

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

MICHAEL BRANDON KELLEY,

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 Michael Brandon Kelley, by and through undersigned counsel and pursuant to Supreme Court Rule 39, respectfully requests leave to proceed *in forma pauperis*. Kelley 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 his conviction and sentence for sexual torture. Kelley 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. Kelley has been incarcerated ever since his trial in 2010.

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

Respectfully submitted,

/s/ Mark Loudon-Brown

MARK LOUDON-BROWN

Counsel of Record

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ATTACHMENT A



ELECTRONICALLY FILED
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CIRCUIT COURT OF
ST. CLAIR COUNTY, ALABAMA
ANNETTE MANNING, CLERK

**IN THE CIRCUIT COURT OF ST. CLAIR COUNTY, ALABAMA
PELL CITY DIVISION**

STATE OF ALABAMA)
)
V.) Case No.: CC-2009-000073.00
)
KELLEY MICHAEL BRANDON)
Defendant.)

ORDER

It is hereby ORDERED, ADJUDGED AND DECREED that pursuant to the order of the Alabama Court of Criminal Appeals dated May 19, 2017, this case is hereby set for sentencing on defendant's sexual-torture conviction on Thursday, August 3, 2017 at 9:00 a.m. St. Clair County Courthouse, Pell City, Alabama.

It is further ORDERED that the Sheriff of St. Clair County, or his duly authorized agent shall transport the defendant from the Department of Corrections to the St. Clair County Courthouse, Pell City, Alabama and return him to the custody of DOC upon completion of this matter.

It is further ORDERED that the Honorable Patrick Mulvaney is hereby appointed to represent the defendant in this matter.

DONE this 23rd day of May, 2017.

/s/ BILLY R. WEATHINGTON JR.
CIRCUIT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that, in accordance with Supreme Court Rule 29, on November 20, 2018, I served a copy of the foregoing via first-class mail, postage prepaid, and via email, upon counsel for the Respondent:

Stephen Frisby
Assistant Attorney General
Office of the Attorney General
P.O. Box 300152
Montgomery, Alabama 36130-0152
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/s Mark Loudon-Brown
Mark Loudon-Brown