

OCTOBER TERM, 2026

IN THE SUPREME COURT OF THE UNITED STATES
CASE NO. _____

MARCEL EMANUEL JOHNSON
Petitioner,
v.

COMMONWEALTH OF PENNSYLVANIA,
Respondent.

MOTION TO PROCEED IN FORMA PAUPERIS

Petitioner, Marcel Emanuel Johnson, through undersigned counsel, moves pursuant to Supreme Court Rule 39.1 for leave to proceed in forma pauperis on his concurrently filed Petition for Writ of Certiorari. Petitioner is indigent; he has sought and been appointed counsel throughout the proceedings below. Counsel was appointed to represent him at trial and for PCRA proceedings. Copies of those orders are attached. Docket entries from the Pennsylvania Supreme Court, also attached hereto, show that he was allowed to appeal in forma pauperis.

Undersigned counsel from the Federal Community Defender Office represents
Petitioner without charge.

Respectfully submitted,

/s/ Stuart B. Lev
Stuart B. Lev
Senior Litigator
Federal Community Defender Office
for the Eastern District of Pennsylvania
The Curtis, Suite 545 West
601 Walnut Street
Philadelphia, PA 19106
(215) 928-0520

Dated: August 20, 2026
Philadelphia, Pennsylvania

Pergase
P.D.
Court Admin 1/30/14

A4-4

IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY
CRIMINAL DIVISION

1413-2014

COMMONWEALTH OF PENNSYLVANIA : NO. CR-8-14 (KLINE)
OTN #T4188446

VS.

:

:

MARCEL JOHNSON

: ATTORNEY ID #51262

ORDER

AND NOW, this 30th day of January, 2014,
it is hereby ordered and directed that Wm. Craig Pergase,
Esquire, is appointed to represent **Marcel Johnson** in the above-
captioned matter.

BY THE COURT:

J.

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CRIMINAL DIVISION
BUCKS COUNTY, PA

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IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA : NO. CP-09-CR-1413-2014

v.

MARCEL JOHNSON

ORDER

AND NOW, this 24th day of January, 2018, it is hereby
ORDERED, DIRECTED and DECREED that, upon agreement of the parties, Petitioner's
request to reinstate the *pro-se* Post Conviction Relief Act Petition (PCRA) filed November 3,
2017 is **GRANTED**.

IT IS FURTHER ORDERED that, the appointment of John J. Fioravanti, Jr., Esquire
and Wm. Craig Penglase, Esquire is **VACATED** and Stuart Wilder, Esquire is appointed to
represent Petitioner for purposes of the PCRA proceedings.

IT IS FURTHER ORDERED that, PCRA Counsel shall file an Amended PCRA
Petition on or before March 26, 2018, setting forth with specificity all legal claims Petitioner
intends to pursue. The Amended PCRA Petition shall conform to all requirements set forth in
Pa.R.Crim.P. 902, 42 Pa.C.S. §9545 *et seq.* and Commonwealth v. Cousar, 154 A.3d
287 (Pa. 2017). The Commonwealth's response, if any, shall be filed within 30 days of receipt
said petition.

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BY THE COURT:


DIANE E. GIBBONS, J.

N.B. it is your responsibility
to notify all interested parties
of the above action.

Supreme Court of Pennsylvania



Capital Appeal Docket Sheet

Docket Number: 813 CAP

Page 1 of 7

July 21, 2026

CAPTION

Commonwealth of Pennsylvania, Appellee

v.

Marcel Emanuel Johnson, Appellant

CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Decided/Active

Journal Number: J-31-2025 February 26, 2025

Case Category: Capital

Case Type(s): PCRA

CONSOLIDATED CASES

RELATED CASES

Docket No / Reason	Type
711 CAP	Related
Same Defendant	
Commonwealth v. Johnson, M., Aplt.	
790 CAP	Related
Same Defendant	
Commonwealth v. Johnson, M., Aplt.	

COUNSEL INFORMATION

Attorney: McHugh, Elizabeth
Federal Community Defender Office, Eastern District of Pennsylvania

Address: Fed Community Defender Ofc
601 Walnut St
Philadelphia, PA 19106

Phone No: (267) 963-8123

Receive Mail: Yes

Representing: Johnson, Marcel Emanuel, Appellant

Pro Se: No

IFP Status: Pa.R.A.P. 551

Attorney: Kursman, Alexander Louis
Federal Community Defender Office, Eastern District of Pennsylvania

Address: Edpa Federal Public Defender
601 Walnut St Ste 540w
Philadelphia, PA 19108

Phone No: (215) 928-0520

Receive Mail: Yes

Representing: Johnson, Marcel Emanuel, Appellant

Pro Se: No

IFP Status: Pa.R.A.P. 551

Supreme Court of Pennsylvania



Capital Appeal Docket Sheet

Docket Number: 813 CAP

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July 21, 2026

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
January 16, 2024	Jurisdictional Statement Filed	Appellant	Johnson, Marcel Emanuel
January 16, 2024	Verified Statement in Support of Continuation of IFP Status	Appellant	Johnson, Marcel Emanuel
January 16, 2024	IFP Continued		Supreme Court of Pennsylvania
January 23, 2024	No Answer Letter to Capital Appeal Commonwealth of Pennsylvania	Appellee	Fegley, John Thomas
January 23, 2024	Praecipe for Appearance Commonwealth of Pennsylvania	Appellee	Tsvilik, Eugene
February 16, 2024	Probable Jurisdiction Noted		Rothermel, Steven
Comments: AND NOW, this 16th day of February, 2024, probable jurisdiction is noted.			
February 16, 2024	Order Exited		Office of the Prothonotary
April 18, 2024	Trial Court Record Received		Bucks County Criminal Division
September 25, 2024	No Answer Letter to Application for Leave to File Brief Nunc Pro Tunc	Appellee	Commonwealth of Pennsylvania
September 25, 2024	Application for Leave to File Brief Nunc Pro Tunc	Appellant	Johnson, Marcel Emanuel
September 25, 2024	Order Granting Application for Leave to File Appellant's Brief Nunc Pro Tunc		Rothermel, Steven
Comments: AND NOW, this 25th day of September, 2024, the "Unopposed Nunc Pro Tunc Motion for Extension of Time to File Appellant's Initial Brief" is GRANTED. Appellant's brief shall now be due in this Court on or before November 12, 2024.			
September 25, 2024	Order Exited		Office of the Prothonotary
November 12, 2024	Motion for Enlargement of Word Length for Appellant's Brief	Appellant	Johnson, Marcel Emanuel
November 13, 2024	No Answer Letter to Motion for Enlargement of Word Length for Appellant's Brief	Appellee	Commonwealth of Pennsylvania
December 5, 2024	Order Granting Motion for Enlargement of Word Length for Appellant's Brief		Per Curiam
Comments: AND NOW, this 5th day of December, 2024, the Motion for Enlargement of Word Length is GRANTED.			
December 5, 2024	Order Exited		Office of the Prothonotary