

IN THE SUPREME COURT OF THE UNITED STATES

CALVIN MCMILLAN,

Petitioner,

v.

STATE OF ALABAMA,

Respondent.

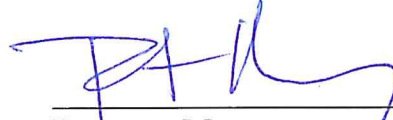
On Petition for Writ of Certiorari
to the Alabama Court of Criminal Appeals

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner Calvin McMillan, by and through undersigned counsel and pursuant to Supreme Court Rule 39, respectfully requests leave to proceed *in forma pauperis*. McMillan is filing a petition for writ of certiorari simultaneously with this Motion, seeking review of the decision of the Alabama Court of Criminal Appeals affirming the denial of his motion for judicial recusal. McMillan was found indigent and appointed counsel to represent him in the courts below pursuant to Alabama Code §§ 15-12-21 & 15-12-22. *See* Attachment A. McMillan has been incarcerated on death row at Holman Correctional Facility ever since his conviction and death sentence in 2009.

WHEREFORE, Mr. McMillan respectfully requests that this Court grant him leave to proceed *in forma pauperis*.

Respectfully submitted,



PATRICK MULVANEY
Counsel of Record

MICHAEL ADMIRAND
SOUTHERN CENTER FOR HUMAN RIGHTS
83 Poplar St. NW
Atlanta, GA 30303
Phone: (404) 688-1202
Fax: (404) 688-9440
pmulvaney@schr.org

ATTACHMENT A



ELECTRONICALLY FILED
3/10/2015 01:PM
29-CC-2008-000476.60
CIRCUIT COURT OF
ELMORE COUNTY, ALABAMA
BRIAN JUSTISS, CLERK

IN THE CIRCUIT COURT OF ELMORE COUNTY, ALABAMA

STATE OF ALABAMA

)

V.

)

) Case No.: CC-2008-000476.60

)

MCMILLAN CALVIN

)

Defendant.

)

Order Granting Renewed Motion to Proceed In Forma Pauperis

Upon consideration of Petitioner Calvin McMillan's Renewed Motion to Proceed In Forma Pauperis, the motion is hereby GRANTED. The Court finds that McMillan is indigent and permits him to proceed in forma pauperis in this case from this point forward. Filings made prior to this date and any money spent are not covered by this order.

DONE this 10th day of March, 2015.

/s/ JOHN B. BUSH

CIRCUIT JUDGE



ELECTRONICALLY FILED
3/10/2015 2:06 PM
29-CC-2008-000476.60
CIRCUIT COURT OF
ELMORE COUNTY, ALABAMA
BRIAN JUSTISS, CLERK

IN THE CIRCUIT COURT OF ELMORE COUNTY, ALABAMA

STATE OF ALABAMA

)

V.

)

Case No.: CC-2008-000476.60

)

MCMILLAN CALVIN

)

Defendant.

)

Order Granting Motion for Appointment of Counsel

Upon consideration of Petitioner Calvin McMillan's Motion for Appointment of Counsel, the motion is hereby GRANTED. Attorney Patrick Mulvaney, a member of the Alabama bar in good standing, is appointed to represent McMillan in this Rule 32 case.

This appointment shall apply to the filing, argument and representation on the Rule 32 Petition and Amended Rule 32 Petition only and any appeal from this Court's ruling(s) thereon. It does not apply to the Motion to Recuse and/or Petitions for Writ of Mandamus.

DONE this 10th day of March, 2015.

/s/ JOHN B. BUSH
CIRCUIT JUDGE

ACR371

ALABAMA JUDICIAL DATA CENTER
IN THE CIRCUIT COURT OF ELMORE COUNTY
NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS
BY THE TRIAL COURT CLERK

JUDGE: JOHN B. BUSH

APPEAL DATE: 04/16/2015 || STATE OF ALABAMA VS MCMILLAN CALVIN

INDIGENCY STATUS:

GRANTED INDIGENCY STATUS AT TRIAL COURT:	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL:	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
INDIGENT STATUS REVOKED ON APPEAL:	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
INDIGENT STATUS GRANTED ON APPEAL:	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO

DEATH PENALTY: NO

APPEAL TYPE: RULE 32 PETITION

THIS APPEAL IS FROM AN ORDER DENYING A PETITION (I.E., RULE 32 PETITION, WRIT OF HABEAS CORPUS, ETC) OR FROM ANY OTHER ISSUED BY THE TRIAL JUDGE.

CO/CASE NUMBER: 29/CC 2008 000476.60

ORDER ENTERED (DATE): 03182015 PETITION: DISMISSED DENIED GRANTED

POST-JUDGMENT MOTIONS FILED:	DT FILED	DT DENIED	CON BY AGREE
_____ MOTION FOR NEW TRIAL	_____	_____	_____
_____ MOTION FOR JUDG. OF ACOUIT	_____	_____	_____
_____ MOTION TO W/D GUILTY PLEA	_____	_____	_____
_____ MOTION FOR ATTY TO W/DRAW	_____	_____	_____
_____ OTHER	_____	_____	_____

COURT REPORTER(S):
ADDRESS:

TYLER RICK
8935 HIGHWAY 231 NORTH
WETUMPKA, AL 36692

APPELLATE COUNSEL #1:
ADDRESS:

MULVANEY PATRICK MARK
83 POPLAR ST NW

EMAIL ADDRESS:

ATLANTA, GA 30303 2122
404-688-1202
PMULVANEY@SCHR.ORG

APPELLATE COUNSEL #2:
ADDRESS:

CHAMBLEE KATHERINE
THE SOUTHERN CENTER FOR HUMAN R
ATLANTA, GA 30303 0000
404-688-1202
KCHAMBLEE@SCHR.ORG

PHONE NUMBER:
EMAIL ADDRESS:

APPELLANT (PRO SE):
ADDRESS:

MCMILLAN CALVIN
AIS# 0000Z762
36503 0000
0000Z762

AIS #:

APPELLEE (IF CITY APPEAL):
ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND I HAVE SERVED A COPY OF THIS NOTICE OF APPEAL ON ALL PARTIES TO THIS ACTION ON THIS 17 DAY OF April, 15

OPERATOR: APB
PREPARED: 04/17/2015

April R Bush
CIRCUIT COURT CLERK

CERTIFICATE OF SERVICE

I hereby certify that, in accordance with Supreme Court Rule 29, on July 19, 2018, I served a copy of the foregoing via first-class mail, postage prepaid, and via email, upon counsel for the Respondent:

James Houts
Deputy Attorney General
Office of the Attorney General
501 Washington Avenue
Montgomery, Alabama 36104



Patrick Mulvaney