

SUBSTANTIAL RIGHTS TO HAVE TRIAL BY JURY, CONFRONT WITNESSES, BE PROTECTED AGAINST SELF INCRIMINATION, IS NOT REFLECTED IN THE RECORD OF PETITIONER CASE BEFORE THIS HONORABLE COURT, THAT PETITIONER, "INTENTIONALLY RELINQUISHED", OR "ABANDONED" "BOUND- WINDLY", "WAIVED", HIS SUBSTANTIAL RIGHTS, THE RECORD DOES NOT REFLECT ADMISSION FROM THE PETITIONER TO THE CONDUCT/ACTION OF THE OFFENSE, EXPRESSING VERBALLY HIS COURT IN OPEN COURT IN THE PRESENCE OF THE TRIAL JUDGE AND PETITIONER [REDACTED] BY "VERBATIM RECORD", "THE RECORD DO NOT REFLECT THAT PETITIONER HAD COUNSEL STANDARDS BESIDE HIM, OR WITH HIM IN OPEN COURT ON 4-11-2003, BEFORE THE HONORABLE JUDGE B. SHEET, ONLY THE VERBATIM RECORD, CAN REFLECT SUCH FACT", "THE RECORD DO NOT REFLECT, THE TRIAL JUDGE QUESTIONING THE PETITIONER IF BEING FORCED, THREATENED, OR COERCED TO SIGN PAPER WORK PURSUING TO A FELONY COUNTY PLEA WITH PROMISES OUTSIDE ANY PROMISE OF THE FELONY COUNTY PLEA AGREEMENT, AND THE PETITIONER REFUSES TO SAID QUESTIONING BY THE TRIAL JUDGE WHICH MUST REFLECT IN THE RECORD, THE RECORD DO NOT REFLECT THE JUDGE GOING OVER EVERY ITEM WITH PETITIONER OF THE EXPLANATION OF RIGHTS FORM AND COUNTY PLEA FORM, QUESTIONING THE PETITIONER PERSONALLY IN PRESENCE OF A COUNSEL, THAT PETITIONER HAS READ, OR HAS HAD READ TO HIM, THE FORMS, AND "MAKING" "SURE", PETITIONER "UNDERSTANDS" each item in the SAID FORMS, FROM THE RESPONSES OF THE PETITIONER, THAT MUST BE REFLECTED IN THE RECORD, WHICH THESE SAID FACTS ABOVE IS REQUIRED TO SATISFY THE REQUIREMENTS OF "BOYCE", TO SATISFY THE REQUIREMENTS OF UNITED STATES CONSTITUTIONAL FEDERAL RULE 11(a)(b) AND (c), AND TO SATISFY ALABAMA RULES OF CRIMINAL PROCEDURE RULE 14.4(a)(c) AND (d). AND THE REASON WHY THE SAID FACTS ABOVE DO NOT REFLECT IN THE PETITIONER RECORD BEFORE THIS HONORABLE COURT, IS FROM THE COURT REPORTER OWN ADMISION, DESTROYING THE COUNTY PLEA COLLOQUY AND SENTENCING HEARING OF PETITIONER CASE, AND BY THE FACTS IN PETITIONER WRIT AND THIS PETITION BEFORE THIS HONORABLE COURT, THE COURT REPORTER DESTROYED

SAID TRANSCRIPTS IN "BAD FAITH". THE SAID TRANSCRIPTS
WAS "CRUCIAL EVIDENCE", "MATERIAL", AND "PROBATIVE VALUE",
BECAUSE WITH SUCH "CRUCIAL EVIDENCE" IN PLACE, THE RECORD
COULD "POSSIBLY" REFLECT A UPHOLD OR SUSTAIN A FELONY COUNTY
PLEA CONVICTION, AND WITH SUCH "CRUCIAL EVIDENCE" IN PLAC
CE THE RECORD COULD "POSSIBLY" REFLECT A "NON COMPLIANCE"
OF THE TRIAL COURT TO "PROPERLY" CONDUCT A FELONY COUNTY PLEA
PROCEEDINGS BY ESTABLISHED LAW, WHICH WOULD THEN GIVE THE
PETITIONER, THE OPPORTUNITY TO EXERCISE HIS "SUBSTANTIAL RIGHTS"
TO PURSUE A "COLLATERAL ATTACK". BUT, TO THE CONTRARY, BY
THE ESTABLISHED FACTS IN THE PETITIONER WIT AND IN THIS PET
ITION BEFORE THIS HONORABLE COURT, BECAUSE THE AGENT OF
THE STATE, COURT REPORTER, DIANE BATTLES, DESTROYED THE "CRUCIAL EVID-
ENCE" IN PLACE, IT WOULD HAVE CHANGED THE OUTCOME OF THE
PROCEEDINGS, BECAUSE WITHOUT THE "CRUCIAL EVIDENCE" IN PLACE,
"IT LET THE PETITIONER ALL THE WAY CO, IT RESTORE THE PETI-
TIONER LIFE AND LIBERTY" BY THE "LAW OF THE LAND", AND "EV-
ILNOS" BY THIS HONORABLE COURT OBTAINED IN APPENDICES
P, Q, R, AND S IN PETITIONER WIT OF CERTIFICATE AND NEWLY
ESTABLISHED FACTS IN THIS PETITION BEFORE THIS HONORABLE COURT.
"PETITIONER REQUEST RELIEF FROM THIS HONORABLE COURT IN THIS
WISE": GRANT PETITIONER A REHEARINGS, ISSUE ORDER TO THE
STATE OF ALABAMA TO DISMISS ALL INDICTMENTS AGAINST
PETITIONER IN THIS CASE, INSTRUCT THE COURT OF ALABAMA THAT
IT CAN NOT REINDICT PETITIONER, AND TO IMMEDIATELY RELEASE
PETITIONER TO HIS LIFE AND LIBERTY. OR, IN THE ALTERNATIVE
GRANT PETITIONER, DIE RELIEF, DEEMED NECESSARY BY THIS HON-
ORABLE COURT BY THE ESTABLISHED NEW FACTS IN THIS PETITION.
PETITIONER SEEK FIRST RELIEF MENTIONED IN THIS PETITION FOR
REHEARINGS BECAUSE IT WOULD BE A "TYPE ADMINISTRATION OF JUSTICE"
TO PETITIONER, SHOWING NO PARTIALITY, BUT "FAIRNESS OF EQ-
UIT PROTECTION OF THE LAW". PETITION REQUEST "THAT THIS HONORABLE
COURT MOVE ON BEHALF OF PETITIONER WITHOUT DELAY". PET-
ITIONER REST THIS CASE IN THE HAND OF THIS HONORABLE COURT
AND ACCEPT THE FINAL JUDGMENT OF THIS PETITION FROM THIS
HONORABLE COURT...

THE PETITIONER MOVE THIS HONORABLE COURT TO TAKE JUDICIAL NOTICE OF ANOTHER IMPORTANT FACTOR, THAT A "UNFAVORABLE BALANCE" UPON THIS PETITION FOR RE-HEARINGS, WOULD FURTHER "HANDICUFF" PETITIONER ABILITY TO OBTAIN HIS "LIFE" AND "LIBERTY", WHEN IT IS CLEAR ON THE FACE OF THE RECORD, THAT THE PETITIONER HAS NO "PROMISEMENT OF SENTENCE" OR "COLLOQUY OF RECORDS". THE ADMISSION OF THOSE DESTROYED RECORDS BY THE COURT REPORTER "NEGATES" THE PETITIONER ABILITY TO SUBJECT HIS CASE TO AN "ADVERSE ATTACK", AND IT LEAVES THE PETITIONER WITH NO "FIGHTING CHANCE" TO HIS FREEDOM. THE SAID FACTS IN THIS PETITION IS "INTERVENING CIRCUMSTANCES" BEFORE THIS HONORABLE COURT, AND "DEMAND" AN "ADMINISTRATION OF JUSTICE", ANYTHING OTHERWISE OR TO THE CONTRARY, WOULD BE A "MANIFEST INJUSTICE".
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON JUNE 14TH, 2021.

SIGNATURE: Moses Jackson
MOSES JACKSON
AJS# 228710

CERTIFICATE OF SERVICE

PETITIONER, CERTIFY THAT THE PETITION FOR RE-HEARINGS IS PRESENTED IN GOOD FAITH AND NOT FOR DELAY.

PETITIONER, ALSO CERTIFY THAT ON THIS 14TH DAY OF JUNE, 2021, SERVED A COPY OF THE FOREGOING ON THE ATTORNEY GENERAL OF THE STATE OF ALABAMA, STEVE MARSHALL, SDI WASHINGTON AVENUE, P.O. BOX 300152, MONTGOMERY, ALABAMA, 36130-152, BY PLACING SAME IN THE INSTITUTIONAL UNITED STATES MAIL BOX.

Signed: Moses Jackson
MOSES JACKSON
AJS# 228710

APPENDIX A-1

CONTINUED.

MY GUILTY PLEA illegal. Had this substantial fact of my co-defendants being in CRIMINAL CODE, (3A-8-4), this could have changed my Plea deal, I could of had the opportunity to accept a Plea deal of second degree Robbery. The DA illegally prosecuted me, by not disclosing the substantial fact in CRIMINAL CODE, (3A-8-4), that I, MOSES JACKSON, had co-defendants, this is a violation of my UNITED STATES CONSTITUTION, Amendment 14 (DUE PROCESS CLAUSE) which states, "NO STATE CAN DEPRIVE ANY PERSON of life, liberty or Property, without DUE PROCESS OF LAW." By the DA violating my right to front my co-defendants, or to use my co-defendants as witnesses on my BEHALF, which could have changed my GUILTY PLEA Agreement, this violated my UNITED STATES CONSTITUTIONAL rights, under Amendment 8 (CRUEL AND UNUSUAL CLAUSE), which states, "NO CRUEL AND UNUSUAL Punishment inflicted".

* THE TRIAL JUDGE HAS NO JURISDICTION TO MAKE JUDGEMENT OF A void record under a illegal sentence pertaining to ALABAMA CRIMINAL CODES, (3A-8-4), (3A-6-2), (3A-4-2), IN PURSUANT OF ALABAMA STATUTE 12-17-275. I'm sending A COPY OF A DOCUMENT SIGNED BY THE HONORABLE JUDGE BUD TURNER, which the Honorable Judge is BOUND BY HIS OWN SIGNATURE, for this Honorable court to review AS EXHIBIT (D). ON the first page of the court DECLINE it states, IN PART, "first, The Petitioner's GUILTY PLEA and sentencing was stenographically reported BY

APPENDIX A-II

CONTINUED.

* DIANE BATTLES, MS. BATTLES has informed this court that a transcript was not requested prior to this court's request and that based on the Alabama Unified Judicial System's Records Retention Schedule for the circuit, District, Juvenile, and municipal courts, she no longer retained the notes of the proceedings after 10 years had passed. therefore, this court is unable to comply with the court's request for the transcript of Petitioner's guilty plea and sentencing. According to CODE OF ALABAMA 1975, section 12-17-275, DUTIES, which states in part, "The official court reporter shall attend in person, except as otherwise here in provided, the sessions of court held in the circuit for which he is appointed, and in every case..... The original stenographic of such court reported in each case or proceeding officially reported shall be preserved by him and treated as part of the records of the respective courts, and upon his retirement from office, shall be turned over to the clerks of such courts. The mandatory language by the word "shall" mandates that the court reporter must carry out the ALABAMA A LEGISLATIVE INTENT of The ALABAMA statute 12-17-275, pertaining to ALABAMA CRIMINAL CODES, 13A-8-41, 13A-6-2, 13A-4-2. The court reporter lied to the Honorable court. My record pertaining to the CRIMINAL CODES, 13A-8-41, 13A-6-2, 13A-4-2, which suppose to hold the transcripts of my guilty plea and sentencing, cannot be disposed of, when my sentence is not properly adjudicated. According to EXHIBITS A, B, C and

APPENDIX A-1

CONTINUED

①, with the arguments of my second Rule 32 Petition, and with the arguments of my motion to amend to my second Rule 32 Petition, show this Honorable Court in Plain View, that I, MOSES JACKSON, was illegally Prosecuted BY the DA of CALHOUN COUNTY, IM under a illegal Court Order A, and my sentence was illegal, according to a ruling held BY the ALABAMA COURT OF CRIMINAL APPEALS IN MCHARRIS V. STATE, 678 So.2d 258, 1995 ALA. CRIM. APP. LEXIS 201, which states, "MATTERS CONCERNING UNAUTHORIZED SENTENCES ARE JURISDICTIONAL AND, THEREFORE, CAN BE REVIEWED EVEN IF THEY HAVE NOT BEEN PRESERVED." I, MOSES JACKSON, CAN MAKE A JURISDICTIONAL CLAIM OF MY CASE # CC-01-1358, 1359, 1360, and 1361, AT ANY CONVENIENT TIME, EVEN IF I DID NOT SEEK A DIRECT APPEAL, THEREFORE, MY RECORD CANNOT BE DISPOSED OF. I, MOSES JACKSON, IS CONFINED TO THE STATE OF ALABAMA PRISON SYSTEM WITH NO CASE ON RECORD IN THE STATE OF ALABAMA. THIS IS A VIOLATION OF MY UNITED STATES CONSTITUTION RIGHTS UNDER THE 14TH AMENDMENT (DUE PROCESS CLAUSE), WHICH STATES, "NOR ANY STATE CAN DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW." BY THIS HONORABLE COURT BEING MADE AWARE OF ME BEING ILLEGALLY CONFINED UNDER A ILLEGAL SENTENCE PURSUANT TO CRIMINAL CODES 13A-8-41, 13A-6-22, 13A-4-2, PURSUANT TO CODE OF ALABAMA 1975 SECTION 12-17-205, AND THIS HONORABLE COURT DELAY ON ENTERTAINING THIS ISSUE, THIS WILL BE A VIOLATION OF MY UNITED

APPENDIX A-1CONTINUED.

* STATES CONSTITUTION, Amendment 8 (Cruel and Unusual Punishment clause), which states, "nor cruel and unusual punishments inflicted. ACCORDING TO THE ALABAMA CONSTITUTION 1901, ARTICLE 13/3, which states, "That all courts shall be open; and that every person, for any injury done him, in his lands, goods, person, or reputation, shall have a remedy by due process of law; and right and justice shall be administered without sale, denial, or delay." I, MOSES JACKSON, must receive due relief from this Honorable court without delay.

Conclusion

I, MOSES JACKSON, PETITION THIS Honorable court to ALTER my ~~PETITION~~ TO AMEND TO MY SECOND RULE 32 petition, IN PURSUANT TO RULE 32.7 B ALA. Crim. P. I, MOSES JACKSON, PETITION THIS Honorable court TO SET A EVIDENTIARY hearing, and TO ISSUE A TRANSPORT order that I MAY attend the hearing, and present my facts, that I MAY receive DUE RELIEF without delay.

Sworn and Subscribed To before me on this 29th day of August 2018

Dorald Kainer 4/10/2022
NOTARY

4/10/2022
MY COMMISSION EXPIRES

Moses Jackson
PETITIONER

Minute entry showing judgment constitutes the final record of the judgment. *Jordan v. State*, 16 Ala. App. 51, 74 So. 864, 1917 Ala. App. LEXIS 118 (Ala. Ct. App. 1917).

Minute entry showing the judgment constitutes the final record of the judgment. *Calvert v. State*, 26 Ala. App. 189, 155 So. 389, 1934 Ala. App. LEXIS 93 (Ala. Ct. App. 1934).

The trial docket is not a record and the judge's notes entered thereon operate only as direction to the clerk as to what judgment and orders shall be entered on the court's record; the minute entry showing the judgment constitutes the final record of the judgment. *Harris v. State*, 54 Ala. App. 10, 304 So. 2d 252, 1974 Ala. Crim. App. LEXIS 1157 (Ala. Crim. App. 1974).

Evidence — Generally.

The judgment entry, as made in the minutes, is by statute made a part of the final record in the cause, and is admissible in evidence as such. *Hale v. Helms*, 17 Ala. App. 62, 81 So. 840, 1919 Ala. App. LEXIS 84 (Ala. Ct. App. 1919).

Minute entry, properly made and properly introduced in evidence, cannot be aided by any entries appearing among the **bench notes**, there being no ambiguity in said minute entry. *Calvert v. State*, 26 Ala. App. 189, 155 So. 389, 1934 Ala. App. LEXIS 93 (Ala. Ct. App. 1934).

The records of the proceedings, judgment and decrees of the courts of record are required to be kept, and when the final records are made up as constituting the judgment roll, this becomes the best evidence of the judgment. *Harris v. State*, 54 Ala. App. 10, 304 So. 2d 252, 1974 Ala. Crim. App. LEXIS 1157 (Ala. Crim. App. 1974).

Cited in

Carmichael v. Matthews, 134 Ala. 210, 32 So. 681, 1901 Ala. LEXIS 28 (1901); *Wilder v. Bush*, 201 Ala. 21, 75 So. 143, 1917 Ala. LEXIS 29 (1917); *Ex parte Creel*, 719 So. 2d 783, 1998 Ala. LEXIS 146, 32 Ala. B. Rep. 2590 (1998).

Research References and Practice Aids