

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK

VERTIS ANTHONY — PETITIONER
(Your Name)

vs.

LOUIS BOYD, WARDEN et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIR.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

VERTIS JEROME ANTHONY, PRO SE
(Your Name)

BIBB CORRECTIONAL FACILITY - INMATE LEGAL MAIL
565 BIBB LANE, A3-7A
(Address)

BRENT, ALABAMA 35034
(City, State, Zip Code)

N/A
(Phone Number)

III.

QUESTION(S) PRESENTED

U.S. Constitution, 7th Amendment

(1) Is a trial by jury a necessary entitled right of the litigant in any Civil Matter before a federal Court where the legal conclusion remain unresolved when both legal and Equitable causes of actions is in dispute?

Chancery Practice, Rule 46, 65; Code 1923 § 6577, 6559, 6561

(2) Can a decree "pro confesso" be rendered against a defendant who has not been served with process?

(3) Whether if a proceeding before a judge for oral examination of witness or where a hearing is held upon deposition [s], without notice to defendant, based on erroneous decree pro confesso, violated defendants' statutory right?

(4) Failure to give notice to Appear by demurrer to avoid Amendment to bill and where ruling on demurrer deprived defendant of his right [s] arising from answer to original bill?

Ala. Code, § 15-7-4; Ala. R. Crim. P., Rule 3.2; Fed. R. Crim. P., Rule 4 (c)(1)

(5) Whether if unsigned paper in the form of a warrant for an arrest, being without the signature of any Magistrate, was not a warrant, but a mere nullity and inadmissible?

Ala. Code, 1878 § 4646, § 4645

(6) Whether if one year bar applies where no connection between the proceeding before the Magistrate and the proceeding in the Circuit Court took the prosecution out of the operation of the statute of limitation where indictment must remain in legal effect?

(7) Whether if an offense is one within the final jurisdiction of a Magistrate, the prosecution is required to be commenced within 60 days next after the commission of the offense was violated if the charging instrument was not in legal effect.

Federal Rule Civil Procedure 55(a)

(8) Whether if trial Court made erroneous judgment upon

dynamics of a pro confesso implicates default for want of prosecution?

Ala. Code, Title 13, '1975' § 13A-6-20 through § 13A-6-22 Commentary, page 318.

(9) Whether if non-fatal shootings are grounds for Assault I, and or Attempted Assault I. Which is Assault II, depending on the corporal harm involved?

Ala. Code, Title 13, '1975' § 13A-4-2, page 121

(10) Whether if Alabama law designated Attempts graded at one level below that for the substantive crime Attempted?

(11) Whether if, Legislature has manifested a clear intent to have the Legal Fiction of transferred intent, explicitly applicable in consummated homicides, applicable also to attempted Murder. Supreme Court of Ala. (2004) 890 So 2d 174; *Lockrell v State*

Ala. Code, Title 12, Vol. 11, '1975' § 12-11-9

(12) Whether if a case filed in the Circuit Court was within the exclusive jurisdiction of a district Court, is the court filed to supposed to transfer the case to the appropriate Courts jurisdiction?

(13) Whether if a case filed in the Circuit Court and should have been transferred to the District Court; after trial, can the Circuit Court Choose to retain Original jurisdiction and refuse to invoke its appellate jurisdiction to secure its holdings upon Criminal resolution at trial Court?

Ala. Code, Title 12, Vol. 11, '1975' § 12-12-31

(14) Whether if the District Court exercises jurisdiction in Matters of Controversy that does not exceed \$6,000.00 and Where the restitution of the Petitioner is set at \$5,138.00 to a total of \$5,508.00, gave the District Court Appellate jurisdiction of the case?

Ala. Code, Title 12, Vol. 11, '1975' § 12-1-4

(15) Whether if when the Circuit Court elected to remain in its

original jurisdiction instead of invoking its appellate jurisdiction, could it then transfer a case to the Courts of Criminal Appeals that ruled upon the Merits in jurisdictional controversy and then dismissed petition because controversy was without jurisdictional limits?

Ala. Code, Title 12, Vol. 11, '1975' § 12-12-2

(16) Whether if the District Court is a Court of record; preparation, Maintenance, etc..., and if its appellate jurisdiction was invoked, it was required to do its duties based upon the facts before it?

Ala. Code, Title 12, Vol. 11, '1975' § 12-12-72

(17) Whether if the District Court having jurisdiction of Matters in controversy less than \$6,000.00 upon opportunity of having its appellate jurisdiction invoked, was required to establish notice of Appeal ensuring adequate records and ensuring consent to jury trial, and must stipulate questions of law to be answered on Appeal?

Ala. Code, Title 12, Vol. 11, "1975" § 12-12-30, § 12-11-30 (1)

(18) Whether if the Circuit Court exclusive jurisdiction is exercised over all cases above \$10,000.00.

Ala. Code, Title 12, Vol. 11, "1975" § 12-12-30, A.R. Civ. P. Rule 81(c)

(19) Whether upon invoking the District Court appellate jurisdiction duties required as stipulated in § 12-12-2; Via, bill of Complaint, demurrer and also but not limited to "Decree pro confesso" per Rule 81(c) Modernize Terminology.

(20) Whether if Appeals which are not taken in the manner prescribed by statute or Supreme Court rule must be dismissed, per § 12-12-31 Exclusive Jurisdiction - Small Claims.

Ala. Code, Title 12, Vol. 11, "1975" § 12-17-184

(21) Whether if the District Attorney required imperative duty of filing Complaint in all proceedings, elected to avoid a Position of either invoking his 5th Amend. privilege in the civil

case, and risking a lost, there, or answering the question in the civil case and risking a conviction on Criminal Charges of failure to perform duties resulting to reckless endangerment because of inappropriate incarceration. See, § 12-12-2, § 12-12-31(a), and § 15-8-25.

Ala. Code, Title 12, Vol. 11 "1975"

(22) page 110. Whether if Jurisdiction is determined by the amount of recovery ordered by the lower Court. Pursuant to ITT v. Alabama, 468 So 2d 156 (Ala. 1985)

(23) page 109. Whether if the amount in controversy determined by amount asked for in Complaint; in terms of properly establishing jurisdiction for purpose of determining whether a case can be brought in Circuit Court is determined by that amount asked for in the Complaint. Pursuant to Karrh v Crawford, 468 So. 2d 175.

(24) Page 110. If Original Civil Jurisdiction - Whether if record must show jurisdiction over subject Matter in Controversy and disclosed affirmatively by the record or judgment are coram non iudice, Void pursuant to Cornelius v. Lowery, 14 Ala. App. 454, 70 So. 305

(25) page 110. Whether if the jurisdictional amount must be shown on appeal pursuant to Cash v. Smith, 10 Ala. App 417, 65 So. 193

(26) Whether if the Circuit Court in electing its original jurisdiction during the Appellate proceedings would implicate the Court's judgment being bias. whereupon all judgments conducted during civil proceedings lacked the corrective process of the District Court. § 12-12-2, § 12-12-72, § 12-12-30 (Rule 81(e)), § 12-12-31

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[✓] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

1. Anthony, Vertis — Appellant, Pro Se
2. Boyd, Louis — Warden, Draper Correctional Facility, Appellees
3. Brasher, Andrew — Solicitor General for the State of Alabama, counsel for Appellees
4. Capel, Honorable Wallace, Jr. — Chief U.S. Magistrate Judge for the Middle District of Alabama
5. Carnes, Julie — Circuit Judge 11th Circuit U.S. Court of Appeals
6. Dun, Jeff — Commissioner, Alabama Department of Corrections
7. Marshall, Steve — Alabama Attorney General, Counsel for Appellees
8. Newsom, Circuit Judge 11th Circuit U.S. Court of Appeals
9. Reeves, Ben C., Jr. — District Attorney for Bullock County, Alabama
10. Saxon, Yvonne Att. — Ala. Asst. Attorney General, Counsel for Appellees
11. Singleton, Spence — Anthony's Trial Appointed Attorney
12. Swithart, Hon. Burt — Cir. Court Judge 3rd Judicial Cir. Bullock Co. Ala.
13. Thompson, Hon. Myron H. — U.S. District Court Judge for Mid. Dist. of Ala.

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix B¹ C to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

1.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was FEBRUARY 21, 2018.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: April 27, 2018, and a copy of the order denying rehearing appears at Appendix A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Whether if the Circuit Court exceeded its jurisdiction either as to Matter, Sum, person, etc. pursuant to Ala. Code § 15-21-24

Whether if the 4th, 5th, 6th, 8th and 14th Amendments were violated

Constructive Amendment where indictment alleged Attempt to Commit Murders whereupon, the trial court particularly gave evidence on Attempted Murder as essential element to completed act of Murder.

4th Amendment U.S.C.A. requiring upon initials processing to have complaint/warrant Signed by Magistrate Ala. Code §§ 15-7-4 § 4645

5th Amendment violated when upon Indictment or presentment to answer allegations Ala. Code § 4646 took indictment out of prosecution due to unsigned Complaint/warrant triggered 60 day Statute of limitation which unchanged trigger One Year limitation on the indictment remaining in legal effect.

6th Failure to give proper notice was prerequisite to proper Complaint/warrant Signed by recognized officer Made returnable before a Court.

- Failure to give Notice to amount in controversy as prerequisite to jurisdiction limits are both grounds for frivolous default upon the State denied the plaintiff right to appeal

8th excessive punishment by way of Statute construed to offer a Class 'A' and also construed to offer a Class 'B' offense but the plaintiff received the 'A' Classification

14th Amend violated where the trial court proceeding whether by § 12-1-4, § 12-11-9, § 12-12-31 etc. Violated and abridged the rights of the accused pursuant to Amend. #328, § 6.04(b)

STATEMENT OF THE CASE

The virtue of Process from Trial Court was not legally consti-
tuted pursuant to Ala. Code '1975' § 15-21-24 (1)(3), giving rise to
§ 2254 (b) (1) (B), (i), (ii) and § 2254 (d) (1)(2). First point, Ala. Code '1975'
§ 12-12-30 and § 12-12-31 annex exclusive jurisdiction to the Dis-
trict Court. Wherefore, the District Court jurisdiction was omitted
which brought forth Misapprehension Subdued by Ala. Code '1975' §
12-1-4 and § 12-1-9 improperly and or failure to transfer cause
before the proper Statutory Venue. Accordingly, Ala. Code '1975'
§ 15-21-24 (1)(3) appears to require conflict resolution, in that,
where "The jurisdiction of such Court has been exceeded, either
as to Matter, place, sum or person;" "The process is void in
consequence of some defect in Matter of Substance required by
law;

Secondly, when the primary initiation of the proceeding was
invoked Constitutionally in regards to the 4th and 5th Amendments of
the United States Constitution. However, the requirements of
the 4th Amend. was vanquished when the Magistrate did not
signed the Complaint/warrant. Accordingly, the second (2nd) ele-
ment of the 4th Amendment conflicts with Ala. Code § 24-2-1 which
require upon commencement amongst Conveying Jurisdiction. There-
fore, Ala. Code '1975' § 15-7-4 (Complaint/warrant must be signed by
Magistrate), Ala. R. Crim. Procedures Rule 3.2 (Complaint/warrant
must be signed by Magistrate), Fed. R. Crim. P. Rule 4(c)(1). This
Contract (Indictment) must remain in legal effect 60 days of
commencement of proceeding. When not signed by Magistrate;
in this particular styled cause, the complaint/warrant took the
indictment out of the prosecution per Ala. Code § 24-2-1. Here,
the indictment must remain in legal effects one yr. The indict-
ment in other words, must be the continuance in legal effects,
of what was commenced or originated before the justice. One
legal proceeding can in no sense be said to be the continuance-
ment of another, when the two are so far separate and dis-
tinct as to be entirely without Continuity or Connection."
Nevertheless, the run time per indictment began upon complaint/

warrant which was procedural default annex to unsigned Complaint/Warrant. Ala. Code 1975 § 15-7-4, A.R. Crim. P Rule 3.2, Fed. R. Crim. P Rule 4(c)(1), and U.S. Constitution 4th Amend.

In doing, such process instituted was improper and conflicting with the 5th Amend requiring an accused to answer for infamous crime unless by indictment or presentment; ensuring that life, liberty, nor property may be taken without due process of law; that private property may not be taken for public use, without payment of just compensation. Thus, implicating explicitly at this point, the 6th Amend. "to be informed of the charges against him. Pursuant to *Pirt, Inc. v. Mobile County Com'n* (11th Cir.) 739 F.2d 1562 (1984), "proper notice is prerequisite to valid agency action citing *North Alabama, Inc. v. United States* 585 F.2d 783, 790 "Due process requires "notice reasonably calculated under all circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." Hence, failure to give notice of Complaint/Warrant upon conferring Jurisdiction. Therefore giving rise to 14th Amend. U.S.C.A. Sec. 1, "no State shall make or enforce any law which shall abridge the privileges or immunity of citizens of the U.S., nor shall any State deny any person of life, liberty, without due process of Law, nor deny to any person within its jurisdiction the equal protection of The Laws.

REASONS FOR GRANTING THE PETITION

This Matter came before this Honorable Court requesting an order to compel all courts before this one, and or the state agency holding prisoner, to adhere to cause of redress invoked as set forth in Ala. Code '1975' § 12-11-30(4) Superintendence over all Courts. Accordingly, Ala. Code '1975' § 12-12-31 implicate jurisdictional defect, which requires this cause to be dismissed in favor of the Plaintiff and the Plaintiff released from custody, Crawford v. Kindred, 418 So. 2d 908, 1982 Ala. App. LEXIS 1261.

In that, the Middle District for Montgomery noticed that the appeal was not taken in "Good Faith"; in that, the trial court, when establishing jurisdiction upon Appeal within the record of notice of appeal, must show Jurisdiction. Dirt, Inc. v. Mobile (11th Cir), 739 F. 2d 1562 citing North Alabama Express, Inc. v. United States, 585 F. 2d 783, 790 (5th Cir), (7) Proper Notice is a jurisdictional prerequisite to valid agency action, (8) Due process requires notice reasonably calculated, under all circumstances, to apprise parties of pendency of action and afford them an opportunity to present their Objections. U.S.C. A. Consti. Amend. 5, 14.

Ala. Code '1975' § 12-11-30, IF ORIGINAL CIVIL JURISDICTION, P. 110 MUST SHOW JURISDICTION. — Unless the jurisdiction of the Trial Court over subject Matter in Controversy is affirmatively disclosed by the RECORD, the proceeding of the court are Coram Non Judice and the judgment thereof Void. Cornelius v. Laveny, 14 Ala. App. 454, 70 So. 305

AND MUST SHOW JURISDICTION AMOUNT ON APPEAL. — If the record does not show whether the Circuit Court is exercising original or appellate Jurisdiction, but the amount in Controversy is within the court's Original Jurisdiction, on appeal to the higher Court the case will be treated on its Merits. Cash v. Smith, 10 Ala. App. 417, 65 So. 193

In all due respect the initial trial proceeding and the appeal submitted by the trial Court was taken in frivolous fashion giving rise to it not having substantive Merits that could be possibly disputed, when the controlling interest regarding the Primal affect of the Merits was unknown and not mentioned, is a jurisdictional prerequisite *Dirt v. Con'n*. In doing, the prosecution court or the Bullock County Alabama Circuit Court upon submitting frivolous appeal which before a higher Court of Criminal Appeals could not determine if the trial Court was exercising its Original or appellate Jurisdiction. Thus, the courts was inclined to think the trial Court was filing an original Complaint without first having a jury trial, because the amount in controversy was not set out in the Complaint. Thus, without essential controlling element set out as required took the prosecution out the operation of the conviction by procedural default, rendering prior judgment void. Pursuant to *Cornelius v. Lowery*, *Cash v. Smith* and also *Dirt v. Con'n* citing *North Alabama Express, Inc v. United States*.

In doing, this style of Misapprehension implicates Chancery Practice, Rule 46, 65, Code 1923 § 6577, 6559, 6561. Moreover, the proceeding in the Circuit Court took the prosecution out of the operation of the Statute of limitation where the indictment must remain in legal effect from one proceeding to the other. Ala Code § 4646. (Complaint warrant not signed by Magistrate) Further, the offense is one with the final jurisdiction of a Magistrate, the prosecution is required to be commenced within 60 days next after the Commission of the offense... Ala. Code § 4645.

In this particular styled cause, the improper filing (which take judicial notice as the 1st prong to due process giving proper notice with the 2nd prong being right to a hearing) of initial Complaint warrant not signed and upon timely submitted appeal (which take judicial notice as complaint with improper endorsements) caused prior rulings and pre-trial rulings to be barred and default judgment entered automatically because

the trial court improperly invoked jurisdiction when not making the record show Amount in controversy, thus, giving rise to violation Ala. Code '1975' § 12-1-9, § 12-1-4 establishing decree Pro Confesso

Further, this cause amounts to violation of the 5th Amendment protection from governments in having an accused to answer to infamous crimes unless by indictment or presentment which must be upon proper impleantation as set-out by the Constitution was not reached when the 4th Amendment was secured with unsigned complaint/warrant, Ala. Consti. '1975' § 15-7-4, A.R. Crim.P. Rule 3.2., See Also F.R. Crim.P. Rule 4(c)(1)

Wherefore 'Jurisdiction is a court power to decide a case or issue a decree. Subject Matter Jurisdiction Concerns a court's power to decided certain types of cases. That power is derived from the Alabama Constitution and the Alabama Code' Ex Parte Seymour:: 946 So. 2d 536, Supreme Court of Alabama

"Under the Ala. Consti., a circuit court shall exercise general jurisdiction in all cases except as maybe otherwise provided by law. Ala. Consti. Amend. 328, § 6.04 (b)

See Also:

Ex Parte Helbling:: 278 Ala. 234, 177 So 2d 454

Citing Ala. Supreme Court:: 214 Ala. 35, National Bank v. Barnett
(3) Equity - Decree Pro Confesso held erroneous, where New Party (respondents) brought in by amendment had not been served with process and had not made any appearance

Reversed & Remanded

Alabama Supreme Court:: 21 Ala. 585:: Hunter v. Robbins

Decree reversed and cause remanded

(1) A decree pro confesso can not be rendered against a defendant who has not been served with process

Alabama Supreme Court:: 219 Ala. 181, 121 So 548:: Reversed & Remanded
(2) Equity - proceeding before register for oral examination of witness

without notice to defendant, based on erroneous decree pro confesso, violated defendants statutory right. (chancery practice, Rules 46, 65; Ala. Code 1923 §6511

To this end, the Alabama indigent defense system §15-12-1 is comprised from a deficient authority; Provided that, the system which is distributed through (§15-12-20) out all courts of the State created under authority of the Ala. Consti. 1901. According to Ex Parte Attorney General Troy King et al, Supreme Court of Alabama, 50 So 3d 1056, 2010 Ala Lexis 72, 1090295 "1901 Constitution was declared Void." Whereupon May 21, 1901 - Sept. 3, 1901, John B. Knox president established through voters fraud which sought to achieve disenfranchising African-American Citizens by the use of Poll taxes, residency, literacy, and property-owning requirements. In fact, the denial of COA reflect the same manner prejudice the 1901 was conceived. Furthermore, whether if the interpleading conduct was vindictive and to prevent the Plaintiff Vertis Anthony #282673 from succeeding is for this court to determine. For a fact, the very same court house where the Plaintiff was convicted, at 12 noon on Thursday in the past, the town was closed down to save slaves. To this day, that tradition is still being traditionally carried out with all businesses closing at noon, every Thursday to observe the Local Ordinance.

Whether if this court choose to release the prisoner upon Legislation Passed down through congress or detailed legislation provided by the U.S. Supreme Court which is the Law of the Land. Therefore, it is no secret that Provisions of the Bible is also the Law of the Land proscribed as Detailed Legislation can be found in the [ESV] English Standard Version Bible Book of Exodus, Chapter 21: 1-3

Footnote Translated

Section 21: 1

Section 21: 1 through 23: 19, Detailed Legislation

Accordingly, this matter has exceeded all exceptions to warrant delay.

Henceforth, the above mentioned material facts establishes that this matter requires pursuant to Article 7. Judgment Arrest, Indictment QUASHED Pursuant to Ala. Code '1975' §15-8-130. Permission of court required to quashed, dismissed, discontinued or abandoned without the permission of the court, and such permission must be entered of record.

Accordingly, Ala. Code '1975' §15-21-24 Grounds for discharge of person in custody under process legally issued,

If it appears that the party is, in custody by virtue of process from any court legally constituted or issued by any officer in the course of jurisdiction proceeding before him authorized by law, he can only be discharged under a Writ of habeas Corpus where:

- (1) The jurisdiction of such court has been exceeded, either as to matter, place, sum or person;
- (3) The process is void in consequence of some defect in matter or substance required by law;

CONCLUSION

This court must dismiss and release the plaintiff, Vert's Anthony # 282673. As set out in § 2254 (b)(1), (B, i, ii), (i) there is an absence of available State Corrective process; or (ii) Circumstances exist that render such process ineffective to protect the rights of the applicant. In that, the Bullock County Circuit Court violated Ala. Code '1975' § 12-11-9 Case of exclusive jurisdiction filed in erroneous court. Accordingly, when the Circuit Court exercised its original jurisdiction upon a appellate proceeding denied the plaintiff right to Appeal. According to Hutchins v. State, 22 Ala. App. 645, 119 So. 250; Ala. Code 1975 Article I. Section 6, page 123 "Where there was no statute conferring jurisdiction on the Circuit Court...". Further, "... When a circuit court undertook to exercise jurisdiction on such process, its judgment was coram judice Void" Hutchins v. State upon Judicial Notice of no statute conferring jurisdiction. Moreover, pursuant to Dirt v. Mobile (11th Cir), 739 F. 2d 1562 citing North v. United States, 585 F. 2d 283, 790 (5th Cir.) objective (D), Proper notice is a jurisdictional prerequisite to valid agency action, (8) Due Process requires notice reasonably calculated, under all circumstances, to apprise parties of pendency of action and afford them an opportunity to present their Objections. Thus implicating the two prongs of Due Process, (1) Proper notice and (2), a hearing.

Pursuant to Ala. Code 1975 § 12-12-30 Original Civil jurisdiction of the District Court of Alabama concurrent with the Circuit court except as otherwise provided, and shall include all civil actions in which the Matter in Controversy does not exceed \$10,000.00, exclusive of interest and cost, and civil action based on unlawful detainer...

Ala. Code § 12-12-31, Exclusive Jurisdiction - Small Claims (a) The district court shall exercise exclusive jurisdiction over all civil actions in which Matter in Controversy, exclusive of interest and Cost, does not exceed \$6,000.00

Dismissal

Appeals which are not taken in the Manner prescribed by Statute or

Supreme Court rule (Amend. #328, § 6.04(b)) must be dismissed.
Crawford v. Kindred, 418 So 2d 908, 1982 Ala. Civ. App. Lexis 1261

Ala. Code '1975' § 12-11-30(1), page 107, Circuit Court exclusive Jurisdiction Matter in Controversy exceeds \$10,000. ~~22~~

Characterization of offense in warrant in determining Jurisdiction -
The Circuit Court incorrectly concluded that the "lodging of the felony
Warrant irreversibly and disputably established the nature of defen-
dant conduct for purpose of determining jurisdiction. Ex Parte
City of Tuscaloosa, 636 So 2d 692 (Ala. 1993)

Per Ala. Code '1975' § 12-1-4 Failure to transfer Matter before appro-
priate Court.

Ex Parte Owens, 533 So 2d 617, 1988 Ala
"Complaint filed in the Circuit Court Claiming less than the juris-
dictional Minimum for action in that court could not be amended
Under ARCP 15 to increase the Amount Sought for § 12-1-9, would
operate Auto-Matically and Mandatorily to effect a transfer of
the cause to the district Court.

Violation of Due Process, Procedural Due Process or in Other words,
Violation of Chronological Sequential Order. The indictment which is re-
quested to be dismissed upon appeal having the trial records as proof, did
not descend to particulars, Russell v. U.S. 11369 US 768; See Also, U.S. v.
Simon, 96 US 360, 241 L ed 819, 820. Indictment failed to allege Con-
nective reasoning on Subject Matter, inquiry. In that, the indictment
alleged a series of events when alleging an essential element of a
Crime as the Charging instrument. Pursuant to Ala. Code '1975'
§ 15-8-25. Style of language supported by § 15-8-150 requiring the
name of the Victim when dealing with, Assault, Andrews v. State, 334
So 2d 533. Essentially, an indictment which fail to name a Victim
name is the same as to allege assault without giving the grade
of the offense denoted is a failure to give proper notice is
Violation of the 6th Amend., to be informed of the Charges against
and the 5th not requiring to answer infamous crime without indictment

Therefore, whether this court choose to consider the initial proceeding, or consider the latter defects, or both. This cause require prompt resolution. Seeking redress from the manner in which the lower courts conducted its proceedings that rendered its judgment Void in accordance to statute § 2254 (c) (1, 2) granting claims that was adjudicated on the merits in state proceedings.

- (1) resulted in a decision that was contrary to, or involved an unreasonable application of clearly established federal law as determined by the Supreme Court of The United States; or § 2254
- (2) resulted in a decision that was based on an unreasonable determination of the facts in light of evidence presented in the state court proceeding.

Criminal Law 13.1 (1), 12 Ala. 2D - 172

In acting a criminal statute, the State must so frame statute that those who are to administer it and those to whom it is to be administered may know what standard of conduct is intended to be required, and legislation may run afoul of due process clause because of failure to set-up sufficient guidance to those who would be law abiding, or to advise defendant of nature and cause of accusation he is called upon to answer, or to guide courts in the law's enforced.

In front of legislature, must appear from face of Criminal Statute and a person is not required to speculate as to meaning of statute at peril of his freedom. Bolin v. State, 96 So 2d 582, 266 Ala. 256 opinion
Continued to 96 So 2d 592, 39 Ala. App. 161

Supreme Court of Alabama (2000) 890 So 2d 1741; Cockrell @ 890 So. 2d 184. - Can Not Conclude that the legislature fostered a clear intent to have the legal fiction of two explicitly applicable in consummated homicide, applicable Murder.

Actual Innocence

McQuiggen v Perkins, 670 F. 3d 668, Vac of Justice exception where the 6th Cir. that it eliminated timing as a factor relevant the reliability of the affidavits, upon a p.

cence.

Whether if the testimony made by the Expert Forensic Tech. informing the court that the great weight of the State evidence did not support the State's theory that Vertis Anthony was the Shooter. Court transcripts indicates:

- 1.) Exhibit 1A, the weapon found on the scene matched spent rounds, CR 126 Line 22 - CR 129
- 2.) The weapon taken from the accused Exhibit 2A, did not match the rounds fired at the victim. CR 98-CR 100
- 3.) Concluded before open court that Vertis Anthony # 28 2673, the Plaintiff was not the shooter. CR 131

This process during trial court was based upon a Reasonable Doubt standard. The Post-Conviction Relief process is based upon a Preponderance standard typically situated through due diligence. This matter can be addressed several ways in regards to the manner in which it was transcended, whether to deny the Plaintiff a fair trial or a fair appeal all prejudice the Plaintiff by admittance of delay.

The Plaintiff is not requesting this court to further admit delay but to administer Justice in fashion style in accordance to its Constitutional obligation so calls upon it. First Blysh, this cause admitted delay from introduction of the indictment. Moreover, when found guilty, Alabama Law recognizes non-fatal assaults are grounds for the relative degrees of assault. Ala Code '1975' Title 13, page 318. See Also, Greer v. State, 475 So 2d 885. Further, the Plaintiff did not receive that adequate due process entitled to him upon appellate subject matter jurisdiction implemented by establishing the appropriate amount in controversy on record dictates 812-119, Ex Parte Owens.

Thus, the Circuit Court acted upon jurisdiction of the District Court original or and appellate jurisdiction. Pursuant to 812-12-2, the District Court is a court of record, preparation, Maintenance, etc. 812-12-72(1) required to provide adequate record, stipulate facts is available, and the right to a jury trial.

- (2) Stipulate questions of law involved to be answered on appeal.

§ 12-12-30(2) Rule 81 (c);

induce Modernization terminology
The indictment in terms of the Complaint being reissued to begin the appellate procedure if properly transferred § 12-11-9 before the district court compelling its administrative duty implicate reproof and correction, Ala. Code 1975 § 12-12-2. Therefore as laid, the indictment failed to allege a charge which the conviction could be based. In that, the contract (const. of the Ala., Art. I, Sec. 10, cl (1)) or indictment can not be voided if it never was because the corporal Mental State as to choose subject Matter was deficient. Moreover, the trial Court Constructively Amended the indictment where the Grand Jury returned indictment "Attempt To Commit Murder" which carries a Max. Punishment of a Class 'B' conviction. However, the State offered evidence on "Attempted Murder" Only was not in accordance with the Sufficient guideline set-out through legislature intent but something that should have been redressed by the Court per Ala. Code 1975 § 12-17-184 D.A. Ben Reeves. The statute as construed placed the Sentence range out-side that for a Class 'C' conviction.

Ironically odd, the indictment induced explicit applicable homicide intent applicable also to "Attempt to Commit Murder." Cockrell v. State: 890 So 2d 174, Alabama Supreme Court (2004). However, the the State was permitted to offer evidence on "Attempted Murder" as laid is a Class 'A' conviction and can not be permitted because, in this manner was failure to give notice is a due process requirement of the 6th Amend. U.S.C.A. By definition, the word "to" refers to "In a direction toward." However, the court construed the indictment to imply opinion of the resultant conditions, but failed to specify a specific State. The legislature intent is derived from the whole statute per Clerk v. Bunnell, 172 Colo. 32, 47 P. 2d 42, 44. Thus, the Murder Statute being interpreted as past tense in this cause and as laid, "ATTEMPTED MURDER" implicate consummated homicide with implied Malice. Wherefore the Ala. Penal code; via, Legislature, recognized the concernment and upon the Attempt Statute Ala. Code 1975 § 13A-4-2 Statutory Sentencing/Classification for "Attempted Murder" is a Class "A". (page 118 Ala. Code) however, Attempt to Commit Murder which is the incompleteness of a substantive crime attempt is graded one

level below that for the substantive crime attempted (Ala. Code '1975' para (D), page 121), and in this particular styled cause is grounds for offense classification no higher than a Class B conviction.

As a Uniform Servicemen, Ala. Const., Art. I, Section 10, Clause 3 insist the State of Alabama required a bill of injunction to exercise its jurisdiction per *Hutchins v. State*, 22 Ala. 645, Alabama Supreme Court, 119 So 250. Additionally, the State of Alabama failed to comply with previously order of the Federal Court according to Ala. Code (1975) § 14-15-10(a)(2) Overcrowdedness, cruel and unusual punishment. Whereupon the premises of Ala. Code '1975' § 14-15-10 (d) and 18 U.S.C.A. § 3626 (a)(3)(c) require a release Order. Upon this instant styled Cause, [55v] English Standard Version Book of Exodus, Chapter 21:1-3, Footnote Translated Section 21:1, Section 21:1 through 23:19 Detailed Legislation.

To this end, "Jurisdiction is a court power to decide a case or issue a decree. Subject Matter Jurisdiction concerns a court's power to decided Certain types of cases. That power is derived from the Alabama Constitution and the Alabama Code. Ex Parte Seymour: 986 So 2d 536, Supreme Court of Alabama.

Ex Parte Attorney General Troy King et al: 50 So 3d 1056 (2010) Alabama Supreme Court of Alabama

The "1901" constitution was declared void because it was establish through voters fraud which sought to achieve disenfranchising African-American citizens by the use of Poll taxes, residency, literacy, and property-owning requirements.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Veris Anthony 282613
Plaintiff, Pro Se

Date: 10-12-2018