

No. 18-7293

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Supreme Court, U.S.
FILED

DEC 04 2018

OFFICE OF THE CLERK

Neil Walker, pro-se — PETITIONER
(Your Name)

vs.

STATE OF ALABAMA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

COURT OF CRIMINAL APPEALS

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Neil Walker pro-h 095197
(Your Name)

EASTERLING CORRECTION FAC 200 WALLACE DRIVE
(Address)

ELDORADO 36017
(City, State, Zip Code)

'NONE'
(Phone Number)

QUESTION(S) PRESENTED

1. WHERE THERE ONLY BEEN ONE PRONOUNCEMENT IN COURT, WHAT SENTENCE IS THE LEGAL SENTENCE, NATURAL LIFE, OR MANDATORY LIFE, OR STRAIGHT LIFE?
2. DID THE COURT HAVE JURISDICTION TO PRONOUNCE THE JUDGMENT AND SENTENCE UNDER § 15-18-23, ALA. CODE 1975, AND § 13A-6-1(a), WHERE THERE IS A CONFLICT BETWEEN THE TWO STATUTES?
3. WHERE THE SUICIDE OCCURRED IN THE STATE OF FLORIDA, JACKSON COUNTY, AND THE BURNING OF THE BODY OCCURRED IN THE STATE OF ALABAMA, WHERE DOES TRIAL COURT JURISDICTION LIE?

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:

FORMER DISTRICT ATTORNEY

Douglas A. Nease

301 Pinhook St DR.

Dothan, AL 36303-1511

WILLIAM RICHARD MORIN

ACT; b8-a6/o4/1994

210 STONECG CITE DR.

Georgetown, TX, Texas 78628

SAMUEL LLEWELLYN ADDRESS TO BE ADDED

TABLE OF CONTENTS

OPINIONS BELOW OPINION BELOW HAVE NOT BEEN PUBLISHED. 1

JURISDICTION JUDGMENT WAS FINAL ON OCTOBER 12/2018.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED DUE PROCESS.

STATEMENT OF THE CASE PETITIONER WAS CHARGED WITH STOLEN MURDER.

REASONS FOR GRANTING THE WRIT PETITIONER IS ACTUALLY INNOCENT OF MURDER.

CONCLUSION DECISIONS OF THE LOWER COURT WAS CLEARLY MISHANDLED JUSTICE.

INDEX TO APPENDICES

APPENDIX A DESCRIPTION OF APPENDIX A IS COURT OF CRIMINAL APPEALS MEMORANDUM DATE AUG 3, 2016.

APPENDIX B

APPENDIX C A DESCRIPTION OF "APPENDIX C" IS CERTIFICATE OF JUDGMENT OF SUPREME COURT OF ALABAMA DATED OCTOBER 12/2018.

APPENDIX D A DESCRIPTION OF "APPENDIX D" IS REHEARING COURT OF CRIMINAL APPEALS

APPENDIX E A DESCRIPTION OF "APPENDIX E" IS CERTIFICATE OF JUDGMENT OF COURT OF CRIMINAL APPEALS.

APPENDIX F A DESCRIPTION OF "APPENDIX F" IS TRIAL COURT SENTENCED THE DEFENDANT WALKER TO NATURAL LIFE.

APPENDIX G A DESCRIPTION OF "APPENDIX G" IS WHERE THE SENTENCE WAS MODIFIED FROM NATURAL LIFE TO "MANDATORY LIFE" THE SENTENCE NOW IS "STRAIGHT LIFE".

APPENDIX H A DESCRIPTION OF "APPENDIX H" IS THE INDICTMENT IN THIS CASE, THE INDICTMENT IN THIS CASE IS A TWO MAN GRAND JURY IN INDICTMENT POSSIBLE THREE MEN INDICTMENT THAT WAS NOT RETURNED BY THE GRAND JURY.

TABLE OF AUTHORITIES CITED

| CASES | PAGE NUMBER |
|---------------------------|-------------|
| ANTAINE V. BYERS & | |
| COLE V. ARKANSAS. | |
| CAMPBELL V. GREENE. | |
| CHESSMAN V. TEEPS. | |
| ELANIC V. UNITED STATES. | |
| FOSTER V. CHATMAN. | |
| FOSTER V. UNITED STATES. | |
| GRIFFIN V. UNITED STATES. | |
| IZUNISEMISU V. U.S. | |
| IN CARRY V. CAIN. | |
| MOONEY V. HOOLAN. | |
| MIDLAND V. HOSPITAL. | |
| NEBRASKA V. COLORADO. | |
| SMITH V. O'GRADY | |
| UNITED STATES V. GAUDIN. | |
| UNITED STATES V. GAUDIN | |
| YATES V. UNITED STATES. | |

STATUTES AND RULES

- 3 805 STATE COURT DECISIONS AS INVOLVING QUESTIONS
- 3 1257
- 3 28 U.S.C. 1251(a)
- 3 1254(1)
- RULE 14.1(i)

OTHER

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 _____ 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 _____ 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 C 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 OF CRIMINAL APPEALS court 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.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

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: _____, 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. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was 10/12/2018. A copy of that decision appears at Appendix C.

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

CONSTITUTIONAL § 525 SECURING LIBERTY OF CITIZEN:

CONSTITUTIONAL LAW § 840-DUE PROCESS CONVICTION UPON
PREJUDICE TESTIMONY:

CONSTITUTIONAL LAW § 850-DUE PROCESS APPEALS CONVICTION
UNDER ONE SECTION OF LAW, AFFIRMANCE UNDER ANOTHER:

STATEMENT OF THE CASE

THE VICTIM IN CASE COMMITTED SUICIDE IN THE STATE OF FLORIDA JACKSON COUNTY, ON 9/14 P.M. OR 9/15 AM 1993, ON 9/15 AM IT WAS DISCOVERED THE VICTIM WAS DEAD AND DEFENDANT WALKER PLACED AND WOULD NOT DISCLOSED WHAT HAD HAPPENED TO HER.

DEFENDANT WALKER WAS CHARGED WITH FIRST DEGRE MURDER INTENTIONALLY, A TWO MAN GRAND JURY POSSIBLE THREE MEN INDICTMENT, THE CAUSE OF DEATH COULD NOT BE DETERMINED BY STATE MEDICAL DOCTORS NOR BY (DNA) EVIDENCE;

AT ARRANGEMENT HON. DENNY L. HOLLOWAY BOULD DEFENDANT OVER TO THE GRAND JURY A STANT ESSENTIAL ELEMENT OF CRIME CHARGED.

ON NOVEMBER 13, 1994 TRIAL BY TWELVE JURY IN PART, DURING THE FIVE (5) DAYS OF TRIAL, ONE OF THE "JURY BECAME ILL" REGEIA BROWN (REDACTED) (669) TRIAL CONTINUE WITH ELEVEN JURY, REGEIA BROWN CAME BACK THE NEXT DAY AND RENDERED A GUILTY VERDICT AS CHARGED IN THE INDICTMENT;

SAME DAY NOVEMBER 18, 1994 THE PRESIDING JUDGE WAS HON. MICHAEL CRESPI SENTENCED DEFENDANT TO "NATURAL LIFE" UNDER "315-18-23" AL CODE 1975. THAT STATUTE WAS NO LONGER IN EFFECT AT THE TIME OF SENTENCE. (APPENDIX E)

THE NATURAL LIFE WAS MODIFIED TO "MANDATORY LIFE" (APPENDIX G) AND DURING THE APPEAL PROCESS THE STATE ARGUED THAT THE SENTENCE WAS "MANDATORY LIFE" AND WHEN COURT OF CRIMINAL APPEALS RELEASED THEIR MEMORANDUM, THE COURT SAID THAT THE SENTENCE WAS A LIFE (APPENDIX G)

OPPOSITE TRIAL COURT APPOINTED STEVEN McGOWAN TO RESENTED THE FIRST RULE 32 PETITION IN WHICH HE SAID HE WOULD APPEALS TRIAL COURT DECISION, THAT ~~JUDGE~~ JUDGE SAID HE WAS GOING TO LET COURT OF CRIMINAL APPEALS TO TO LOOK AT IT

FOUR (4) YEARS OF EVIDENTIARY HEARING, ON OR ABOUT JANUARY 18, 2000 WALKER SECOND RULE 32 PETITION DUES TIME BAR, AND NO RELIEF COULD NOT BE HAD DUE TO THE PROCEDURAL BAR:

(IV)

REASONS FOR GRANTING THE PETITION

THE PETITIONER NEIL WALKER IS ACTUALLY INNOCENT OF MURDER AND ONLY GUILTY OF BURNING THE VICTIM BODY IN THE STATE OF ALABAMA ON 9/17/1993. THE VICTIM COMMITTED SUICIDE IN THE STATE OF FLORIDA, JACKSON COUNTY ON 9/16 P.M. OR 9/15 AM. 1993;

TRIAL APPOINTED ERIC L. DAVIS WOULD NOT LET ME TAKE THE STAND TO TELL WHAT HAD HAPPEN TO THE VICTIM, ERIC L. DAVIS IS NEW PRIOR TO TRIAL THAT IT WAS A SUICIDE IN THIS CASE, THAT WHY THE TRIAL TRANSCRIPT WAS ALTER THREE TIMES TO COVER UP THE FRAUD THAT MURDER CHARGED, ETC ETC;

THE ISSUES RAISED HAS BEEN PRESENTED FOR THIS COURT FOR THIS COURT TO GRANT CERTIORARI IN THIS CASE;

(V)

CONCLUSION

Neil Walker. September 12th / 2018:

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Neil Walker

Date: November 30th / 2018