

No. -----

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**IN THE**  
**SUPREME COURT OF THE UNITED STATES**

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Constance F. Russell and DeAndre' Russell, *Petitioner pro se'*

v.

State of Alabama, ET., AL. *Respondent*

**Submitted**

**May 12, 2019**

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**On Petition for a Writ of Mandamus to the**  
**Alabama Supreme Court**

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**PETITIONER'S APPENDIX**

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Constance F. Russell, *Petitioner pro se'*  
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(256) 851-6658

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## **PETITIONER(S) APPENDIX**

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# IN THE SUPREME COURT OF ALABAMA



October 12, 2018

1171110

Ex parte Constance F. Russell. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Constance F. Russell v. First Resolution Investment Corporation) (Madison Circuit Court: CV-17-48; Civil Appeals : 2170251).

## CERTIFICATE OF JUDGMENT

WHEREAS, the petition for writ of certiorari in the above referenced cause has been duly submitted and considered by the Supreme Court of Alabama and the judgment indicated below was entered in this cause on October 12, 2018:

**Writ Denied. No Opinion.** Bryan, J. - Stuart, C.J., and Parker, Main, and Mendheim, JJ., concur.

NOW, THEREFORE, pursuant to Rule 41, Ala. R. App. P., IT IS HEREBY ORDERED that this Court's judgment in this cause is certified on this date. IT IS FURTHER ORDERED that, unless otherwise ordered by this Court or agreed upon by the parties, the costs of this cause are hereby taxed as provided by Rule 35, Ala. R. App. P.

I, Julia J. Weller, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true, and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 12th day of October, 2018.

A handwritten signature in black ink, appearing to read "Julia Jordan Weller".

Clerk, Supreme Court of Alabama

Petitioner's Appendix  
B-1

REL: 07/13/2018

STATE OF ALABAMA -- JUDICIAL DEPARTMENT  
THE COURT OF CIVIL APPEALS  
OCTOBER TERM, 2017-2018

2170251

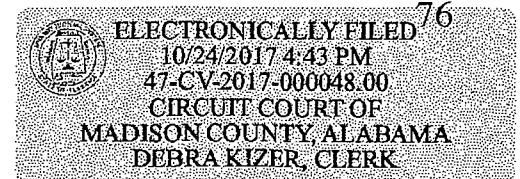
Constance F. Russell v. First Resolution Investment Corporation.  
Appeal from Madison Circuit Court (CV-17-48).

PER CURIAM.

AFFIRMED. NO OPINION.

See Rule 53(a)(1) and (a)(2)(F), Ala. R. App. P.; Rule 1.16(b), Ala. R. Prof. Cond.; Rule 78, Ala. R. Civ. P.; Johnson v. City of Mobile, 195 So. 3d 903, 921 (Ala. 2015); Jefferson Cty. Comm'n v. Edwards, 32 So. 3d 572, 583 (Ala. 2009); Hale v. Larry Latham Auctioneers, Inc., 607 So. 2d 154, 155 (Ala. 1992); Ex parte Diaz, 224 So. 3d 605, 607 (Ala. Civ. App. 2016); Barnes v. Jayne, 679 So. 2d 1141, 1142 (Ala. Civ. App. 1996); and Richardson v. Richardson, 531 So. 2d 1241, 1242 (Ala. Civ. App. 1988).

All the judges concur.



Petitioner's Appendix  
C-1

**IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA**

FIRST RESOLUTION INVESTMENT )  
CORP, )  
Plaintiff, )  
V. ) Case No.: CV-2017-000048.00  
RUSSELL CONSTANCE, )  
Defendant. )

**ORDER**

This matter came before the Court for hearing before a bench trial on October 23, 2017. After considering the filings, applicable case law, and arguments of counsel, the appeal is hereby dismissed.

**DONE** this 24<sup>th</sup> day of October, 2017.

/s/ JAMES P. SMITH  
CIRCUIT JUDGE

Petitioner's Appendix  
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ELECTRONICALLY FILED 66  
5/25/2017 12:55 PM  
47-DV-2005-002189.00  
CIRCUIT COURT OF  
MADISON COUNTY, ALABAMA  
DEBRA KIZER, CLERK

**IN THE DISTRICT COURT OF MADISON COUNTY, ALABAMA**

FIRST RESOLUTION INVESTMENT,  
CORP, )  
Plaintiff, )  
 )  
V. ) Case No.: DV-2005-002189.00  
 )  
RUSSELL CONSTANCE, )  
Defendant. )

**ORDER**

MOTION TO RECONSIDER AND VACATE ORDER filed by CONSTANCE RUSSELL is hereby DENIED.

(1) The original default judgment in this cause was entered on December 2, 2005. The Defendant now wishes this Court to set aside a judgment entered over 11 years ago. The Court finds that the motion is not made within reasonable time.

DONE this 25<sup>th</sup> day of May, 2017.

/s/ PATRICIA DUNN DEMOS  
DISTRICT JUDGE