

Appendix

In The United States Supreme
Court

Patrick J. Christ - Petitioner,

vs

Alabama Supreme Court Justices

Hon. J. Clark Stankuski

- Respondents

Petition for Writ of
Certiorari

SEE attached Exhibits, Incorporated.



IN THE SUPREME COURT OF ALABAMA

February 4, 2020

1190296

Ex parte Patrick J. Charest. PETITION FOR WRIT OF MANDAMUS: CRIMINAL (In re: Pat Charest v. State of Alabama) (Baldwin Circuit Court: CC-94-1363.60 & CC-94-1363.61; Criminal Appeals: CR-18-0287).

ORDER

The Petition for Writ of Mandamus filed by Patrick J. Charest, on January 3, 2020, directed to the Honorable J. Clark Stankoski, Judge of the Circuit Court of Baldwin County, having been submitted to the Court,

IT IS ORDERED that the Petition for Writ of Mandamus is DISMISSED.

Parker, C.J., and Bolin, Shaw, Wise, Bryan, Sellers, Mendheim, Stewart, and Mitchell, JJ., concur.

Witness my hand this 4th day of February, 2020.

A handwritten signature in cursive script, reading "Julia Jordan Miller".

Clerk, Supreme Court of Alabama

FILED
February 4, 2020
3:29 pm
Clerk
Supreme Court of Alabama

cc:
D. Scott Mitchell
J. Clark Stankoski
Baldwin County Circuit Clerk's Office

Exh 14
p1 of 1

**THE STATE OF ALABAMA - - JUDICIAL DEPARTMENT
THE ALABAMA COURT OF CRIMINAL APPEALS**

CR-18-0287

Pat Charest v. State of Alabama (Appeal from Baldwin Circuit Court: CC94-1363.60 & CC94-1363.61)

CERTIFICATE OF JUDGMENT

WHEREAS, the appeal in the above referenced cause has been duly submitted and considered by the Court of Criminal Appeals; and

WHEREAS, the judgment indicated below was entered in this cause on November 12th 2019:

Dismissed on Return to Remand.

NOW, THEREFORE, pursuant to Rule 41 of the Alabama Rules of Appellate Procedure, it is hereby certified that the aforesaid judgment is final.

Witness, D. Scott Mitchell, Clerk
Court of Criminal Appeals, on this
the 12th day of November, 2019.

D. Scott Mitchell

Clerk
Court of Criminal Appeals
State of Alabama

cc: Hon. J. Clark Stankoski, Circuit Judge
Hon. Jody L. Wise, Circuit Clerk
Pat Charest, Pro Se
Tracy Millar Daniel, Asst. Atty. Gen.

Exh-10

THE STATE OF ALABAMA - - JUDICIAL DEPARTMENT

THE ALABAMA COURT OF CRIMINAL APPEALS

CR-18-0287

Pat Charest, Appellant

vs.

State of Alabama, Appellee

Appeal from Baldwin Circuit Court No. CC-94-1363.60 and CC-1363.61

ORDER ON RETURN TO REMAND

Pat Charest was convicted of first-degree rape, first-degree sodomy, and contributing to the delinquency of a minor in 1995. He was sentenced in May 1995 to consecutive life terms for the rape and sodomy convictions and to one year for the delinquency conviction. This Court affirmed his convictions and sentences on direct appeal. See Charest v. State (No. CR-94-1727), 682 So. 2d 528 (Ala. Crim. App. 1995) (table).

Charest filed his first Rule 32 petition in February 1996. On appeal, this Court remanded the cause to the circuit court for that court to address certain claims alleging the ineffective assistance of counsel. Charest v. State, 854 So. 2d 1102 (Ala. Crim. App. 2002), overruled by Ex parte Jenkins, 972 So. 2d 159 (Ala. 2005). On return to remand, this Court affirmed the denial of Charest's petition. Charest v. State (No. CR-99-1663, Sept. 20, 2002).

It appears that Charest filed a second Rule 32 petition in 2004. After hearings in the circuit court and an "agreement" between Charest and the State, Charest was granted some of the relief he had requested--i.e., his delinquency conviction was set aside, and his life sentences were ordered to run concurrently. (C. 289.) As a part of the "agreement," Charest agreed to waive all remaining claims in that petition except "his claim that Alabama did not have jurisdiction to prosecute Counts 1 & 2 in that the events made the basis of the charges occurred in the State of Florida." (C. 289.)

Charest filed a third Rule 32 petition in September 2006; that petition was designated as trial court case no. CC-94-1363.62. In that petition, however, Charest did not raise the claim concerning an alleged lack of subject-matter jurisdiction based on

11/12/19

Exh 10
cf 6

where the crime occurred. This Court affirmed the denial of the third Rule 32 petition.¹ See Charest v. State (No. CR-06-1949), 27 So. 3d 625 (Ala. Crim. App. 2008) (table).

Charest filed yet another Rule 32 petition, but it was designated as circuit court case no. CC-94-1363.61 and apparently treated as a continuation of Charest's second Rule 32 petition. In that proceeding, Charest pursued a claim that the offenses occurred in Florida rather than in Alabama. The circuit court denied that claim after holding an evidentiary hearing. The circuit court specifically found that the offenses had occurred in Alabama. This Court affirmed the denial of that petition. See Charest v. State (No. CR-08-0270), 64 So. 3d 1152 (Ala. Crim. App. 2009) (table). In our memorandum affirmance, this Court noted that "[u]nder the doctrine of dual sovereignty, both Alabama and Florida had jurisdiction to prosecute Charest." Id.

The voluminous record in the present appeal is comprised mostly of filings by Charest between 2005 and 2008. In the circuit court and in his materials to this Court, Charest claimed that he initiated the underlying proceedings in March 2018 by filing what Charest described as a "motion to enforce" an agreement regarding his claim that the crime happened in Florida rather than in Alabama.² The record on appeal,

¹This Court's memorandum affirming the denial of the third Rule 32 petition references the apparent agreement between Charest and the State to dispose of his second Rule 32 petition.

²The record includes filings by Charest in which he claimed to have filed a "motion to enforce" in March 2018. For example, Charest filed a document entitled "Amendment to Motion for Reconsideration of Court Order Charest Never Received Despite the States Failure to Serve, Send Charest Copy of Its Motion to Dismiss Either" in which Charest asserted that he

"filed in March of 2018 a 'Motion to Enforce the Agreement' parties stipulated to, in August of 2005. Charest averred under .60 and .61 of that negotiation that he was deprived of, denied full and fair access to the Court on his return in October of 2008, by jail of officers 'seizing-and-Losing his tangible documents, to prove his then Rule 32 'pending by agreements.'"

(C. 608.) The gist of the claim in Charest's alleged "motion to enforce" appears to be that Florida, not Alabama, had jurisdiction over the crimes that led to his convictions. That claim, as decisions of this Court in prior appeals filed by Charest make clear, is a claim challenging Charest's convictions and sentences--i.e., a claim that must be presented in a Rule 32, Ala. R. Crim. P., petition. See Rule 32.4, Ala. R. Crim. P. See also Ex parte Deramus, 882 So. 2d 875, 876 (Ala. 2002) ("The substance of a motion

however, did not include a copy of the alleged March 2018 motion filed by Charest or a copy of any order denying that motion. Thus, this Court remanded this cause for the circuit court to supplement the record on appeal to include those filings if they, in fact, existed. Also, because the record on appeal did not affirmatively show either that the circuit court granted a request to proceed in forma pauperis or that Charest paid the required filing fee, we instructed the circuit court to make specific, written findings of fact as to whether it granted a request to proceed in forma pauperis or whether Charest paid the required filing fee. See Whitson v. State, 891 So. 2d 421, 422 (Ala. Crim. App. 2004); Maxwell v. State, 897 So. 2d 426 (Ala. Crim. App. 2004); and Jackson v. State, 854 So. 2d 157 (Ala. Crim. App. 2002).

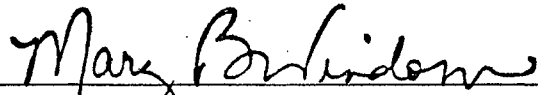
On return to remand, the circuit court has informed this Court that Charest did not file a "motion to enforce" in March 2018 and, thus, no order denying that motion exists. (Record on Return to Remand, C. 8.) Also, the circuit court informed this Court that Charest has not paid a filing fee and has not been granted in forma pauperis status. Id.

Based on the record before us and the circuit court's findings on return to remand, Charest has not filed anything to invoke the jurisdiction of the circuit court after its judgment denying his Rule 32 petition that resulted in this Court's memorandum in Charest v. State (No. CR-08-0270), 64 So. 3d 1152 (Ala. Crim. App. 2009) (table). Also, based on the record before us and the circuit court's findings, there is no judgment denying any filing by Charest that would support an appeal. Accordingly, this appeal is due to be and hereby is DISMISSED. The certificate of judgment shall issue forthwith.

APPEAL DISMISSED.

Windom, P.J., and Kellum, McCool, Cole, and Minor, JJ., concur.

Done this 12th day of November, 2019


MARY B. WINDOM, PRESIDING JUDGE

and not its style determines what kind of motion it is.").

cc: Hon. J. Clark Stankoski, Judge
Hon. Jody L. Wise, Clerk
Pat Charest, pro se
Office of the Attorney General

Exhibit
1

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

STATE OF ALABAMA

vs.

PAT CHAREST,

Defendant.

*

*

*

*

*

CASE NO. CC-94-1363.60
61

ORDER

This matter came before this Court on a Motion for Relief from Conviction and/or Sentence filed by the Defendant. After hearing argument from the Defendant and the State, the Court took the matter under submission. While under submission the Court was advised that a compromise was reached, subject to the approval of the Court. After being advised of the agreement, the Court does accept said agreement. Therefore, it is hereby ORDERED:

1. The sentence on Count 3 is vacated and said Count is DISMISSED for lack of subject matter jurisdiction.
2. The sentence in Count 2 is amended to run CONCURRENT with the sentence in Count 1.
3. Defendant shall be allowed to continue to pursue his claim that Alabama did not have jurisdiction to prosecute Counts 1 & 2 in that the events made the basis of the charges occurred in the State of Florida. As to all other claims the Defendant withdraws and stipulates that those claims are DISMISSED.

ENTERED this 12th day of August 2005.

CIRCUIT JUDGE

Exh-1
1061

THE STATE OF ALABAMA - - JUDICIAL DEPARTMENT

THE ALABAMA COURT OF CRIMINAL APPEALS

CR-18-0287

Pat Charest, Appellant

vs.

State of Alabama, Appellee

Appeal from Baldwin Circuit Court No. CC-94-1363.60 and CC-1363.61

ORDER

Pat Charest was convicted of first-degree rape, first-degree sodomy, and contributing to the delinquency of a minor in 1995. He was sentenced in May 1995 to consecutive life terms for the rape and sodomy convictions and to one year for the delinquency conviction. This Court affirmed his convictions and sentences on direct appeal. See Charest v. State (No. CR-94-1727), 682 So. 2d 528 (Ala. Crim. App. 1995) (table).

Charest filed his first Rule 32 petition in February 1996. On appeal, this Court remanded the cause to the circuit court for that court to address certain claims alleging the ineffective assistance of counsel. Charest v. State, 854 So. 2d 1102 (Ala. Crim. App. 2002), overruled by Ex parte Jenkins, 972 So. 2d 159 (Ala. 2005). On return to remand, this Court affirmed the denial of Charest's petition. Charest v. State (No. CR-99-1663, Sept. 20, 2002).

It appears that Charest filed a second Rule 32 petition in 2004. After hearings in the circuit court and an "agreement" between Charest and the State, Charest was granted some of the relief he had requested--i.e., his delinquency conviction was set aside, and his life sentences were ordered to run concurrently. (C. 289.) As a part of the "agreement," Charest agreed to waive all remaining claims in that petition except "his claim that Alabama did not have jurisdiction to prosecute Counts 1 & 2 in that the events made the basis of the charges occurred in the State of Florida." (C. 289.)

Charest filed a third Rule 32 petition in September 2006; that petition was designated as trial court case no. CC-94-1363.62. In that petition, however, Charest did not raise the claim concerning an alleged lack of subject-matter jurisdiction based on

9/26/19
Exh 8
cf 35 (facts)
pg 1 of 4

where the crime occurred. This Court affirmed the denial of the third Rule 32 petition.¹ See Charest v. State (No. CR-06-1949), 27 So. 3d 625 (Ala. Crim. App. 2008) (table).

Charest filed yet another Rule 32 petition, but it was designated as circuit court case no. CC-94-1363.61 and apparently treated as a continuation of Charest's second Rule 32 petition. In that proceeding, Charest pursued a claim that the offenses occurred in Florida rather than in Alabama. The circuit court denied that claim after holding an evidentiary hearing. The circuit court specifically found that the offenses had occurred in Alabama. This Court affirmed the denial of that petition. See Charest v. State (No. CR-08-0270), 64 So. 3d 1152 (Ala. Crim. App. 2009) (table). In our memorandum affirmance, this Court noted that "[u]nder the doctrine of dual sovereignty, both Alabama and Florida had jurisdiction to prosecute Charest."

The voluminous record in the present appeal is comprised mostly of filings by Charest between 2005 and 2008. Charest apparently initiated the underlying proceedings in March 2018 by filing what Charest describes as a "motion to enforce" an agreement regarding his claim that the crime happened in Florida rather than in Alabama. The record does not include a copy of that March 2018 motion, but documents in the record reference it. For example, Charest filed a document entitled "Amendment to Motion for Reconsideration of Court Order Charest Never Received Despite the States Failure to Serve, Send Charest Copy of Its Motion to Dismiss Either" in which Charest asserts that he

filed in March of 2018 a 'Motion to Enforce the Agreement' parties stipulated to, in August of 2005. Charest averred under .60 and .61 of that negotiation that he was deprived of, denied full and fair access to the Court on his return in October of 2008, by jail of officers 'seizing-and-Losing his tangible documents, to prove his then Rule 32 'pending by agreements.'"

(C. 608.) The record on appeal also does not include an order clearly denying the March 2018 "motion to enforce." The record includes several orders entered on November 1, 2018, that denied "MOTION FOR OTHER filed by CHAREST PAT." (C. 581-84.) It is not clear, however, what motions were denied by those orders.

In response to a letter from this Court dated March 26, 2019, in which this Court sought information about a motion filed by Charest to supplement the record on appeal, the circuit court provided several orders it entered on March 28, 2019,

¹This Court's memorandum affirming the denial of the third Rule 32 petition references the apparent agreement between Charest and the State to dispose of his second Rule 32 petition.

purporting to deny various motions filed by Charest and in which it stated that nothing remains pending in the circuit court.

The gist of the claim in Charest's "motion to enforce" is that Florida, not Alabama, had jurisdiction over the crimes that led to his convictions. This claim, as decisions of this Court in prior appeals filed by Charest make clear, is a claim challenging Charest's convictions and sentences. Thus, Charest's "motion to enforce" is, in fact, a Rule 32, Ala. R. Crim. P., petition. See Ex parte Deramus, 882 So. 2d 875, 876 (Ala. 2002) ("The substance of a motion and not its style determines what kind of motion it is.").

Charest, in a filing entitled "In Pro Per Motion for Court to Set for Time-Certain for Oral Arguments," recognizes that his claim is governed by Rule 32. In that filing, he asserts that he filed "on June 26, 2018, a supplemental amendment styled: 'Memorandum In Support of Enforcement of Plea Negotiation--Granting De Novo Hearing Due to Breach of Plea.'" (C. 479.) Charest further asserts that he "adopts in toto Rule 32.7, Ala. R. Crim. P., the rules governing postconviction proceedings, at bar," and he acknowledges that his present "claim" is one under Rule 32.1(a), Ala. R. Crim. P. (C. 479-80.) A subsequent filing from Charest asserts that the "sole claim" involves whether the underlying crimes occurred in Alabama or Florida. (C. 486.) On September 30, 2018, Charest submitted a request to proceed in forma pauperis. (C. 491-92.) There is no indication in the record, however, that the circuit court ruled on that request.

Because the record on appeal is unclear on several matters, we must remand this cause. See Rule 10(g), Ala. R. App. P. First, we instruct the circuit court to supplement the record on appeal to include a copy of the March 2018 "motion to enforce" filed by Charest, if such a motion exists. Second, the circuit court is instructed to supplement the record with a copy of its order denying the March 2018 motion to enforce, if such an order exists. If one of the orders already provided to this Court is the order denying the March 2018 "motion to enforce" (such as one of the orders referenced above that denied a "MOTION FOR OTHER"), the circuit court should make specific, written findings of fact clarifying which order denied that March 2018 motion. Third, because the record on appeal does not affirmatively show either that the circuit court granted a request to proceed in forma pauperis or that Charest paid the required filing fee, the circuit court is instructed to make specific, written findings of fact as to whether it granted a request to proceed in forma pauperis or whether Charest paid the required filing fee. See Whitson v. State, 891 So. 2d 421, 422 (Ala. Crim. App. 2004); Maxwell v. State, 897 So. 2d 426 (Ala. Crim. App. 2004); and Jackson v. State, 854 So. 2d 157 (Ala. Crim. App. 2002).


Exh-8
Pg 384

Not have
Santobello
Ala's Const
Art 1, § 13
Provides me
with a
remedy
to correct
constitutional breach
of
Pro Per
2004-05
11/18/18

On remand, the circuit court shall take all necessary action to see that the circuit clerk makes due return to this Court within 21 days from the date of this order.

REMANDED WITH INSTRUCTIONS.

Done this 26th day of September, 2019


MARY B. WINDOM, PRESIDING JUDGE

cc: Hon. J. Clark Stankoski, Judge
Hon. Jody L. Wise, Clerk
Pat Charest, pro se
Office of the Attorney General

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

Patrick Joseph Charest, # 182262

Petitioner,

Vs.

State of Alabama et. al.,

Respondents.

Case No# CC-1994-1363, 60 & 61

CIRCUIT COURT
BALDWIN COUNTY, AL
FILED

AUG 20 2018

JODY W. CAMPBELL
CIRCUIT CLERK

**In Pro Per Motion For Court To
Set For Time-Certain For Oral Arguments**

Comes now Patrick Joseph Charest ("Charest") and moves this Honorable Court to entertain and grant as follows:

I. Facts:

§ 1). Charest filed before this Court on June 26, 2018 a supplemental amendment styled: "Memorandum In Support Of Enforcement Of Plea Negotiation -Granting De Novo Hearing Due To Breech Of Plea." Id., @ records.

Worthy of note, setting said matter for a time-certain, forthwith, shall neither prejudice either party, nor prayerfully this Court, to it's earliest docket.

§ 2). This Court issued on July 12, 2018, an Order: "for the State to file any objection they have within 30 days of the date of this Order." Id.

§ 3). Charest hereinafter adopt's *in toto* Rule 32.7, Ala.R.Crim.P., the rules governing postconviction proceedings, at bar:

"Prosecutor's response: 'Within thirty (30) days after the service of the petition, or within the time otherwise specified by the court, the district attorney shall file with the court and send to the petitioner . . . if any, a response, which may be supported by affidavits and a certified record or such portions thereof as are appropriate or material to the issues raised in the petition.'"

Id. Therefore since, neither this Court, nor Charest has yet received any

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Exh-3
pp 195

timely "objection[s]" or "request[s] for additional time," by the State, within set thirty day limitation period[s], in the spirit of litigation, thence, the appropriate posture would be to set said pleading[s], absent any objection[s] or extension of time, for parties to properly plead their "position[s]," before this Court.

See for example, Ex parte Pierce, 851 So.2d. 606 (Ala. 2000) states: "[When] claim[s] fit under Rule 32.1(a), Ala.R.Crim.P: 'The constitution of the United States or of the State of Alabama requires a new trial" Rule 32.1(a).

§ 4). The record-proper before this Honorable Court, clearly identifie[d], the controlling United States Supreme Court -holding, governing the underlying "substantive violations" suffered, birthing injuries, under Charest's Due Process and Equal Protection Clause-claims, arising from Exhibit-#4, to-wit:

"This matter came before this Court on a Motion For Relief from Conviction / Sentence filed by defendant. After hearing argument[s] from the Defendant and State, the Court took the matter under submission. While under submission the Court was advised that a compromise was reached, subject to the approval of the Court. After being advised of the agreement, the Court does accept said agreement, Therefore, it is hereby ORDERED: 1) The sentence on Count 3, is vacated and said Count is DISMISSED for a lack of subject matter jurisdiction . . . 3) Defendant [Charest] **shall be allowed to continue to pursue his claim that Alabama did not have jurisdiction to prosecute Counts 1 & 2 in that the events made the basis of the charges occurred in the State of Florida.** As to all other claims the Defendant [Charest] withdraws and stipulates that those claims are DISMISSED."

Id at August 12, 2005 Rule 32 grant. It's Charest continued position, as a direct result of the parties previous "agreement" under Santobello v. New York, 404 US 257 (1971) held in accordance with the above "unimpeachable evidentiary order," whereas Chief Justice Burger in Santobello, held:

"[B]y agreement between prosecutor[s] and the accused [Charest -was] an essential component of the administration

Exh-3
285

of justice . . . must be attended by safeguards when plea rests in significant degree on the promise of prosecutor [Hon. Ass't. D.A. Mr. Vollmer (sic)] so that it could be said to be inducement, such promises must be fulfilled . case should be remanded to State Court . . . for specific performance of agreement of plea . . ." Ibid.

The record reflects that both the State and Charest previously "agreed upon certain specific predicates," the State would neither seek any subsequent bar's, preclusionary defense's, statute of limitation -defenses, successive doctrine's, therefore permitting Charest to re-appear at a later day-date in time to "present his evidence," and Charest in return "agreed" to dismiss his Writ of Prohibition, then pending at the Alabama Supreme Court, against Baldwin Counties "multiplicitious four count Indictment" stemming from or arising from a "single-event" or course of conduct, notwithstanding the facts, that Alabama wholly "lacked subject-matter jurisdiction," both in venue and State jurisdiction, and various allegations against multiple attorney's for ineffective assistance of counsel, abandonment; for the receipt of the above. See Charest's Exhibit-3 (transcripts before Honorable L. Floyd, dated August 10, 2005).

§ 5). Charest prays that this Honorable Court, would forthwith, take judicial notice of the "evidentiary -documents" standing at this juncture, un-refutable, arising from the "record-of-evidence" in this Court.

In Aliant Bank v. Four Star Invs., Inc., 2017 Ala. Lexis 75 (Ala. 2017), Chief Justice Stuart opined: "[W]hen allegations of the complaint are viewed most strongly in the pleader's favor [and] it appears that the pleader could prove any set of circumstances that would entitle to relief," Nance v. Matthews, 622 So. 2d 297 (Ala. 1993); Raley v. Citibanc of Alabama / Andalusia, 474 So. 2d 640 (Ala. 1985)." Id. then Complainant is entitled to plenary review. Court's generally stay within the four corners of the pleader's complaint, in determining whether *vel non* the movant, as herein, has made a prima facie showing of a genuine issue of material fact -warranting, an opportunity under Rule 32.3 (burden of proof) standard, which is the actual pleadings' stage, that he prove by a preponderance of evidence the facts necessary to entitle him to relief." Ibid.

Exh-3
395

Charest having met at this initial pleading stage, properly pleading and, in the absence of any legitimate-timely objection / answer, by the State, as the above enumerated Rule prerequisite asserts, Charest is warranted a oral hearing.

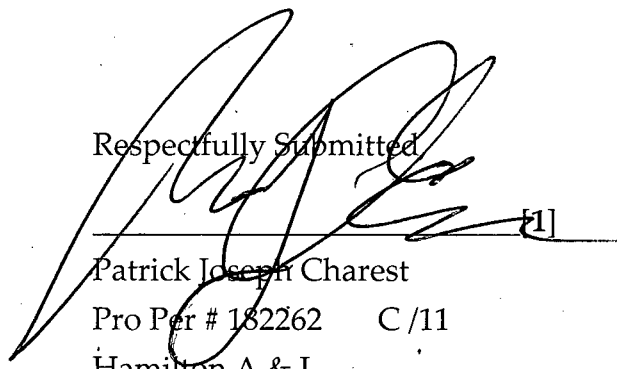
NOTWITHSTANDING THE ABOVE,
AFFIANT, SAYETH NOTHING FURTHERMORE:

CONCLUSION

WHEREFORE PREMISE SHOWN, Charest respectfully pray's that Honorable Court would accept, the aforementioned "pleadings, exhibits" under Alabama Rules of Evidence, Rule 201 et. seq., and having yet received any Objection[s] by the State, as so Ordered, that it thus set at it's earliest scheduled docket, due to parties actions, omission for a subsequent hearing upon the merits, this present "debate."

Done so this August 13, 2018.

Respectfully Submitted



Patrick Joseph Charest

Pro Per # 182262 C /11

Hamilton A & I

223 Sasser Drive

Hamilton, Alabama 35570

1: Pursuant to Title 28 USC § 1746 et. seq., I declare, verify, and state, under Oath and Penalty of Perjury, that the foregoing remains true and coreect to the best of my first hand knowledge, belief, so help me Jehovah God.

Exh-3
4865

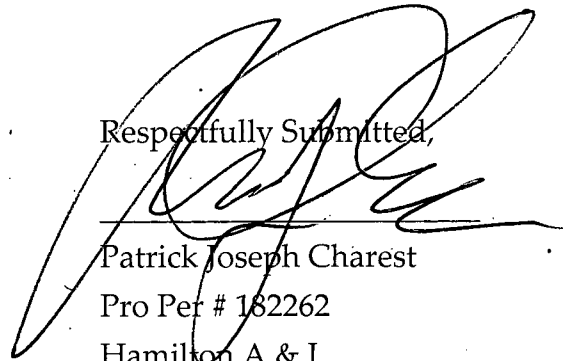
CERTIFICATE OF SERVICE

I hereby certify under Oath and penalty of perjury that I have this day, date sent, served said same "Motion For A Time Certain," upon the State of Alabama, Honorable Robert Wilters, Baldwin County District Attorney, placing said same in the United States mailbox, located hereinafter, as legal mail, properly addressed, postage prepaid as follows:

- 1). State of Alabama et. al.,
Honorable Robert Wilters, District Attorney
C/ O 100 Hand Avenue, P.O. Box# 1269
Bay Minette, Alabama 36507

Done so this August 13, 2018.[2]

Respectfully Submitted,



Patrick Joseph Charest
Pro Per # 182262
Hamilton A & I
223 Sasser Drive
Hamilton, Alabama 35570

_____ /

2: This rule recognizes that pleadings filed by an inmate confined in an institution and who is proceeding pro se is timely filed when the inmate documents the delivery of such, over to the prison authorities for mailing. See Houston v. Lack, 487 U.S. 266 (1988), Ex parte Williams, 651 So.2d 569 (Ala. 1992), and Ex parte Jones [Ms. 1962127, June 19, 1998] _____ So.2d _____ (Ala. 1998).

Exh-3
5065



ELECTRONICALLY FILED

11/1/2018 2:59 PM

05-CC-1994-001363.60

CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

JODY WISE CAMPBELL, CLERK

IN THE CIRCUIT COURT OF BALDWIN COUNTY

STATE OF ALABAMA

V.

CHAREST PAT

Defendant.

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Case No.: CC-1994-001363.60

ORDER

IN PRO PER MOTION FOR COURT TO SET FOR TIME-CERTAIN FOR ORAL ARGUMENTS
filed by CHAREST PAT #182262 is hereby DISPOSED BY SEPARATE ORDER.

DONE this 1st day of November, 2018.

/s/ J. CLARK STANKOSKI

CIRCUIT JUDGE

Exh # 4
cf 3 facts
PS 1/1

**COURT OF CRIMINAL APPEALS
STATE OF ALABAMA**

1/29/19

MARY B. WINDOM
Presiding Judge
J. ELIZABETH KELLUM
J. CHRIS McCOOL
J. WILLIAM COLE
RICHARD J. MINOR
Judges



D. Scott Mitchell
Clerk
Gerri Robinson
Assistant Clerk
(334) 229-0751
Fax (334) 229-0521

January 29, 2019

CR-18-0287

Pat Charest v. State of Alabama (Appeal from Baldwin Circuit Court: CC94-1363.60 & CC94-1363.61)

ORDER

The appellant in the above referenced appeal has filed a motion with this Court to supplement the record on appeal. This motion should be considered by the trial court.

Upon consideration of the above, the Court of Criminal Appeals **ORDERS** that this motion be transferred to the trial court for that court to dispose of the appellant's motion to supplement the record within 28 days from the date of this order and, if a supplemental record is required, the trial court is requested to direct that it be prepared and filed with this Court at the earliest possible date and by no later than March 12, 2019; provided, however, that if the trial court finds that the supplemental record cannot be completed and filed with this Court by March 12, 2019, the trial court is requested to advise this Court of the earliest possible date thereafter by which the supplemental record will be filed.

When determining whether the record on appeal is due to be supplemented, the trial court should be mindful that this Court can consider on appeal only those matters that were presented to or were otherwise considered by the trial court in connection with the judgment now being appealed."

This Court further **ORDERS** that the briefing time is stayed. The appellant shall have 14 days from the filing of the supplemental record or from entry of the trial court's denial of the motion to supplement to file his brief.

Done this the 29th day of January, 2019.

Mary B. Windom

Mary B. Windom, Presiding Judge
Court of Criminal Appeals

cc: Hon. J. Clark Stankoski, Circuit Judge
Hon. Jody L. Wise, Circuit Clerk
Pat Charest, Pro Se
Office of Attorney General

Exh-5
p.1.



ELECTRONICALLY FILED
3/28/2019 12:56 PM
05-CC-1994-001363.61
CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
JODY L. WISE, CLERK

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

STATE OF ALABAMA

V.

CHAREST PAT
Defendant.

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Case No.: CC-1994-001363.61

ORDER

ALL MOTIONS TO RECONSIDER ARE HEREBY DENIED.

All claims and issues have been denied and nothing is pending. Circuit Clerk to serve the Court of Criminal Appeals, if necessary.

DONE this 28th day of March, 2019.

/s/ J. CLARK STANKOSKI
CIRCUIT JUDGE

Exh-#6
cf. 34 facts
pg 1 of 1

**COURT OF CRIMINAL APPEALS
STATE OF ALABAMA**

D. Scott Mitchell
Clerk
Gerri Robinson
Assistant Clerk



P. O. Box 301555
Montgomery, AL 36130-1555
(334) 229-0751
Fax (334) 229-0521

May 7, 2019

CR-18-0287

Pat Charest v. State of Alabama (Appeal from Baldwin Circuit Court: CC94-1363.60 & CC94-1363.61)

NOTICE

You are hereby notified of the following in the above-referenced cause:

This Court is in receipt of the circuit court's orders, denying the appellant's motion to supplement the record on appeal. The appellant's brief is due to be filed and served by May 21, 2019.

D. Scott Mitchell

D. Scott Mitchell, Clerk
Court of Criminal Appeals

cc: Pat Charest, Pro Se
Office of Attorney General

Exh 7
cf 4
Pg 141



ELECTRONICALLY FILED

11/1/2018 3:01 PM

05-CC-1994-001363.60

CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

JODY WISE CAMPBELL, CLERK

IN THE CIRCUIT COURT OF BALDWIN COUNTY

STATE OF ALABAMA

V.

CHAREST PAT

Defendant.

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Case No.: CC-1994-001363.60

ORDER

SUPPLEMENTAL AMENDMENT filed by CHAREST PAT is hereby DISPOSED BY SEPARATE ORDER.

DONE this 1st day of November, 2018.

/s/ J. CLARK STANKOSKI

CIRCUIT JUDGE

Exh-9
124



ELECTRONICALLY FILED
11/1/2018 3:02 PM
05-CC-1994-001363.60
CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
JODY WISE CAMPBELL, CLERK

IN THE CIRCUIT COURT OF BALDWIN COUNTY

STATE OF ALABAMA

V.

CHAREST PAT
Defendant.

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Case No.: CC-1994-001363.60

ORDER

EXTRAORDINARY EXPENSES filed by CHAREST PAT #182262 is hereby DENIED.

DONE this 1st day of November, 2018.

/s/ J. CLARK STANKOSKI
CIRCUIT JUDGE

284



ELECTRONICALLY FILED
11/1/2018 3:01 PM
05-CC-1994-001363.60
CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
JODY WISE CAMPBELL, CLERK

IN THE CIRCUIT COURT OF BALDWIN COUNTY

STATE OF ALABAMA

V.

CHAREST PAT
Defendant.

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)
)

Case No.: CC-1994-001363.60

ORDER

CO-COUNSEL filed by CHAREST PAT is hereby DENIED.

DONE this 1st day of November, 2018.

/s/ J. CLARK STANKOSKI
CIRCUIT JUDGE

384



ELECTRONICALLY FILED
11/1/2018 3:03 PM
05-CC-1994-001363.00
CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
JODY WISE CAMPBELL, CLERK

IN THE CIRCUIT COURT OF BALDWIN COUNTY

STATE OF ALABAMA

V.

CHAREST PAT #182262
Defendant.

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Case No.: CC-1994-001363.00

ORDER

IN FORMA PAUPERIS filed by CHAREST PAT #182262 is hereby DISPOSED BY SEPARATE ORDER.

DONE this 1st day of November, 2018.

/s/ J. CLARK STANKOSKI
CIRCUIT JUDGE

Exh-9

424



IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

STATE OF ALABAMA

V.

CHAREST PAT
Defendant.

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)

Case No.: CC-1994-001363.60

10/1/19

ORDER

This Order is done on remand from the Alabama Court of Criminal Appeals. Initially, a review of the court filings in CC-1994-1363.60 and CC-1994-1363.61 reveal no motions filed by the Defendant in March 2018. A further reading of the filings reveal that no motion styled (or interpreted) as a "motion to enforce" has ever been filed by the Defendant. It stands to reason since no such motion exists or was filed, there is no Order from this Court denying that motion.

A Lie!

Finally, to the issue of whether this Court granted a request for the Defendant to proceed *in forma pauperis* or whether the Defendant paid the filing fee: the record indicates that the Defendant never paid a filing fee. However, the record is similarly silent on the issue as to the Court granting a request for the same. A review of all the motions filed by the Defendant in all his pending cases do not indicate he ever requested to proceed *in forma pauperis*. As such the Court never ruled. If the Defendant makes such a request, the Court will make specific written findings of facts and either grant or deny that request.

The Baldwin County Clerk's Office is directed to serve a copy of this Order on the Alabama Court of Criminal Appeals.

DONE this 1st day of October, 2019.

/s/ J. CLARK STANKOSKI
CIRCUIT JUDGE

Another Lie!

Compare "Exh-2" PP1-2
AT: "November 1st 2018"

Exh 11
cf 6 PG 12

Att'y R. Apple
Will-Verify
205.252.9462
Cell 2) 205.706.9678

Order from
Judge J.C.
STANKOSKI
(Case Action
Summary
Sheet)



ELECTRONICALLY FILED
11/25/2019 12:08 PM
05-CC-1994-001363.61
CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
JODY L. WISE, CLERK

IN THE CIRCUIT COURT OF BALDWIN COUNT

STATE OF ALABAMA

V.

CHAREST PAT
Defendant.

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Case No.: CC-1994-001363.61

ORDER

MOTION FOR LEAVE TO REINSTAT TO ACTIVE DOCKET filed by CHAREST PAT is hereby
DENIED.

DONE this 25th day of November, 2019.

/s/ J. CLARK STANKOSKI
CIRCUIT JUDGE

Exh-13
2182

**Additional material
from this filing is
available in the
Clerk's Office.**