

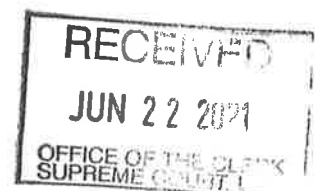
IN THE SUPREME COURT OF THE UNITED STATES

MOSES JACKSON
vs. PETITIONER
ALABAMA

CASE# 20-7669

Petition for REHEARING

MOSES JACKSON
LOXLEY WORK RELEASE
A# 228710 B# B-14B
P.O. BOX 1030
LOXLEY, ALABAMA 36551



CERTIFICATE OF PETITIONING

THE GROUNDS ESTABLISHED IN THIS PETITION IS LIMITED TO INTERVENING CIRCUMSTANCES OF SUBSTANTIAL AND CONTRIBUTING EFFECT ON PETITIONER AND PETITIONER CASE, AND IT IS A SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED.

Statement of Facts

PETITIONER FILED A WRIT OF CERTIORARI IN THIS HONORABLE COURT ON MARCH 29th, 2021. THE WRIT WAS PLACED ON DOCKET APRIL 06th, 2021. THE STATE OF ALABAMA HAD UNTIL MAY 06th, 2021 TO RESPOND. THE STATE OF ALABAMA DID NOT FILE A RESPONSE, NOR DID THE STATE OF ALABAMA FILE NOTICE OF APPEARANCE WITHIN THE SAID ALLOTTED TIME. MAY 19, 2021, PETITIONER WRIT WAS DISTRIBUTED FOR CONFERENCE OF JUNE 03RD, 2021. ON ~~JUNE 07th~~ 2021, THIS HONORABLE COURT DENIED PETITIONER WRIT, WITH NO OPINION. PETITIONER, CONTENDED THAT THE APPELLATE COURTS OF ALABAMA "failed" TO NOTICE A "ERROR" THAT EFFECTED THE PETITIONER "SUBSTANTIAL RIGHTS". ~~THE RECORD DOES NOT REFLECT THE~~ AND THE INITIALS OF A TRIAL JUDGE APPEARING ON THE MINUTE ENTRY (CASE ACTION SUMMARY, WITH SEE NOTES, NEXT TO INITIALS, AND ^{STENOGRAPHIC} THE RECORD DOES NOT REFLECT THE "NOTES TO REVIEW, THE TRIAL JUDGE INITIALS IS NOT SUFFICIENT TO UPHOLD A VOLUNTARY COURT PLAN, BECAUSE WITHOUT THE PETITIONER, HAVING A OPPORTUNITY TO REVIEW STENOGRAPHIC NOTES, IT "HANDICAPs" PETITIONER, TO BE ABLE TO PURSUE A COLLATERAL ATTACK, AND IT INFRINGES ON THE "SUBSTANTIAL RIGHT" OF PETITIONER TO PURSUE A COLLATERAL ATTACK. THIS WRIT FOLLOWS.

ALCOVMENT

CORVIND # 1:

THE APPELLATE COURTS OF THE STATE OF ALABAMA, FAILED TO TAKE NOTICE OF AN "OBVIOUS ERROR", AND THE STATE OF ALABAMA APPELLATE COURTS, FAILED TO TAKE ACTION AGAINST SUCH ERROR, WHICH EFFECTED THE "SUBSTANTIAL RIGHTS" OF PETITIONER, 1. THE RIGHT TO TRIAL BY JURY, 2. THE RIGHT TO FACE MY ACCUSERS, AND 3. THE RIGHT TO BE PROTECTED AGAINST SELF ~~INCRIMINATION~~ INCRIMINATION, THESE RIGHTS THAT SATISFY THE REQUIREMENTS OF BOYDIN V. ALABAMA, 395 U.S. 238, 89 S. CT. 1709, 23 L. ED. 2D. 274 (1969), WHEN ENTERED INTO A "FELONY" GUILTY PLEA, THIS IS A DIRECT VIOLATION OF THE PETITIONER UNITED STATES CONSTITUTIONAL RIGHTS, UNDER AMENDMENT 14, DUE PROCESS AND EQUAL PROTECTION CLAUSE, WHICH STATES, "NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW; NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTIONS OF THE LAWS."

ACCORDING TO A RULING HELD BY THE ALABAMA SUPREME COURT IN EXPORTE HOPKINS, 451 SO. 2D 365; 1983 ALA. LEXIS 4348, IT STATES, "THIS COURT APPROVED RULE 45B, A.R. A.P. (EFFECTIVE JANUARY 1, 1982), WHICH ABOLISHED THE "SEARCH THE RECORD RULE" SET

OUT IN CODE 1975, § 12-22-240. THAT STATUTE STATED IN PART THAT THE COURT OF CRIMINAL APPEALS, "MUST CONSIDER ALL QUESTIONS APPARENT ON THE RECORD OR RESERVED IN THE CIRCUIT COURT," CODE 1975 § 12-22-240. IN APPROVING RULE 45B, THIS COURT DID NOT INTEND TO RESTRICT THE AUTHORITY OF THE COURT OF CRIMINAL APPEALS TO CONSIDER "OBVIOUS ERRORS", BUT WE INSTEAD INTENDED TO SAY THAT THAT COURT WAS NO LONGER OBLIGATED TO SEARCH THE RECORD. ANY LANGUAGE IN RULE 45B INDICATING OTHERWISE IS CONTRARY TO THE INTENDED EFFECT OF THAT PROVISION."

ACCORDING TO ALA.R. APP.P., RULE 45B. SCOPE OF REVIEW IN CASES OTHER THAN DEATH CASES, IT STATES, "IN THESE CRIMINAL CASES IN WHICH THE DEATH PENALTY HAS NOT BEEN IMPOSED, THE COURT OF CRIMINAL APPEALS SHALL NOT BE OBLIGATED TO CONSIDER QUESTIONS OR ISSUES NOT PRESENTED IN BRIEFS ON APPEAL."

THEREFORE, ACCORDING TO ABOVE CASE LAW AND RULE, AS LONG AS PETITIONER PRESENTED HIS ISSUE THAT IS [REDACTED] IN THE CIRCUIT COURT, PETITIONER, CAN RAISE IT IN HIS BRIEF ON APPEAL. PETITIONER, DIRECT THIS HONORABLE COURT ATTENTION TO APPENDIX (A-1) OF THIS PETITION. IN APPENDIX A-1, THIS IS THE CLERK RECORD ON APPEAL. THE PETITIONER PRESENTED HIS ISSUE OF THE AGENT OF THE STATE, COURT REPORTER, DIANE BATTLES, [REDACTED] NO LONGER RETAINING THE NOTES OF THE PROCEEDINGS, IN THE TRIAL COURT. THE TRIAL COURT DENIED PETITIONER PETITION ON JULY 23RD, 2020. PETITIONER, RAISED THE SAID ISSUE ON APPEAL TO THE ALABAMA CRIMINAL COURT OF APPEALS AS OUTLINED BEFORE THIS HONORABLE COURT IN PETITIONER WRIT CERTIORARI FILED IN THIS HONORABLE COURT. THE PETITIONER, MOVE THE HONORABLE COURT TO TAKE JUDICIAL NOTICE THAT

THE COURT REPORTER "JUMPED" TWO Hurdles, THAT THE LAW PROHIBITS HER TO NOT TO DO SO. SEE NICHIE'S ALABAMA CODE, TITLE 12 COURTS, CHAPTER 17 CIRCUIT AND DISTRICT COURT PERSONNEL, ARTICLE 9 COURT REPORTERS, DIVISION 4 COVENANT PROVISIONS, § 12-17-275. DUTIES. THE COURT REPORTER MUST PRESERVE THE ORIGINAL STENOGRAPHIC NOTES, AND TREAT THEM AS A PART OF THE RECORDS OF THE COURT, AND UPON HER RETIREMENT, TURN THE RECORDS OVER TO THE CLERK OF THE COURT. THE COURT REPORTER "TOTALLY DISREGARDED" THE ALABAMA LEGISLATURE AUTHORITY AND INTENT OF SAID CODE. THIS IS "ONE" Hurdle THE COURT REPORTER "JUMPED OVER", AND THE LAWS OF ALABAMA PROHIBIT SUCH ACT. SEE NICHIE'S ALABAMA CODE, TITLE 41 STATE GOVERNMENT, CHAPTER 13 PUBLIC RECORDS, ARTICLE 2 STATE AND LOCAL GOVERNMENT-RECORDS COMMISSIONS, § 41-13-21. DUTIES. THE COURT REPORTER MUST OBTAIN APPROVAL OF THE STATE RECORDS COMMISSION. SEE ALABAMA RULES ANNOTATED, ALABAMA RULES OF JUDICIAL ADMINISTRATION, RULE 31. RECORDS MAINTENANCE AND RETENTION. "IF" THE STATE RECORDS COMMISSION GRANTS THE COURT REPORTER PERMISSION TO DESTROY A COURT PLEA COLLOQUY AND SENTENCING HEARING, IT IS REQUIRED BY THE COMMISSION, FOR THE COURT REPORTER TO PLACE SAID TRANSCRIPTS ON MICROFILM, THAT THE PROCEEDINGS DO NOT RUN CONTRARY OR CAUSE CONFLICT OF THE "ALABAMA AUTHORITY" AND "LEGISLATIVE INTENT" OF COURT REPORTER DUTIES. THIS IS THE "SECOND" Hurdle THE COURT REPORTER "JUMPED OVER", AND THE LAWS OF ALABAMA PROHIBIT SUCH ACT. AS THIS HONORABLE COURT REVIEWED IN PETITIONER'S WRIT APPENDIX (L), 1-15, EXHIBITS A-J, OF APPENDIX (L), AND ALSO APPENDIX (F) OF PETITIONER'S WRIT BEFORE THIS HONORABLE COURT. THE UNLAWFUL ACTIONS OF THE COURT REPORTER WAS "ERROR,"

AND THAT ERROR WAS "OBVIOUS" ON THE FACE OF THE RECORD BEFORE THE APPELLATE COURTS OF ALABAMA, AND THAT "OBVIOUS" "ERROR" EFFECTED THE PETITIONER'S "SUBSTANTIAL RIGHTS" TO VICTIMS' 1. RIGHT TO TRIAL BY JURY, 2. RIGHT TO CONFRONT WITNESSES, AND 3. RIGHT TO BE PROTECTED FROM SELF INCULCATION. BECAUSE THE UNLAWFUL ACT OF THE AGENT OF THE STATE COURT REPORTER, DIANE BATTLES, DESTROYING THE REPORTEDLY SAID TRANSCRIPT OF COURT PLEA COLLOQUY AND SENTENCING HEARING OF PETITIONER CASE, IT CAN NOT BE "DETERMINED" BY THE APPELLATE COURTS OF ALABAMA, AND IT CAN NOT BE "DETERMINED" BY THIS HONORABLE COURT, 1. THAT THE TRIAL JUDGE ASKED CERTAIN QUESTIONS TO THE PETITIONER TO ASSESS THAT THE PETITIONER ENTERED THE PLEA VOLUNTARILY. 2. THAT THE TRIAL JUDGE PERSONALLY ADDRESSED THE PETITIONER AND ASKED THAT THE PETITIONER HAD READ, OR HAD READ TO HIM, AND "UNDERSTANDS" "EACH ITEM" CONTAINED IN THE "EXPLANATION OF RIGHTS AND PLEA OF GUILTY" FORM THE DEFENDANT EXECUTED. AND 3. THE TRIAL JUDGE MUST ADVISE THE PETITIONER AND ASK HIM THROUGH QUESTIONS, AND BY PETITIONER RESPONSES, THAT PETITIONER, "KNOWINGLY" OR "INTENTIONALLY" "FORFEITED" HIS RIGHTS, "WAIVED", HIS SUBSTANTIAL RIGHTS, TO TRIAL BY JURY, CONFRONT WITNESSES, AND SELF INCULCATION. ACCORDING TO A RULING HELD BY THE ALABAMA SUPREME COURT IN EX PARTE FLEMING, 972 So. 2d 835; 2007 ALA. LEXIS 88, IT STATES, "IN BOWDEN V. ALABAMA, 395 U.S. 238, 89 S. Ct. 1709, 23 L. Ed. 2d 274 (1969), THE UNITED STATES SUPREME COURT ("THIS HONORABLE COURT") HELD THAT BEFORE A TRIAL COURT CAN ACCEPT A DEFENDANT'S PLEA OF GUILTY, THE TRIAL COURT MUST DETERMINE THAT THE DEFENDANT IS ENTERING THE PLEA VOLUNTARILY.

SEE RULE 14.4(a), ALA. 2. CRIM. P. (PROVIDING THAT THE COURT IN ALL CASES EXCEPT CASES INVOLVING MINOR MISDEMEANORS, MUST PERSONALLY ADDRESS A DEFENDANT WHO IS PLEADING GUILTY AND ASK CERTAIN QUESTIONS TO ASCERTAIN THAT THE DEFENDANT IS ENTERING THE PLEA VOLUNTARILY); SEE ALSO RULE 14.4(d), ALA. 2. CRIM. P. (PROVIDING THAT THE COURT MAY DETERMINE THE VOLUNTARINESS OF A DEFENDANT'S PLEA AND SATISFY THE REQUIREMENTS OF BOYKIN AND RULE 14.4(a) BY PERSONALLY ADDRESSING THE DEFENDANT AND ASCERTAINING THAT THE DEFENDANT HAS READ, OR HAS HAD READ TO HIM, AND UNDERSTANDS EACH ITEM CONTAINED IN THE "EXPLANATION OF RIGHTS AND PLEA OF GUILTY" FORM THE DEFENDANT EXECUTED). THE UNITED STATES SUPREME COURT (THIS HONORABLE COURT), STATED IN BOYKIN THAT THE TRIAL COURT'S DETERMINATION THAT THE DEFENDANT VOLUNTARILY ENTERED HIS PLEA OF GUILTY MUST BE "AFFIRMATIVELY" REFLECTED IN THE RECORD. THEREFORE, IN ORDER TO SATISFY THE REQUIREMENTS OF "BOYKIN", UNDER RULE 14.4, PERTAINING TO A "FELONY GUILTY PLEA", IN THE STATE OF ALABAMA, THERE MUST BE A PERSONAL COLLOQUY BETWEEN JUDGE AND DEFENDANT IN OPEN COURT, IN PRESENCE OF COUNSEL, AND THE RECORD MUST REFLECT THAT THE JUDGE ASKED QUESTIONS AND THE PETITIONER RESPONDED TO THOSE QUESTIONS, THAT THE PETITIONER HAS READ, OR HAD READ TO HIM AND UNDERSTANDS EACH ITEM IN THE "FORMS" OF A FELONY GUILTY PLEA PROCESS, AND THE RECORD MUST REFLECT THAT THE TRIAL JUDGE IN OPEN COURT ADVISED PETITIONER OF HIS SUBSTANTIAL RIGHTS, TO TRIAL BY JURY, CONFRONT WITNESSES, SELF INCRIMINATION, AND THE RECORD MUST REFLECT THE RESPONSES FROM THE PETITIONER TO SAID ADVICES FROM THE TRIAL JUDGE, THAT PETITIONER "UNDERSTANDS" AND "KNOWINGLY, WAIVES" HIS SUBSTANTIAL RIGHTS, TO TRIAL BY JURY, CONFRONT WITNESSES, AND SELF INCRIMINATION, THE RECORD MUST REFLECT SUCH

FACTS. ACCORDING TO THE UNITED STATES CONSTITUTIONAL ROLE
ESTOPPEL AND WAIVER, § 29 - WAIVER DEFENDED. IT STATES
ES, "2. A WAIVER IS ORIGINALLY AND INTENTIONAL RELINQUISH-
MENT OR ABANDONMENT OF A "KNOWN" right or privilege.
THE PETITIONER RECD IS BEFORE THIS HONORABLE COURT AND
HIS WRIT OF CERTIORARI. THIS HONORABLE COURT REVIEWED THE
PETITIONER SAID WRIT. THERE IS NOTHING IN PETITIONER WRIT
THAT REFLECT BEFORE THIS HONORABLE COURT, THAT THE PETI-
TIONER "INTENTIONALLY RELINQUISHED", OR "ABANDONED"
"KNOWINGLY" HIS SUBSTANTIAL RIGHTS, TO TRIAL BY JURY,
CONFRONTATION WITNESSES, AND SELF INCRIMINATION, WHICH IS
THE REQUIREMENT BY THIS HONORABLE COURT TO SATISFY "BOTHEN."
THIS HONORABLE COURT REVIEWED EXHIBIT (C). PETITIONER, WA-
NUTE ENTRY, CASE ACTION SUMMARY SHEET(S). PETITIONER, D-
IRECTED THIS COURT TO DOCUMENT # 19, HIGHLIGHTED IN SAID
DOCUMENT, "4-11-03, GUILTY PLEA AND SENTENCE, W.B.S.
"SEE NOTES". THOSE INITIALS IS HONORABLE JUDGE B. ST
REET, THE PETITIONER STOOD BEFORE ON 4-11-03. THE PETITION-
ER BELIEVES THAT THIS COURT TOOK THIS FACT, AND DETER-
MINED BECAUSE THE JUDGE INITIALS IS ON THE CASE A-
CTION SUMMARY, THAT THIS IS GOOD EVIDENCE TO SAT-
ISFY THE COURT THAT PETITIONER VOLUNTARILY ENTERED NOT
O A PLEA. THIS DETERMINATION, IF SO, OF THIS HONORABLE
COURT, WOULD EFFECT "FAIRNESS" TO THE PETITIONER, INTEGRIT-
Y, AND PUBLIC REPUTATION OF JUDICIAL PROCEEDINGS,
AND "FAIR ADMINISTRATION OF JUSTICE." SEE NOTES BY THE
HONORABLE JUDGE ~~INITIALS~~ MEANS, "EXACTLY WHAT IT MEANS."
"SEE THE STENOGRAPHIC NOTES OF THE COURT REPORTER," FOR
ALL REVIEWING COURTS, AND BY THE PETITIONER, TO SEARCH
THE SAID NOTES TO SEE IF THE TRIAL JUDGE CONDUCTED
THE GUILTY PLEA CORRECTLY IN COMPLIANCE WITH

ALA. R. CRIM. P., RULE 14.4(a)(c)(d) PERTAINING TO A FELONY COURT
Y PLEA, IN COMPLIANCE WITH U.S.C.F., RULE 11(b)(b) AND (c), AND
IN COMPLIANCE WITH THIS HONORABLE COURT RULING HELD IN
BOYKIN V. ALABAMA, 395 U.S. 238, 89 S. Ct. 1709, 23 L. Ed 2d
274 (1969), A VERBATIM RECORD MUST REFLECT TO SATISFY THE
REQUIREMENTS OF "BOYKIN". THE INITIAL OF THE JUDGE ON A CASE
ACTION SUMMARY DO NOT AND CANNOT REFLECT THESE STATED SAID
"FACTS". NOR DO THE RECORDS REFLECT OF PETITIONER WROTE BEFORE THIS
HONORABLE COURT THAT THE PETITIONER "STOOD BEFORE THE TRIAL
JUDGE" ON 4-11-2003 AND "ADMITTED TO ANY ADMISSION OF
GUILT" AS ONE OF THE "INQUIRIES" FOR THE COURT TO ACCEPT THE
ADMISSION OF A FELONY COURT PLEA AS OUTLINED IN U.S.C.F.,
RULE 11(b)(3). THE ALLEGED COURT PLEA FORM ~~OUTLINED~~ IN AP-
PENDIX (F), OF PETITIONER WROTE BEFORE THIS HONORABLE COURT,
IS NOT AN ADMISSION TO ESTABLISH THE CONDUCT / ACTION OF THE
CHARGE OFFENSE, IN WHICH THE COURT IS SEEKING TO ACCEPT AND
TO SUSTAIN CONVICTION AS OUTLINED IN U.S.C.F., RULE 11(b)(3).
ALSO THE RECORDS MUST REFLECT THAT THE TRIAL JUDGE ADDRESSED
PETITIONER IN OPEN COURT PERSONALLY, AND ASKED PETITIONER
IF PLEA VOLUNTARY AND DID NOT RESULT FROM FORCE, THREATS,
OR PROMISES (OTHER THAN PROMISES IN A PLEA AGREEMENT),
AND THE RECORDS MUST REFLECT THE RESPONSES FROM THE PET-
ITIONER TO SAID QUESTIONS, FOR THE TRIAL JUDGE TO MAKE DETERMI-
NATION THAT FORCE, THREATS, AND PROMISES WAS NOT SO, AND OTHER
RELEVANT FACTS, AND PETITIONER CAN REVIEW SUCH ~~FACTS~~
FACTS. ^{"SEE U.S.C.F. RULE 11(b)(2)."} THE PETITIONER MADE THIS HONORABLE COURT TO TAKE JUDICIAL
NOTICE THAT THIS HONORABLE COURT CAN NOT HOLD "PETITIONER"
"ACCOUNTABLE" OR "RESPONSIBLE" TO "REMEMBER" WHAT HAPPEN
OR WHAT WAS SAID BETWEEN HONORABLE B. STREET AND
PETITIONER "OVER NINETEEN (19) YEARS AGO" ON 4-11-03, AND
THIS HONORABLE COURT "IF SO", CAN NOT DEEM THE TRIAL
JUDGE INITIALS ON THE MINUTE ENTRY IN APPENDIX (G) OF
PETITIONER WROTE, TO BE SUFFICIENT TO HOLD PETITIONER TO A

Voluntary Plea. "THE LAW OF THE LANDS" OF THIS HONORABLE COURT,
BOYKIN V. ALABAMA, 395 U.S. 238, 89 S. Ct. 1709, 23 L. Ed. 2d
274 (1969), USC Rule 11(g)(b) AND (c) THAT PREEMPTS THE OPERA-
TION OF THE ENTRY OF COUNTY PLEAS IN ALL STATES OF AMERICA, AND
THE ALA. R. Crim. P., RULE 14.4(a)(c)(d) THE LAW OF THE STATE OF ALAB-
AMA PERTAINING TO A FELONY COUNTY PLEA, "WITHSTAND" SUCH DETER-
MINATION FROM THIS HONORABLE COURT. BY THE ESTABLISHED FACTS IN
THE PETITIONER WRIT, AND THE ESTABLISHED FACTS IN THIS PETITION, "THIS
COURT MUST HOLD", AND THE APPELLATE COURTS OF ALABAMA, FAILED TO
HOLD THE AGENT OF THE STATE OF ALABAMA, COURT REPORTER, DIANE
BATTLES, "ACCOUNTABLE" AND "RESPONSIBLE", FOR HER UNLAWFUL
ACTIONS DESTROYING THE REPORTEDLY SAID COUNTY PLEA COLLATERAL
AND SENTENCING HEARING OF PETITIONER CASE. ACCORDING TO
A RULING HELD BY THE ALABAMA SUPREME COURT IN EX PARTE T.R.,
4 SO. 3d 487, JUNE 27th, 2008, IT STATES, "IN THE PRESENT CASE,
THE MOTHER WAS DEPRIVED HER RIGHT TO A "REHEARING" UNDER THE
RULE AND STATUTE. THIS WAS ERROR ON THE PART OF THE TRIAL COUR-
T AND, WE CONCLUDE, ERROR THAT "AFFECTED (A) SUBSTANTIAL RIGHT
OF THE MOTHER, I.E., THE RIGHT TO HAVE HER CASE REHEARD BY A
JUDGE." BY THE RULES, STATUTES, AND CASE LAWS, ALONG WITH MATERIAL
FACTS ON THE FACE OF THE RECORD BEFORE THIS HONORABLE COURT IN PET-
ITIONER WRIT, AND IN PETITIONER MOTION TO CORRECT RELIEF, AND ESTAB-
LISHED IN THIS PETITION, THIS WAS ERROR ON THE APPELLATE COURTS OF
ALABAMA, AND "OBVIOUS ERROR" ON THE AGENT OF THE STATE OF
ALABAMA, COURT REPORTER, DIANE BATTLES, AND THIS HONORABLE COURT
SHOULD CONCLUDE, IT WAS ERROR THAT EFFECTED THE "SUBSTANTIAL RIGHTS"
OF THE PETITIONER, TO WIT: 1. RIGHT TO TRIAL BY JURY, 2. RIGHT TO
CONFRONT WITNESS, AND 3. RIGHT TO BE PROTECTED FROM SELF INCRIMINA-
TION, WHICH THE RECORD BEFORE PETITIONER CASE REFLECT SUCH FACT, THAT
PETITIONER DID NOT "INTENTIONALLY RELINQUISH" OR "ABANDON" SUCH SAID
RIGHTS "KNOWINGLY", THEREFORE, IT IS PETITIONER RIGHTS TO HAVE
HIS CASE BEFORE THIS HONORABLE COURT TO BE REHEARD AND
CONSIDERED UNDER CORTEZ V. STATE AS OUTLINED IN APPENDIX

(Q) of ~~XXXXXX~~ PETITIONER writ. The Appellate courts of ALABAMA failed to notice an "obvious error" in PETITIONER claim of the court reporter DIANE BATTLES, AND THIS "obvious error" effected the substantial rights of PETITIONER, TRIAL by JURY, confront witnesses, AND SELF INCRIMINATION, AND THIS "obvious error" effected the controlling PRINCIPLES of LAW governing the COURT REPORTER DUTIES, the rulings of this Honorable Court (BOYKIN), the vast **RULE 11(g)(b) AND (c)**, AND THE SAFEGUARDS of the PETITIONER UNITED STATES CONSTITUTIONAL RIGHTS. The unlawful actions of the COURT REPORTER, AND the actions of the Appellate courts of ALABAMA EXPRESSED in this Petition, violated the PETITIONER UNITED STATES CONSTITUTIONAL RIGHTS, UNDER AMENDMENT 14, DUE PROCESS AND EQUAL PROTECTION clause, which states, "NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS of LAW; NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTIONS OF THE LAWS". The PETITIONER must be treated "FAIRLY AND EQUALLY PROTECTED OF THE LAWS" of this Honorable Court, UNITED STATES CONSTITUTIONAL federal LAWS, AND THE LAWS of the STATE of ALABAMA. PETITIONER, Direct this Court Attention to Appendix (A-2) of this Petition. This Honorable reviewed Appendix (C) of PETITIONER writ. There is NO AMBIGUITY in PETITIONER CASE ACTION Summary. Therefore, in the STATE of ALABAMA, AND in PETITIONER'S CASE, the CASE ACTION Summary is the "SECONDARY EVIDENCE" UNDER consideration of Corning v. State, SEE Appendix (Q). The CASE ACTION Summary sheet in PETITIONER CASE, AND on the face of the RECORD before this Honorable Court, DO NOT reflect "ANYTHING", that could be used to hold PETITIONER OR convict PETITIONER all over "ALABAMA". The AGENT of the STATE, COURT REPORTER, DIANE BATTLES, DESTROYED "CRUCIAL EVIDENCE", UNLAWFULLY, AND PETITIONER should be rewarded the DUE relief, RULED AND held by this Honorable Court in Appendix (Q) of PETITIONER writ of certiorari Reviewed by this Honorable Court. This Honorable Court CAN NOT STAND BY AND let PETITIONER BE UNDER A ~~illegal~~ felony COWLY PLEA conviction in the STATE of ALABAMA, AND the PETITIONER