

No. ____

IN THE
SUPREME COURT OF THE UNITED STATES

NUELITO MOREL-VARGAS,
Petitioner,

v.

STATE OF CONNECTICUT,
Respondent.

On Petition for a Writ of Certiorari to the
Connecticut Supreme Court

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner, Mr. Nuelito Morel-Vargas, through undersigned counsel, moves this Court pursuant to Rule 39 for leave to file the attached Petition for a Writ of Certiorari without prepayment of costs and to proceed *in forma pauperis*. Mr. Morel-Vargas is incarcerated and unable to pay for filing his petition for a writ of certiorari. The courts below appointed counsel to represent Mr. Morel-Vargas, who is indigent, at each stage of the proceedings.

Prior to commencement of trial, a Connecticut Superior Court judge for the Judicial District of Fairfield, at Bridgeport, CT, appointed counsel to represent the petitioner at trial on the basis of indigency. See Transcript, 1/12/16 at p. 1 (attached). The appointment occurred, pursuant to Connecticut Practice Book § 37-6—

(Appointment of Public Defender). Following trial, on February 20, 2019, that same judge granted the petitioner's application for waiver of fees, costs and expenses and appointment of counsel on appeal. (Attached) Such appointment occurred, pursuant to Connecticut Practice Book § 63-7 (Waiver of Fees, Costs, and Security—Criminal Cases). A copy of each appointment is appended.

WHEREFORE, Petitioner respectfully moves this Court for leave to proceed in forma pauperis and to file the attached Petition for Writ of Certiorari without prepayment of costs.

Respectfully submitted,
Mr. Nuelito Morel-Vargas



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NO: FBT-CR15-0288090-T : SUPERIOR COURT
STATE OF CONNECTICUT : JUDICIAL DISTRICT
OF FAIRFIELD
v. : AT BRIDGEPORT, CONNECTICUT
NUELITO MOREL-VARGAS : JANUARY 12, 2016

BEFORE THE HONORABLE ROBERT DEVLIN, JR., JUDGE

A P P E A R A N C E S :

Representing the State of Connecticut:

ATTORNEY MICHAEL DEJOSEPH
Office of the State's Attorney
1061 Main Street
Bridgeport, CT 06604

Representing the Defendant:

ATTORNEY DENNIS HARRIGAN
Office of the Public Defender
1061 Main Street
Bridgeport, CT 06604

Recorded By:
Stephanie Sullivan

Transcribed By:
Jennifer Ocasio
Court Recording Monitor
1061 Main Street
Bridgeport, CT 06604

1 THE COURT: Nuelito Morel-Vargas. Come forward,
2 sir. Just stand -- come up here, Mr. Vargas.

3 ATTY. HARRIGAN: Your Honor, he needs the
4 assistance of the interpreter.

5 THE COURT: The interpreter's here. Mr. Vargas.
6 Does he qualify for the public defender?

7 ATTY. HARRIGAN: Yes, Your Honor. At this
8 point, he does. Although, he has made a \$250,000
9 bond. On a preliminary conversation, he does. I'm
10 gonna recommend appointment at this point.

11 THE COURT: Okay. Public defender's appointed.
12 Mr. Vargas, the clerk's gonna put you to plea on
13 this charge that's been filed against you. Listen to
14 the clerk and enter your plea.

15 THE CLERK: You're charged with sexual assault
16 in the first degree. How do you plea?

17 THE DEFENDANT: Not guilty.

18 THE CLERK: Would you like to be tried by court
19 or by jury?

20 THE DEFENDANT: Jury.

21 THE COURT: Okay. Not guilty plea, jury
22 election. February 4th will be your next court date,
23 sir. February the 4th. Come back to court then,
24 please.

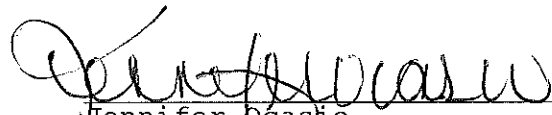
25 (WHEREUPON, this matter concluded).
26
27

NO: FBT-CR15-0288090-T : SUPERIOR COURT
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NUELITO MOREL-VARGAS : JANUARY 12, 2016

C E R T I F I C A T I O N

I hereby certify the electronic version is a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Fairfield, Bridgeport, Connecticut, before the Honorable Robert Devlin, Jr., Judge, on the 12th day of January, 2016.

Dated this 8th day of April, 2019 in Bridgeport,
Connecticut.

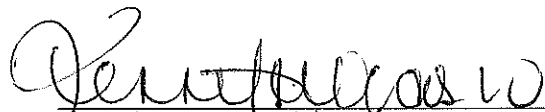

Jennifer Ocasio
Court Recording Monitor

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Court Recording Monitor

**APPLICATION FOR WAIVER OF
FEES, COSTS AND EXPENSES AND
APPOINTMENT OF COUNSEL ON APPEAL**

JD-CR-73 Rev. 10-15

C.G.S. § 52-259b; P.B. §§ 63-1, 63-5, 63-6, 63-7, 80-1

**STATE OF CONNECTICUT
SUPERIOR COURT**
www.jud.ct.gov

FOR COURT USE ONLY

☒ **Appeal From Judgment of Conviction**

Notice - Unless the court extends the time limit, this application must be completed, signed and filed with the clerk of the Superior Court named below within twenty (20) days from the Date of Judgment. (Show date below.)

Date of Judgment

11/25/2019

☐ **Appeal From Decision in Habeas Corpus Notice -**

Unless the court extends the time limit, this application must be completed, signed and filed with the clerk of the Superior Court named below within twenty (20) days from the date the notice was issued of the ruling on your request for certification to appeal. (Show date below.)

Date Notice Issued (Granting your request for certification)

Instructions ➔

To Applicant: Fill out this form and make 2 copies. File the original and 1 copy with the clerk. Keep 1 copy for your records.

Notice: You must sign this form under oath.

To Clerk: Stamp form on filing. File original as a pending matter and give one copy to the Public Defender's Office.

Judicial Authority is to assign for hearing within 20 days after filing. Forward written notice of hearing to

(1) trial counsel or applicant, if self-represented, (2) Public Defender's Office to which application was sent, and (3) Chief of Legal Services, Public Defender's Office.

Name and Address of Court

Superior Court, Bridgeport J.D., 1061 Main St., Bridgeport, CT 06604

Docket Number

Name of Case

FBT-CRIS-0288090-T

State v. Nuelito Noel Vargas

1. I cannot pay the fees, costs and expenses of an appeal (I am indigent), and I cannot afford to hire an attorney.
2. The grounds on which I propose to appeal are:

Any error which may appear upon review of the ~~entire~~ entire record.

OFFICE OF THE CLERK
SUPERIOR COURT
2019 JAN 25 P 12:11
JUDICIAL DISTRICT OF
FAIRFIELD AT BRIDGEPORT
STATE OF CONNECTICUT

(If more space is needed, attach an affidavit (a sworn statement) saying the grounds on which you propose to appeal.)

3. The facts about my financial status are:

I am incarcerated serving a sentence of eight years. I have no money or assets to hire a lawyer.

(If more space is needed, attach an affidavit (a sworn statement) saying the facts about your financial status.)

THEREFORE, I ask that the court (1) waive the payment by me of (not require that I pay) the fees specified by statute, taxable costs, and the furnishing of security for costs upon appeal, if security has been ordered under section 63-5 of the Connecticut Practice Book; (2) appoint counsel to represent me in my appeal without expense to me and permit the withdrawal of the trial attorney's appearance, if any; and (3) order that the necessary expenses of prosecuting the appeal be paid by the state, Sections 63-6 and 63-7 of the Connecticut Practice Book.

Applicant's Signature

▶ 

Subscribed and Sworn To Before Me On
(Date)

11/25/19

Signed (Notary Public/Commissioner of the Superior Court)

▶ 

(Continued...)

#423262

ORDER

The court, having found the applicant ☐ Indigent ☐ Not Indigent, hereby orders the application:

☒ **Granted** as follows:

1. The following fees are waived:

☒ Entry fee ☒ Record Fee

☐ Other (Specify): _____

2. Taxable costs are ☐ Waived ☐ Not Waived

3. Security for costs is ☐ Waived ☐ Not Waived

4. Necessary expenses of prosecuting the appeal ☒ Shall ☐ Shall not be paid by the State.

If necessary expenses are paid by the State, attorneys in private practice representing the applicant shall obtain the approval of the judicial authority who presided at the trial before incurring any expense in excess of \$100, including the expense of obtaining a transcript. The judicial authority shall authorize a transcript at State expense only of the portions or proceedings or testimony which may be pertinent to the issues on appeal.

5. ☐ All fees and costs are waived and the State shall pay all necessary expenses. See paragraph 4 for limits on necessary expenses.

6. Counsel ☒ Is ☐ Is not appointed.

Name of Counsel, If Appointed

7. Permission for the withdrawal of the trial attorney's appearance is ☐ Granted ☐ Denied.

(The judicial authority must be satisfied that trial counsel has cooperated fully with appellate counsel in the preparation of the defendant's appeal prior to granting permission.)

☐ Denied.

☐ **Denied.** The application for the payment of fees, costs and expenses of an appeal is DENIED because the applicant has repeatedly filed actions with respect to the same or similar matters, such filings establish an extended pattern of frivolous filings that have been without merit, the application sought is in connection with an action before the court that is consistent with the applicant's previous pattern of frivolous filings, and the granting of such application would constitute a flagrant misuse of Judicial Branch resources.

By the Court (Print or type name of judge)

On (Date)

Signed (Judge, Asst. Clerk)

Date Signed

JD-CR-73 (Back/page 2) Rev. 10-15

ADA NOTICE

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.