

LIABILITIES (for example, any debts you owe, including Victim/Witness fees, restitution fees, child support, other court-imposed costs, and costs assessed for incarceration and pre-release programs):

MONTHLY EXPENSES:

NECESSARY CANTEEN PURCHASES (for example, stamps, envelopes, soap, toothpaste and other toiletries, medications and clothing):

OTHER EXPENSES: _____

I state under penalties of perjury that the statements made in this affidavit are true, that I have not omitted any assets that are available to me to pay filing fees or court costs, that I have not transferred any assets to avoid payment of filing fees and costs, and that I have not taken any action nor has any action been taken on my behalf relative to any assets in order to avoid having such assets used for payment of filing fees and costs.

Signature of applicant: _____

DATE: _____

ALL INFORMATION CONTAINED HEREIN IS CONFIDENTIAL. EXCEPT BY SPECIAL ORDER OF A COURT, IT SHALL NOT BE DISCLOSED TO ANYONE OTHER THAN AUTHORIZED COURT PERSONNEL, PARTIES TO THIS LITIGATION OR THEIR COUNSEL, AND AN AUTHORIZED (IN WRITING) REPRESENTATIVE OF THE APPLICANT.