

FORM TO BE USED BY A PRISONER RECEIVED - CLERK
APPLYING TO PROCEED IN FORMA PAUPERIS COURT

UNITED STATES DISTRICT COURT AUG 15 A 11:20
FOR THE DISTRICT OF NEW JERSEY

Commodity Futures Trading Commission
(Enter above the full name of the plaintiff in this action)

APPLICATION TO PROCEED
IN FORMA PAUPERIS

v.

Civil Action No. 04 CV 1512

(To be supplied by the Clerk of the Court)

Equity Financial Group, LLC, Tech :

Hon. Robert B. Kugler

Traders, Inc., Tech Traders, Ltd;

Magnum Capital Investments, Ltd;

Vincent J. Firth, Robert W. Shimer,

Coyt E. Murray, & J. Vernon Abernethy

(Enter above the full name of the defendant or defendants
in this action)

I, J. Vernon Abernethy, declare that I am the (check appropriate box)
 Petitioner / plaintiff / movant Other (defendant)

in the above-entitled proceeding; that, in support of my request to proceed without being required to prepay fees, costs, or give security therefor, I state that because of my poverty, I am unable to prepay the costs of said proceeding or give security therefor; that I believe I am entitled to relief. The nature of my action, defense, or other proceeding or the issues I intend to present on appeal are briefly stated as follows:

I am a defendant in this case, and I have been charged with fraud. I agreed to certain procedures that I performed with the understanding of my client as to the very limited extent of responsibility I agreed to take. The basic outline of procedures that I agreed to follow are written in contracts signed by my client, Tech Traders, Inc. and others. This contract language, as I understand, was written by and between defendants' Coyt Murray and Robert Shimer. I agreed to verify the computations of Coyt Murray each month of profits in an equity pool of loaned proceeds to Tech Traders, Ltd. This verification occurred subsequent to corroboration between Murray and Shimer, as to what should be included, and what should be excluded from the computations. I offered no opinion as to this computation as it was the procedure specified in the contracts between these parties. I believe I am as much a victim of fraud as anyone else. Others later became involved in the corroboration of accountable and non accountable funds. Everyone involved was always under contract, to my understanding, with my client.

**FORM TO BE USED BY A PRISONER
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In support of this application, I answer the following questions under the penalty of perjury:

1. Are you currently incarcerated? Yes No

If "Yes," list dates and places of confinement for the six-month period immediately preceding the filing of this application:

<u>Dates of Confinement</u>	<u>Place of Confinement</u>

For each institution in which you have been confined for the preceding six months, you must submit a certified copy of your prison account statement and an Account Certification Form (use attached Account Certification Forms).

2. Are you employed at your current institution? Not Applicable Yes No

Do you receive any payment or money from your current institution? Yes No

If "Yes," state how much you receive each month: _____

3. In the past 12 months, have you received any money from any of the following sources?

- | | | | |
|--|---|--|---|
| a. Business, <u>profession</u> , or other <u>self-employment</u> | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <u>Past 12 Mo's
Total Gross
Receipts:</u>

12,400

13,065

3,000.00 |
| b. <u>Rent</u> payments, interest, or dividends | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | |
| c. Pensions, annuities, or life insurance payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | |
| d. Disability or workers compensation payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | |
| e. Gifts or inheritances | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | |
| f. Any other sources <u>PART TIME EMPLOYMENT WAGES</u> | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | |

If the answer to any of the above is "Yes" describe each source of money and state the amount received and what you expect you will continue to receive.

SEE ATTACHMENT #1

3. Other than your prison account, do you have any cash or checking or savings account? Yes No

If "Yes," state the total amount: \$2,621.00

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4. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles, or any other property or assets? Yes No

If "Yes," please describe: SEE ATTACHMENT #2

5. List the persons who are dependent on you for support, your relationship to each person and how much you contribute to their support.

- NONE -

6. Authorization and Declaration Not Applicable

I, _____
(Print or Type Name and Number of Prisoner)

authorize the agency having custody over me to assess, withdraw from my prison account, and forward to the Clerk of the District Court for the District of New Jersey (1) an initial partial filing fee equal to 20% of the greater of the average monthly deposits to my prison account or the average monthly balance in my prison account for the six-month period immediately preceding the filing of the complaint, and (2) payments equal to 20% of the preceding month's income credited to my prison account each month the amount in the account exceeds \$10.00, until the \$150.00 fee is paid. 28 U.S.C. § 1915(b)(1) and (2).

I declare under penalty of perjury that the information contained in this application is true and correct.

7-18-05
DATE


SIGNATURE OF APPLICANT

Attachment #1

**FORM TO BE USED BY A PRISONER APPLYING TO PROCEED IN FORMA PAUPERIS
Schedule for Question Number 3, Page 2**

In the past 12 months, have you received any money from any of the following sources?

Description:

Source:
Amount Received:
Expected to Continue:

<u>a. Business, profession, self-employment:</u>		<u>b. Rent:</u>		<u>f. Other:</u>		<u>Totals</u>
For line "a."		For line "b."		For line "f."		
Accounting Service	Home Repairs	Food Serv	Rental Houses	Part-time wage		
\$ 7,040	\$ 5,315	\$ 45	\$ 13,065	\$ 3,000	\$ 28,465	
\$ 7,500	\$ -	\$ -	\$ 5,700	\$ 12,000	\$ 25,200	

Attachment #2

FORM TO BE USED BY A PRISONER APPLYING TO PROCEED IN FORMA PAUPERIS

Schedule for Question Number 4. Page 3

Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles, or any other property or assets?

Description:

<u>Property</u>	<u>Expected Sales Value</u>	<u>Approx. Loan Payoff</u>	<u>Current Condition</u>	<u>Occupancy or Status</u>	<u>Mortgage</u>	<u>Gross Mo. Rental Income</u>
Rental						
1514 Collinston	\$ 35,000	\$ 25,103	Good	Rented	Past Due 2	\$ 475
306 Harrison	\$ 40,000	\$ 38,765	Good	Rented	Foreclosure	\$ 475
5168 Crawford	\$ 35,000	\$ 36,888	Poor	Vacant	Foreclosure	\$ -
204 School	\$ 35,000	\$ 39,460	Very Bad	Vacant	Foreclosure	\$ -
901 Mauney	\$ 55,000	\$ 66,089	Poor	Vacant	Foreclosure	\$ -
910 Morris	\$ 6,250		Condemned	Vacant		\$ -
912 Morris	\$ 6,250		Condemned	Squatters		\$ -
914 Morris	\$ 12,500		Condemned	Squatters		\$ -
515 Norment	\$ 12,500		Condemned	Vacant		\$ -

Personal Residence

413 Chester \$ 175,000 \$ 174,255 Good Current

Automobile

97 Lincoln Towncar \$ 3,000 Fair

Stocks, Bonds, Securities, or other...

None

Condition Rank:

- Excellent
- Good
- Fair
- Bad
- Very Bad
- Poor
- Condemned

Certificate of Service

I, **J. Vernon Abernethy**, certify that on August 3, 2005, I served copies of the foregoing Application For Pro Bono Counsel [28 USC &&1915(e)(1)], and Application To Proceed in Forma Pauperis on Behalf of myself serving as *PRO SE* counsel by depositing copies with the United States Postal Service, postage paid and addressed to the following:

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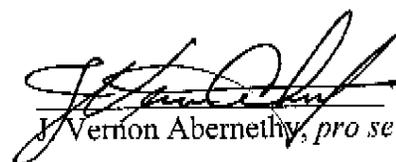
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