

No.

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IN THE  
SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM, 2026

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NELSON MITCHELL,  
Petitioner,

-v.-

COMMONWEALTH OF MASSACHUSETTS,  
Respondent.  
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**MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS**

The petitioner asks leave to file the accompanying petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Petitioner has previously been granted leave to proceed in forma pauperis in *Commonwealth v. Mitchell*, 2223CR3032 (Hampden District Court), where counsel was appointed under Mass. Gen. L. ch. 211D. *See* case docket attached as Exhibit A. Chapter 211D established the Committee for Public Counsel Services (“CPCS”) and set forth the framework for appointing counsel to persons who are unable to obtain counsel due to indigency.

After Petitioner’s conviction in No. 2223CR3032, CPCS appointed the undersigned to represent Petitioner in his appeal in No. 24-P-518 (Massachusetts Appeals Court). *See* Exhibit B. Petitioner seeks this Court’s review of the Massachusetts Appeals Court’s decision affirming his conviction.

Respectfully submitted,

*/s/Andrew Levchuk*

Andrew Levchuk  
Counsellor at Law  
26 South Prospect Street  
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(413) 461-4530  
alevchuk@agllegalnet.com  
Attorney for Petitioner

# EXHIBIT A

**2223CR003032 Commonwealth vs. Mitchell, Nelson C**

- Case Type:
- Criminal
- Case Status:
- Closed
- File Date
- 06/20/2022
- DCM Track:
- 
- Initiating Action:
- A&B c265 §13A(a)
- Status Date:
- 11/28/2023
- Case Judge:
- 
- Next Event:
- 05/20/2024

[All Information](#) | [Party](#) | [Charge](#) | [Event](#) | [Docket](#) | [Disposition](#)

**Party Information**

**Mitchell, Nelson C**  
- Defendant

Alias

**Party Attorney**

- Attorney
- Hasson, Esq., James G
- Bar Code
- 705436
- Address
- Flynn Wirkus
- 350 Granite St
- Suite 1204
- Braintree, MA 02184
- Phone Number
- (508)817-1791
- Attorney
- Malone, Esq., Kathryn
- Bar Code
- 705604
- Address
- Committee for Public Counsel Services
- 109 Main St
- Suite 201
- Northampton, MA 01060
- Phone Number
- (413)584-2701

[More Party Information](#)

**Party Charge Information**

- **Mitchell, Nelson C**
- - Defendant
- Charge # 1:
- **265/13A/B-1 - Misdemeanor - more than 100 days incarceration** A&B c265 §13A(a)
- Original Charge
- 265/13A/B-1 A&B c265 §13A(a) (Misdemeanor - more than 100 days incarceration)
- Amended Charge
- 

**Charge Disposition**

Disposition Date  
Disposition  
11/17/2023  
Nolle Prosequi

- **Mitchell, Nelson C**

- Defendant  
**Charge # 2:**  
**265/13M/B-0 - Misdemeanor - more than 100 days incarceration**      A&B ON FAMILY / HOUSEHOLD MEMBER c265 §13M(a)

- Original Charge
- 265/13M/B-0 A&B ON FAMILY / HOUSEHOLD MEMBER c265 §13M(a)  
(Misdemeanor - more than 100 days incarceration)
- Amended Charge

**Charge Disposition**

Disposition Date  
Disposition  
11/17/2023  
Nolle Prosequi

- Mitchell, Nelson C**
- Defendant  
**Charge # 3:**  
**140/131L/A-1 - Misdemeanor - more than 100 days incarceration**      FIREARM, STORE IMPROP c140 §131L(a)&(b)

- Original Charge
- 140/131L/A-1 FIREARM, STORE IMPROP c140 §131L(a)&(b) (Misdemeanor - more than 100 days incarceration)
- Amended Charge


**Charge Disposition**

Disposition Date  
Disposition  
11/20/2023  
Guilty Verdict

**Events**

Date	Session	Location	Type	Result
06/21/2022 09:00 AM	Courtroom 1		Arraignment	Held - Bail or Conditions of Release ordered
09/14/2022 09:00 AM	Courtroom 3		Pretrial Hearing	Reschedule of Hearing
11/09/2022 09:00 AM	Courtroom 3		Pretrial Hearing	Reschedule of Hearing
02/17/2023 11:00 AM	Courtroom 6 (Springfield)		Trial Readiness Session	Reassigned to Different Session
03/13/2023 09:00 AM	Courtroom 6 (Springfield)		Motion Hearing (CR)	Not Held
04/10/2023 09:00 AM	Courtroom 9	Courtroom 9	Jury Trial (CR)	Event Cancelled
06/22/2023 09:00 AM	Courtroom 3		Pretrial Hearing	Event Cancelled
07/17/2023 09:00 AM	Courtroom 3		Pretrial Hearing	Reschedule of Hearing
09/05/2023 09:00 AM	Courtroom 3		Pretrial Hearing	Held
11/17/2023 09:00 AM	Courtroom 9	Courtroom 9	Jury Trial (CR)	Reschedule of Hearing
11/20/2023 09:00 AM	Courtroom 9	Courtroom 9	Jury Trial (CR)	Held - Jury Verdict
05/20/2024 09:00 AM	Triage by Clerk/PO		Status Review of Payments	

**Docket Information**

<u>Docket Date</u>	<u>Docket Text</u>	<i>Image Avail.</i>
06/20/2022	Complaint issued upon new arrest.	
06/21/2022	Appearance filed On this date . CPCS Springfield Office added as Appointed - Indigent Defendant for Defendant Nelson C Mitchell Appearance filed for the purpose of Case in Chief by Judge Hon. Kevin Maltby.	
06/21/2022	Order of pretrial conditions of release under G.L. c. 276 § 58 filed.	
06/21/2022	Event Resulted: Arraignment scheduled on: 06/21/2022 09:00 AM Has been: Held - Bail or Conditions of Release ordered Hon. Kevin Maltby, Presiding	<a href="#">Image</a>
06/21/2022	Defendant arraigned before Court, advised of right to counsel. Judge: Maltby, Hon. Kevin	

# EXHIBIT B



**Committee for Public Counsel Services**

Private Counsel Division  
75 Federal Street, 6th Floor, Boston, MA 02110  
Tel: 617-482-6212 -  
Fax: 617-988-8493

ANTHONY J. BENEDETTI  
CHIEF COUNSEL

VANESSA VELEZ  
DEPUTY CHIEF COUNSEL

ELIZABETH DEMBITZER  
DIRECTOR OF CRIMINAL APPEALS

To: Andrew G Levchuk  
Po Box 181  
Amherst, Ma 01004

From: Dorothy Mele, Assignment Coordinator  
Date: February 21, 2024  
Subject: Commonwealth v. Nelson Mitchell,  
Springfield District Court 2223CR0003032

Dear Attorney

Your Notice of Assignment of Counsel (NAC) has been issued electronically and should appear in your ebill account. Please file your appearance in the appropriate court and provide the client with your contact information immediately. Please remember you must meet with your client at least once after you have reviewed the transcripts and that you should forward a copy of the brief to this office upon filing. Please also email the direct appeal checklist.

You should not withdraw from this case or file a motion to dismiss the appeal without first conferring with Elizabeth Dembitzer, Director of Criminal Appeals, Private Counsel Division.

If you wish to pursue a Rule 30 motion for new trial, or any other collateral attack where there is no right to counsel, you must first obtain approval from Elizabeth Dembitzer. Please email her at [edembitzer@publiccounsel.net](mailto:edembitzer@publiccounsel.net) the reasons why you believe the collateral attack is meritorious.

If you believe that your client will benefit from a G.L. c.278A motion for forensic testing, please contact the CPCS Innocence Program. They must review any filing under the statute prior to your filing it.

If your client is not a U.S. citizen and there is a possibility that your client may be deported as a result of the conviction, you must contact the CPCS Immigration Impact Unit at [iiu@publiccounsel.net](mailto:iiu@publiccounsel.net) or 617-623-0591.

Please review and adhere to all Performance Standards Governing the Representation of Clients in Criminal Appeals and Post-Conviction Matters, as set forth in the CPCS Assigned Counsel manual which can be found at: <https://www.publiccounsel.net/assigned-counsel-manual/>

If you have any questions regarding this assignment, please contact Dorothy Mele at [dmele@publiccounsel.net](mailto:dmele@publiccounsel.net)

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