

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

BERNARD BRANDON,
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*

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Pursuant to Supreme Court Rule 39.1, Petitioner Bernard Brandon requests leave to file the attached Petition for Writ of Certiorari without prepayment of costs and to proceed *in forma pauperis*. Mr. Brandon has previously been granted leave to proceed *in forma pauperis* by the Connecticut Superior Court in State v. Brandon, FBT-CR16-0290067-T, S.C. 20371. No affidavit or declaration from Mr. Brandon is attached to this Motion because undersigned counsel has been assigned by the Connecticut Office of the Chief Public Defender, pursuant to that office's appointment by the Connecticut Superior Court, to represent Mr. Brandon in all proceedings relevant to his appeal. Copies of the appointment documents, including the Superior Court's order, are appended to this Motion.

Dated this 29th day of March, 2023.

Respectfully submitted,



Aaron J. Romano, Esq.
Appearing as Special Public Defender
for Mr. Brandon



State of Connecticut
DIVISION OF PUBLIC DEFENDER SERVICES

OFFICE OF CHIEF PUBLIC DEFENDER
LEGAL SERVICES UNIT
55 W. MAIN STREET - SUITE 430
WATERBURY, CONNECTICUT 06702

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February 11, 2020

Aaron J. Romano, Esq.
55 Woodland Avenue
Bloomfield, CT 06002

Re: *State v. Bernard A. Brandon, FBT-CR16-0290067-T, S.C. 20371*

Dear Attorney Romano:

Thank you for taking the above case as assigned counsel on appeal. This case is being assigned as an appeal per your contract for appellate cases for the 2019-2020 year. You should have received an email from Hartford regarding the assignment of this case. By accepting this assignment, you are confirming that there are no conflicts of interest of which you are aware.

By statute, transcripts in public defender cases must be handled a specific way. As required, we have provided a full set of copies of transcript to the state's attorney. In the file you will find the original transcript(s), which are to be retained by you with the file, and two sets of double-sided copies. One full set of copies is to be submitted to the court when you file your brief, and the other full set is for the client should they make that request. Please maintain the original transcripts in a clean, unaltered condition (i.e. do not write on them or use them for inclusion in the appendix to the brief). If you need to place excerpts of transcripts into your appendix please make additional photocopies.

The entire file is contained in the package of materials you are receiving. Within the file is a disc containing the entire electronic appellate file, as well as scanned versions of the transcript in searchable format.

The brief is due March 16, 2020 and any motions for articulation or rectification are due March 5, 2020. You are required to provide this office with an electronic copy of any brief(s), petitions for certification, and orders thereon.

All extraneous bills incurred on this case must be preceded by express public defender authorization. Please do not hesitate to call with any questions.

Very truly yours,

Lauren Weisfeld
Attorney at Law

LW: dj
Enc.

APPLICATION FOR WAIVER OF
FEES, COSTS AND EXPENSES AND
APPOINTMENT OF COUNSEL ON APPEAL
JD-CR-73 Rev. 1-19
C.G.S. § 52-259b; P.B. §§ 60-9, 63-1, 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

7-19-19

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 1 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

CONNECTICUT COURT OF APPEALS, Superior Court of Connecticut

Docket number

131 CR16-1410017

Name of case

STATE v. RICHARD S. STONE

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:

See Attached Motion For New Trial. I have
identified the grounds for appeal in the
motion. (See Exhibit A attached)

(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, have no income and the
total value of my personal property is less
than \$2500 (older, used car and clothing).

(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 60-9 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

► *Richard Andrew*

Subscribed and sworn to before me on
(Date)

7-19-14

Signed (Notary Public/Commissioner of the Superior Court)

► *Judge [Signature]*

ORDER

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

Granted as follows:

1. The following fees are waived:

Appellate filing fee (Supreme or Appellate Court) Cost of the transcript for filing appeal.

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, Trial Clerk)

Date signed

(A)lexander

9/25/19 (A)lexander M (irade

9/25/19

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.