

No.

20-8438

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

MAY 24 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

MICHAEL LIVINGSTON - PETITIONER
(YOUR NAME)

VS.

JUDGE BRYAN, J. "et-al" - RESPONDENT(S)
ON PETITION FOR A WRIT OF CERTIORARI TO

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

MICHAEL LIVINGSTON
(YOUR NAME)

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(CITY STATE, ZIP CODE)

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(PHONE NUMBER)

RECEIVED

JUN 2 - 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

PETITIONER RESPECTFULLY PRAYS THAT A WRIT OF CERTIORARI BE ISSUED TO REVIEW JUDGMENT BELOW
OPINIONS BELOW

☐ FOR CASES FROM FEDERAL COURTS:
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☐ IS UNPUBLISHED.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:
ALABAMA SUPREME COURT DENIED WITH NO OPINION.
SEE APPENDIX B.

THE OPINION OF THE ALABAMA APPEALS COURT
APPEARS AT APPENDIX D TO THE PETITION AND IS

☐ REPORTED AT _____; OR,
☐ HAS BEEN DESIGNATED FOR PUBLICATION BUT IS NOT YET REPORTED; OR,
☒ IS UNPUBLISHED

QUESTION(S) PRESENTED

APPEALS

1. DID THE ALABAMA ~~COURT~~ COURT JUDGES INVOLVED IN THIS CASE, VIOLATE PETITIONER UNITED STATES CONSTITUTIONAL RIGHTS, WHEN THEY "ABANDONED CLEARLY ESTABLISHED LAW" THEY ARE "BOUND TO FOLLOW", BY DENYING PETITIONER RULE 32 PETITION?
2. DID THE ALABAMA SUPREME COURT JUSTICES INVOLVED IN THIS CASE, VIOLATE PETITIONER UNITED STATES CONSTITUTIONAL RIGHTS, WHEN THEY "ABANDONED THEIR OWN LAW", BY DENYING WRIT?
3. DID THE ALABAMA JUDGES INVOLVED IN THIS CASE "CREATE CONFLICT" BETWEEN THE "ALABAMA LEGISLATURE" ESTABLISHED OFFENSE OF ATTEMPT MURDER UNDER TITLE 13A-4-2(a)(d)(1) AND THEIR JUSTIFYING "BY DENIAL", OF THE ALABAMA JUDICIARY "MISAPPLICATION" OF AN "IMPARTIAL" CRIMINAL CODE 13A-6-2 (MURDER), COMBINED WITH TITLE 13A-4-2, ESTABLISHING "A INVALID OFFENSE".

LIST OF PARTIES

[] All PARTIES APPEAR IN THE CAPTION OF THE CASE ON THE COVER PAGE
[X] All PARTIES DO NOT APPEAR IN THE CAPTION OF THE CASE ON THE COVER PAGE. A LIST OF ALL PARTIES TO THE PROCEEDINGS IN THE COURT WHOSE JUDGEMENT IS THE SUBJECT OF THIS PETITION IS AS FOLLOWS:

- | | |
|-------------------------|-------------------------|
| 1. JUDGE WINDOM, P.J. | (ALABAMA APPEALS COURT) |
| 2. JUDGE McCool | (ALABAMA APPEALS COURT) |
| 3. JUDGE COLE | (ALABAMA APPEALS COURT) |
| 4. JUDGE MINOR, J.J. | (ALABAMA APPEALS COURT) |
| 5. JUDGE BRYAN, J. | (ALABAMA SUPREME COURT) |
| 6. JUDGE PARKER, C.J. | (ALABAMA SUPREME COURT) |
| 7. JUDGE SHAW | (ALABAMA SUPREME COURT) |
| 8. JUDGE MENDHEIM | (ALABAMA SUPREME COURT) |
| 9. JUDGE MITCHELL, J.J. | (ALABAMA SUPREME COURT) |

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- APPENDIX (D) - ALABAMA APPEALS COURT ISSUED MEMORANDUM
- APPENDIX (E) - PETITIONER WRIT OF CERTIORARI FILED TO ALABAMA SUPREME COURT...

JURISDICTION

☐ FOR CASES FROM FEDERAL COURTS:

THE DATE ON WHICH THE UNITED STATES DISTRICT COURT DECIDED MY CASE WAS _____

THE JURISDICTION OF THIS COURT IS INVOLVED UNDER 28 U.S.C. § 1254(1).

☒ FOR CASES FROM STATE COURTS

THE DATE ON WHICH THE HIGHEST STATE COURT DECIDED MY CASE WAS MAY 14, 2021. A COPY OF THAT

DECISION APPEARS AT APPENDIX B.

THE JURISDICTION OF THIS COURT IS INVOLVED UNDER 28 U.S.C. § 1257(a).

TABLE OF AUTHORITIES CITED

CASES:

<u>EX PARTE W.F., W.L.C., AND R.S.S.</u> ; (IN RE: W.F., W.L.C. AND R.S.S. V. STATE OF ALABAMA), 214 So. 3d 1153; 2015 Ala. Lexis 140.....	3
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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

AMENDMENT 14 - DUE PROCESS CLAUSE of the UNITED STATES CONSTITUTION, which STATES, "NOR ANY STATE CAN DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW."

AMENDMENT 8 - CRUEL AND UNUSUAL CLAUSE of the UNITED STATES CONSTITUTION, which STATES, "NOR CRUEL AND UNUSUAL PUNISHMENTS INFLECTED."

AMENDMENT 6 - DEFENSE CLAUSE of the UNITED STATES CONSTITUTION, which STATES, "AND TO HAVE ASSISTANCE OF COUNSEL FOR HIS DEFENSE."

CONSTITUTIONAL LAW, § 525 - SAFEGUARDING LIBERTY OF CITIZEN. THE CONSTITUTIONAL REQUIREMENT OF DUE PROCESS IN SAFEGUARDING THE LIBERTY OF THE CITIZEN AGAINST DEPRIVATION THROUGH THE ACTION OF THE STATE EMBODIES THE FUNDAMENTAL CONCEPTIONS OF JUSTICE WHICH LIE AT THE BASE OF THE CIVIL AND POLITICAL INSTITUTIONS OF THE UNITED STATES.

ALABAMA 1901 CONSTITUTION, ARTICLE 1:7, which STATES, "THE DA 'MUST' 'LEGALLY' APPLY THE LAW BY DUE PROCESS IN THEIR PROSECUTION."

STATEMENT OF FACTS

THE PETITIONER APPEALED HIS CASE TO THE APPEALS COURT OF ALABAMA. PETITIONER USED ALABAMA SUPREME COURT ESTABLISHED LAW, WHICH THE APPEALS COURT IS BOUND TO, SHOWING THE APPEALS COURT THAT THE DA IMPARTED A CRIMINAL CODE, AND COMBINED THE IMPARTED CODE WITH ANOTHER CRIMINAL CODE TO ESTABLISH A "INVALID OFFENSE", AND THE DA USED "INVALID OFFENSE" TO PROSECUTE PETITIONER ILLEGALLY. THE APPEALS COURT ISSUED A MEMORANDUM ON MARCH 05TH, 2021, AFFIRMING THE TRIAL COURT JUDGMENT. PETITIONER, FILED A APPLICATION FOR REHEARING IN THE APPEALS COURT, USING SAME SUPREME COURT RULES, THAT THE APPEALS COURT IS BOUND TO. THE APPEALS COURT ISSUE A OVERRULE OF PETITIONER APPLICATION FOR REHEARING ON MARCH 26TH, 2021. PETITIONER FILED A WRIT OF CERTIORARI IN THE ALABAMA SUPREME COURT WITH FACTS ESTABLISHED ON THE FACE OF THE RECORD. THE SUPREME COURT OF ALABAMA "ISSUED THEIR OWN LAW", AND ISSUED ORDER, DENYING PETITIONER WRIT, WITH NO OPINION. THIS WRIT FOLLOWS.

REASONS FOR CONTINUING THE PETITION

REASON #1:

PETITIONER APPEARED HIS CASE IN THE APPEALS COURT OF ALABAMA. PETITIONER, DIRECT THIS HONORABLE ATTENTION TO APPENDIX (C). PETITIONER, PLACED APPENDIX (C), BEFORE THE APPEALS COURT IN HIS BRIEF. IN APPENDIX (C), THE DA "IMPART", CRIMINAL CODE 13A-6-2 (MURDER), AND COMBINE THE IMPARTED CODE WITH CRIMINAL CODE 13A-4-2 (ATTEMPT), AND ESTABLISH A "INVALID ~~OFFENSE~~" AND USED THE "INVALID ~~OFFENSE~~" TO PROSECUTE PETITIONER "ILLEGALLY." ACCORDING TO CODE OF ALABAMA 1975, 13A-6-2 (MURDER), IT STATES, "A PERSON COMMITS THE CRIME OF MURDER IF HE OR SHE DOES ANY OF THE FOLLOWING: (1) WITH INTENT TO CAUSE THE DEATH OF ANOTHER PERSON, HE OR SHE CAUSES THE DEATH OF THAT PERSON OR OF ANOTHER PERSON." PETITIONER, MOVE THIS HONORABLE COURT TO TAKE JUDICIAL NOTICE THAT THE ALABAMA LEGISLATURE INTENT FOR CRIMINAL CODE 13A-6-2 (MURDER), IS TO BE USED TO PROSECUTE A DEFENDANT

who takes the life of A PERSON. IN APPENDIX C, P.
ETITIONER did not TAKE THE LIFE OF ANY. ALSO IN APP
ENDIX C, THE DA "EXPLAINS", THE CRIMINAL CODE 13A-
6-2 (MURDER), AS FOLLOWS: "did, with the intent to
CAUSE THE DEATH of Cynthia Meinhardt, a violation
of 13A-6-2 of THE CODE of ALABAMA," THE FACT IS
ESTABLISHED ON THE FACE OF THE RECORD, BEFORE
HIS HONORABLE COURT, THAT THE DA IMPARTED CR
IMINAL CODE 13A-6-2 (MURDER), AND THE DA HAS
NO AUTHORITY, OR INHERITED POWER, BY THE ALAB
AMA LEGISLATURE TO DO SUCH ACT. ACCORDING TO
A RULING HELD BY THE ALABAMA SUPREME COURT IN EX
PARTE W.F., W.L.C., AND R.J.J.; (IN RE: W.F., W.L.C., AND R.
J.J. V. STATE OF ALABAMA, 214 SO. 3d 1153; 2015 ALA.
LEXIS 140, IT STATES "THE CONSTITUTIONAL DOCTRINE OF
SEPARATION OF POWERS "PRECLUDES" THE "JUDICIARY"
FROM CHANGING A CRIMINAL OFFENSE. THE COURT MAY
EXPLAIN A LANGUAGE IN A STATUTE, "BUT" IT "MAY NOT"
"DETRACT" FROM OR "ADD" TO THE STATUTE. APPELLANT
COURTS ARE NOT AT LIBERTY TO REWRITE STATUTE. THE
DA IS PART OF THE ALABAMA JUDICIARY. THE DA MAY
EXPLAIN THE LANGUAGE OF CRIMINAL CODE 13A-6-2 (M
URDER), "BUT", THE DA "CANNOT", "DETRACT" FROM CR
IMINAL CODE 13A-6-2 MURDER, AND APPENDIX C,
CLEARLY SHOW THE DA DETRACTING FROM CRIMINAL

CODE BA-6-2 (MURDER), AND THE DA HAS NO AUTHORITY BY THE ALABAMA LEGISLATURE, NOR BY THE ALABAMA SUPREME COURT RULINGS. ACCORDING TO ALABAMA 1901 CONSTITUTION ARTICLE 1 § 7, IT STATES, "THE DA MUST" "LEGALLY" APPLY THE LAW BY DUE PROCESS IN THEIR PROSECUTION." IT IS WELL SETTLED ON THE FACE OF THE RECORD BEFORE THIS HONORABLE COURT THAT THE DA IN PETITIONER CASE DID NOT APPLY THE LAW BY DUE PROCESS IN THEIR PROSECUTING THE ~~PETITIONER~~ PETITIONER, MOVE THIS HONORABLE COURT TO TAKE JUDICIAL NOTICE THAT THE ALABAMA CODE 1975, TITLE 13A, SECTION(S), AND PROVISION(S), MUST BE USED IN ITS ENTIRETY, BY "LEGISLATURE INTENT", AND CANNOT BE USED IN BITS AND PIECES, AS THE DA DONE IN APPENDIX (C). PETITIONER, DIRECT THIS HONORABLE COURT ATTENTION TO APPENDIX (D). IN APPENDIX (D), PAGE #3, THE APPEALS COURT STATES, "CONTRARY TO LIVINGSTON BELIEF, ATTEMPTED MURDER IS AN OFFENSE UNDER THE ALABAMA CRIMINAL CODE AND THE LEGISLATURE PLAINLY INTENDED TO CREATE THAT OFFENSE BY VIRTUE OF 13A-4-2, ALA. CODE 1975, WHICH PROVIDES, IN RELEVANT PART:

"(a) A PERSON IS GUILTY OF AN ATTEMPT TO COMMIT A CRIME IF, WITH INTENT TO COMMIT A SPECIFIC OFFENSE, HE DOES ANY OVERT ACT TOWARDS THE COMMISSION OF SUCH OFFENSE. "....

"(d) AN ATTEMPT IS A: "(1) CLASS A FELONY IF THE OFFENSE ATTEMPTED IS MURDER."

PETITIONER, MOVE THIS HONORABLE COURT TO TAKE JUDICIAL NOTICE OF "FIRST", THE APPEALS COURT FROM THE PETITIONER'S "OWN ADMISSION", RECOGNIZE, AND HAVE "Full KNOWLEDGE" OF THE "INTENT" OF THE "ALABAMA LEGISLATURE", OF THE ABOLISHED OFFENSE OF ATTEMPT MURDER, BY "CODE OF ALABAMA" 1975, TITLE 13A-4-2 (a)(d)(1). "SECOND", THE APPEALS COURT NEVER "MENTIONED", OR "EXPLAINED" THE IMPARTED CRIMINAL CODE 13A-6-2 (MURDER) IN APPENDIX (C), AND THE APPEALS COURT DID NOT ONLY, USE THE IMPARTED SAID CODE, IN APPENDIX (C), AND COMBINE IMPARTED SAID CODE, IN APPENDIX (C), WITH THEIR EXPLAINING THE PROPER WAY OF ESTABLISHING THE OFFENSE OF ATTEMPT MURDER BY LEGISLATURE INTENT, IN APPENDIX (D), PAGE # 3. AND FINALLY, "THIRD", THE APPEALS COURT NEVER ADDRESS PETITIONER'S "MEAN" OF HIS ARGUMENT, WHICH IS THE "IMPARTED CODE", NO WHERE IN APPENDIX (D), PAGES 1-5, WHICH IS THE APPEAL COURT'S "WHOLE" MEMORANDUM. THIS, FACT, CLEARLY SHOW ON ITS FACE BEFORE THIS HONORABLE COURT, THAT THE APPEALS COURT IS DELIBERATELY, IN APPENDIX (D), PLEADING INTO OTHER MATTERS, AVOIDING THE REAL MATTER AT HAND (IMPARTED CRIMINAL CODE 13A-6-2 (MURDER)). SEE APPENDIX (C). THE ALABAMA SUPREME

COURT SAYS THE JUDICIARY (INCLUDES DA), CANNOT "DET
RACT (IMPART)" A "CODE (STATUTE)". ACCORDING TO A
RULING HELD IN SCOTT V. STATE, 939 SO. 2d 956, IT
STATES, "LIKE THE CREDIT COURT, THIS COURT IS 'BOUND'
BY THE DECISIONS OF THE ALABAMA 'SUPREME' COURT SEE
§ 12-3-16, ALA. CODE 1975 (PROVIDING THAT 'THE DECIS-
IONS OF THE SUPREME COURT SHALL GOVERN THE HOLDINGS
AND DECISIONS OF THE COURT OF APPEALS, AND THE DECIS-
IONS AND PROCEEDINGS OF SUCH COURTS OF APPEALS
SHALL BE SUBJECT TO THE GENERAL SUPERINTENDENCE
AND CONTROL OF THE 'SUPREME' COURT AS PROVIDED BY
CONSTITUTIONAL AMENDMENT NO. 328')." THEREFORE, WHEN
THE ALABAMA SUPREME COURT, SAYS, A STATUTE (CODE)
CANNOT BE IMPARTED, THE APPEALS COURT IS BOUND
TO SUCH RULINGS. INSTEAD OF THE APPEALS COURT TA-
KING EX MERO MOTU ACTION, ON JURISDICTIONAL
ISSUE, THE APPEALS COURT ABANDON "CLEARLY ESTA-
BLISHED LAW", THEY ARE BOUND TO FOLLOW, AND
ISSUE, SEE APPENDIX @, A MEMORANDUM, AFFIRMING
THE TRIAL COURT JUDGEMENT. PETITIONER, FILED A
APPLICATION FOR REHEARING IN THE APPEALS COURT,
EXPRESSING THE SAME MATTER ABOVE OF THE im-
PARTED CODE, USING THE SAME SUPREME COURT R-
ULINGS IN PETITIONER BRIEF AND REPLY BRIEF,
AND THE APPEALS COURT ISSUED ORDER ON

MARCH 26th, 2021, OVERDUE Petitioner's Application for Rehearing. The Actions of The ~~Supreme~~ Appeals Court violated The Petitioner's UNITED STATES CONSTITUTIONAL RIGHTS, UNDER AMENDMENT 14, DUE PROCESS CLAUSE, which states, "NOR ANY STATE CAN DEPRIVE ANY PERSON of LIFE, LIBERTY, or PROPERTY, WITHOUT DUE PROCESS of LAW", AND ALSO UNDER AMENDMENT 8, which states, "NOR CRUEL or UNUSUAL PUNISHMENTS inflicted." PETITIONER, DIRECT THIS HONORABLE COURT TO APPENDIX (E). IN APPENDIX (E), THE PETITIONER FILED A WRIT OF CERTIORARI IN THE ALABAMA SUPREME COURT, ARGUING THE ALREADY SAID FACTS OF THIS WRIT, CARRYING THE ALABAMA SUPREME COURT RULING, CITED IN THIS WRIT, PERTAINING TO A "IMPARTED CODE". INSTEAD OF THE SUPREME COURT JUSTICES TAKING NOTICE EX MERO MOTU OF A JURISDICTIONAL MATTER ON THE FACE OF THE RECORD, THE SAID JUSTICES "ABANDONED", THEIR OWN LAW, AND ISSUE "DENY of writ, NO OPINION". ACCORDING TO A RULING HELD IN BARNETT V. STATE, 783 SO. 2d 927; 2000 ALA. CRIM. APP. LEXIS 28, IT STATES, "THE ALABAMA SUPREME COURT HAS HELD THAT LEGISLATIVE INTENT MAY BE gleaned FROM "THE LANGUAGE USED, THE REASON AND NECESSITY FOR THE ACT, AND THE PURPOSE SOUGHT TO BE OBTAINED." PACE V. ARMSTRONG WORLD

INDVS., INC., 578 So. 2d 281, 283 (Ala. 1991) (citing EX PARTE
HOLLADAY, 446 So. 2d 956 (Ala. 1985)). Furthermore, it is well
established principle of statutory construction that the law
favors "NATIONAL" AND "SENSIBLE" CONSTRUCTION. CODDING V.
STATE, 728 So. 2d 162, 168 (Ala. Cr. App. 1998) (citing LEWIS
V. STATE, 674 So. 2d 1381, 1383 (Ala. Crim. App. 1995)). Moreover,
the courts will not ascribe to the legislature an intent
to create an absurd or harsh consequence" but instead
we must "correct or ignore obvious inadvertences in
order to give a law the effect which was plainly
intended by the legislature..... THE APPELLANT COURT
CAN REVIEW A JURISDICTIONAL ISSUE AT ANY TIME,
EVEN IF THE ISSUE IS NOT RAISED BY THE APPELLANT."
Petitioner, move this honorable court to take judicial
notice of the fact, that the effect of CODE of ALABAMA
1975, TITLE 13A-6-2 (MURDER), was plainly inten-
ded by the ALABAMA LEGISLATURE for a person
to be DEAD, killed, NOT ALIVE. Therefore, when the
ALABAMA JUDICIARY (DA), impart a criminal CODE, AND
USE that imparted said CODE to PROSECUTE, the pro-
secution is illegal, AND the issue is JURISDICTIONAL,
BECAUSE THE COURT IS WITHOUT JURISDICTION to RENDER
THE JUDGEMENT AND IMPOSE THE SENTENCE FROM A
CONVICTION stemming from a "IMPARTED CODE", AND
"INVALID OFFENSE". THE DA IS "WITHOUT AUTHORITY"
within the STATE of ALABAMA, to AMEND, CON-
VICT, or USE BITS AND PIECES of A ALABAMA LEGIS-
LATIVE LAW (STATUTE or CODE) to MAKE THE LAW.

SAY WHAT THE DA WANT IT TO SAY, AND NOT WHAT THE ALABAMA LEGISLATURE "INTENDED", FOR THE LAW TO SAY. WHEN THE ALABAMA JUDGES INVOLVED IN THIS CASE ABANDONED LEGISLATIVE ESTABLISHED LAW THEY ARE BOUND TO FOLLOW, AND WHEN THEY ABANDONED THEIR OWN LAW TO UPHOLD, MAKING ERRONEOUS JUDGEMENTS, DEPRIVING PETITIONER JURISDICTIONAL ISSUE, THIS CAUSED "CONFLICT" BETWEEN THE ALABAMA LEGISLATURE INTENT OF CODE OF ALABAMA 1975, 13A-4-2(a)(1), AND THE UNWRITTEN COMMON PRACTICE, OF THE ALABAMA JUDICIARY (DA), MESA APPLICATION, TAKING IT UPON THEMSELVES, TO USE A IMPARTED CRIMINAL CODE 13A-6-2 (MURDER), AND COMBINING IT WITH ANOTHER CRIMINAL CODE 13A-4-2 (ATTEMPT) TO ESTABLISH A "INVALID OFFENSE", "NOT INTENDED" BY THE ALABAMA LEGISLATURE TO BE USED TO PROSECUTE PETITIONER "ILLEGALLY". PETITIONER, MOVE THIS HONORABLE COURT TO TAKE JUDICIAL NOTICE, THAT WHEN A IMPARTED CODE ("INVALID OFFENSE"), IS USED IN THE STATE OF ALABAMA TO PROSECUTE, CONVICT, AND SENTENCE, THE JUDGEMENT IS "VOID", AND THE JUDICIARY (DA), HAS INFRINGED ON THE PETITIONER, "SUBSTANTIAL RIGHT", TO OBTAIN HIS "LIBERTY", "DEPRIVED", BY THE ALABAMA JUDICIARY (DA), WITHOUT DUE PROCESS. ACCORDING TO A RULING HELD IN HOSPITALS VS. BLACKMON, 987 SO. 2d 1138; 2007 ALA. CIV. APP. LEXIS 784, IT STATES, "WORDS USED IN A STATUTE MUST BE GIVEN THEIR NATURAL, PLAIN, ORDINARY, AND COMMONLY UNDERSTOOD MEANING, AND WHERE PLAIN LANGUAGE IS USED A COURT IS BOUND TO INTERPRET THAT LANGUAGE TO

MEAN EXACTLY WHAT IT SAYS. IF THE LANGUAGE OF THE STATUTE IS UNAMBIGUOUS, THEN THERE IS NO ROOM FOR JUDICIAL CONSTRUCTION AND THE CLEARLY EXPRESSED INTENT OF THE LEGISLATURE MUST BE GIVEN EFFECT..... WHEN THE LANGUAGE OF A STATUTE IS PLAIN AND UNAMBIGUOUS, COURTS MUST ENFORCE THE STATUTE AS WRITTEN BY GIVING THE WORDS OF THE STATUTE THEIR ORDINARY PLAIN MEANINGS. THEY MUST INTERPRET THAT LANGUAGE TO MEAN EXACTLY WHAT IT SAYS AND THUS GIVE EFFECT TO THE APPARENT INTENT OF THE LEGISLATURE..... THE ROLE OF THE APPELLATE COURTS IS NOT TO DISPLACE THE LEGISLATURE BY AMENDING STATUTES TO MAKE THEM EXPRESS WHAT THEY HAVE DONE. NOR IS IT A APPELLATE COURT'S ROLE TO ASSUME THE LEGISLATIVE PREROGATIVE TO CORRECT DEFECTIVE LEGISLATION OR AMEND STATUTES. WHEN DETERMINING LEGISLATIVE INTENT FROM THE LANGUAGE USED IN A STATUTE, A COURT MAY EXPLAIN THE LANGUAGE BUT IT MAY NOT DETRACT FROM OR ADD TO THE STATUTE. E. COURTS MAY NOT IMPROVE A STATUTE, BUT MAY ONLY EXPOUND IT..... IT IS WELL RECOGNIZED THAT A JUDGEMENT RENDERED IN THE ABSENCE OF SUBJECT MATTER JURISDICTION IS "VOID".

IT IS CLEAR ON THE FACE OF THE RECORD BEFORE THIS HONORABLE COURT THAT THE DA "DETRACTED" FROM THE STATUTE, AND USED THE DETRACTED STATUTE AS PART OF HER/HIS PROSECUTION, WHICH THE JUDGE CONVICT AND SENTENCE. BY ALABAMA STATE LAW THAT JUDGEMENT IS VOID. THE PETITIONER IS PROTE

GED UNDER THE UNITED STATES CONSTITUTION TO OBTAIN HIS LIBERTY, AND HIS LIBERTY, "CANNOT" BE DEPRIVED, WITHOUT DUE PROCESS. IT IS THE PETITIONER SUBSTANTIAL RIGHT TO OBTAIN HIS LIBERTY, UNTIL PROVEN GUILTY BY DUE PROCESS. THE DA, APPLIED THE LAW, UNLAWFULLY TO PROSECUTE PETITIONER WITH A IMPARTIAL CODE, AND THE ALABAMA CONSTITUTION, AND THE UNITED STATES CONSTITUTION PROHIBIT SUCH UNLAWFUL ACT. THE DA UNLAWFUL ACTIONS, AVENGER AGAINST THE PETITIONER SUBSTANTIAL RIGHTS. THE DA ACTIONS VIOLATED THE PETITIONER UNITED STATES CONSTITUTIONAL RIGHTS, UNDER AMENDMENT 14, DUE PROCESS CLAUSE, WHICH STATES, "NOR ANY STATE CAN DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW", AND UNDER AMENDMENT 8, WHICH STATES, "NOR CRUEL AND UNUSUAL PUNISHMENTS INFLICTED". THE ALABAMA JUDGES INVOLVED IN THIS CASE, "FAILED" TO PROTECT PETITIONER "SUBSTANTIAL RIGHTS", AND THEY "FAILED", TO PROTECT PETITIONER, "ALABAMA" AND "UNITED STATES CONSTITUTIONAL RIGHTS."

SEE CONSTITUTIONAL LAWS 525
PETITIONER, MOVE THIS HONORABLE COURT TO TAKE JUDICIAL NOTICE OF A "FACTUAL EXAMPLE", BY "ALABAMA LEGISLATURE INTENT", ESTABLISHED LAW IN THIS WRIT ON HOW THE ALABAMA LEGISLATURE

URE, INTENDED FOR THE OFFENSE OF ATTEMPT MURDER TO BE IMPLEMENTED AND USED IN THE CHARGING INSTRUMENT (INDICTMENT).

EXAMPLE:

"THE GRAND JURY OF SAID COUNTY CHARGE, THAT, BEFORE THE FINDING OF THIS INDICTMENT, MICHAEL LEE-NESTON, WHOSE NAME IS TO THE GRAND JURY OTHERWISE UNKNOWN THAN AS STATED, DID, WITH THE INTENT TO CAUSE THE DEATH OF CYNTHIA MEINHARDT, "FELL SHORT", OF THE ACT THEREOF, ATTEMPT TO CAUSE THE DEATH OF CYNTHIA MEINHARDT, BY STABBING HER WITH A KNIFE, IN VIOLATION OF 13A-4-2(a)(1) OF THE CODE OF ALABAMA, AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA."

THIS IS THE ALABAMA LEGISLATURE INTENT FOR THE OFFENSE OF ATTEMPT MURDER IN THE STATE OF ALABAMA. THE DA TOOK MATTERS INTO THEIR OWN HANDS, AND ESTABLISHED A "INVALID OFFENSE", WAY OUTSIDE THE LEGISLATURE INTENT. SEE APPENDIX C. PETITIONERS MOVE THIS HONORABLE COURT TO TAKE JUDICIAL NOTICE THAT IN APPENDIX C, THERE ARE TWO CRIMINAL CODES, TO WIT (13A-6-2 MURDER AND 13A-4-2 ATTEMPT) THAT IS BEING USED BY THE DA TO ESTABLISH ONE OFFENSE, THIS IS "MAJOR ERROR". ALSO IN APPENDIX C, THE DA FAIL TO STATE THE PROVISION (a)(1) OF

13A-4-2, AS REQUIRED BY THE LEGISLATURE. THE
13A-4-2, COVER MANY ATTEMPTS, TO WIT: ATTEMPT
MURDER, ATTEMPT BURGLARY, ATTEMPT ARSON, ETC. WHEN
THE DA FAILED TO ESTABLISH THE PROVISION (A)(1) OF
CRIMINAL CODE 13A-4-2, IN APPENDIX C, THE DA
"INFRINGED" ON THE PETITIONER "SUBSTANTIAL RIGHT" TO
PREPARE A PROPER DEFENSE, IN VIOLATION OF MY UNITED
STATES CONSTITUTIONAL RIGHT, UNDER AMENDMENT 6,
DEFENSE CHARGE, WHICH STATES, "AND TO HAVE THE ASSISTANCE
OF COUNSEL FOR HIS DEFENSE!" SEE CONSTITUTIONAL LAWS 525
PETITIONER WOULD LIKE TO ASK THIS HONORABLE COURT
ONE QUESTION. HOW CAN A CRIMINAL CODE 13A-6-2
(MURDER), WHICH REQUIRE BY LEGISLATIVE INTENT, FOR A
PERSON TO BE KILLED OR DEAD, BE JUSTIFIED TO USE
IN A CRIMINAL CODE 13A-4-2 ATTEMPT, CHARGES
INSTRUMENT?
BY THE SAID FACTS IN THIS WRIT, IS WHY THIS HON-
ORABLE COURT SHOULD GRANT THIS WRIT.

CONCLUSION

PETITIONER, HAS ESTABLISHED FACTS, SUPPORTED BY
CASE LAW AND CITED AUTHORITY, WHICH APPEAR
AFFIRMATIVELY ON THE FACE OF THE RECORD BEFORE
THIS HONORABLE COURT. THE PETITIONER LIBERTY

WAS DEPRIVED BY THE STATE OF ALABAMA WITHOUT DUE PROCESS. PETITIONER WENT THROUGH TRIAL AND WAS PROSECUTED ILLEGALLY BY THE DA WITH A "IMPARTED" CRIMINAL CODE, THE DA DID NOT APPLY THE LAW BY DUE PROCESS, THE STATE OF ALABAMA CONVICT AND SENTENCE PETITIONER BY A "INVALID OFFENSE" NOT ESTABLISHED BY ALABAMA LEGISLATURE AUTHORITY AND INTENT. THEREFORE, THE JUDGEMENT IS "VOID". PETITIONER REQUEST FOR THIS HONORABLE COURT TO RUL IN FAVOR OF PETITIONER. ISSUE ORDER TO THE STATE OF ALABAMA TO SET JUDGEMENT OF PETITIONER CONVICTION TO ASIDE, AND TO RESTORE PETITIONER TO HIS LIBERTY, THAT WAS DEPRIVED BY THE STATE OF ALABAMA, WITHOUT DUE PROCESS. ALSO FOR THIS HONORABLE COURT TO ISSUE ANY OTHER RELIEF DEEMED NECESSARY BY THIS HONORABLE COURT THROUGH NEWLY DISCOVERED ERRORS NOTICED IN ITS REVIEW OF THE WRIT, AND BY ESTABLISHED FACTUAL LAW PERTAINING TO THE MERITS OF THIS CASE.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON MAY 24, 2021

SIGNATURE: Michael Livingston
MICHAEL LIVINGSTON
ATTORNEY