

No. _____

In The

SUPREME COURT OF THE UNITED STATES

MICHAEL R.,
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**

Pursuant to Rule 39.1, Petitioner Michael R., asks leave to file the accompanying Petition for Writ of Certiorari to the Connecticut Supreme Court without prepayment of fees and costs and to proceed *in forma pauperis*. Petitioner is indigent and was represented by counsel appointed under Connecticut General Statute § 51-296, “Designation of Public Defender For Indigent Defendant . . .” The undersigned counsel represented him on appeal following appellate representation being assigned to counsel by the Office of the Connecticut Public Defender. The Office of the Connecticut Public Defender was court-appointed by the Superior Court Clerk Robert Stearns on November 6, 2020. The two page signed Order is attached as Exhibit A. The Petitioner, Michael R. remains incarcerated and he remains indigent.

I, Conrad Ost Seifert am a member of the United States Supreme Court bar. I represented the petitioner in his appeal to the Connecticut Supreme Court which affirmed the judgment of the trial court.

Dated: July 10, 2023

Respectfully submitted,



CONRAD OST SEIFERT, ESQ.

Counsel of Record

SEIFERT & HOGAN

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Juris No. 101448

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

7/22/2020

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

11th Field JD, 58 Field St, Torrington CT 06790

Docket number

LL-CR18-0155828-T

Name of case

State v. Michael P. Donahue

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:

- ① Court improperly denied motion for recusal of trial judge.
- ② Court improperly denied motion for Mistrial
- ③ Court made improper evidentiary rulings in favor of the state and/or spouse

(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 have previously been declared indigent and have been incarcerated since 2018 with no income

(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

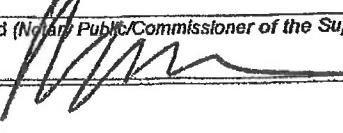
► 

Subscribed and sworn to before me on

(Date)

7/22/2020

Signed (Notary Public/Commissioner of the Superior Court)

► 

Docket number LL-CR18-015528T Name of case St. vs. Michael Romano

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

Chief Public Defender's Office

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)

Wu, J.

On (Date)

7/27/2020

Signed (Judge, Asst. Clerk)

Dolores J. Wu

Date signed

7/27/2020

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.