

ORIGINAL

Supreme Court, U.S.
FILED

APR 24 2021

OFFICE OF THE CLERK

No. 21-5164

IN THE
SUPREME COURT OF THE UNITED STATES
OF AMERICA, Wash. D.C.

Larry Coker — PETITIONER
(Your Name)

VS.
Warden Deborah Toney
Alabama Attorney General
General — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The Alabama Supreme Court

Case # 1200328

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

PETITION FOR WRIT OF CERTIORARI

Larry Coker
(Your Name)

Limestone C.F. Rd.
28779 Nick Davis Rd.

(Address)

Harvest, Alabama 35749

(City, State, Zip Code)

NONE

(Phone Number)

RECEIVED

MAY 11 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

(A) That Judge Hill re-sentenced Coker to 25 years on Oct. 2008, which was 5 times the amount allowed by law, cruel and unusual punishment, violated 8th Amendment of U.S. Constitution, against Coker.

(B) The charge was for not registering as a sex offender, based on Coker's old 1979 enticing for indecent purposes over in Cobb County Superior Court, Marietta, Georgia; illegal indictment by them.

(C) That the St Clair County Grand Jury did illegally and unlawfully re-indict Coker of the Ent/for/Ind/purposes on or about June-2007, of Cobb County Superior Court-1979..

(D) That the D.A. of St Clair County, Pell City, ACA did re-try and re-convict Coker on approx. June 2008- and got Coker- re-convicted of the Ent/for/Ind/purposes again the second time in violation of the Fifth Amend. Double jeopardy Clause, and deprived him of its protection.

(E) That the Al Court Crim. Appeals did reverse the Appellant Coker's case no.: CR-15-1177 on Dec. 2016, and ordered Coker a new hearing in St Clair County Cir. Court.

(F) That the St Clair County Cir. Court, D.A. and Judge Weathington on Aug. 2017, did illegally and unlawfully re-enhance Coker's sentence to 25 years again on approx. Sept. 2017, even though they knew full well that the AL - legislature had created a law that abolished AL enhancement Act 446, on Oct. 2013, from 1980 forward, and Gov. Ivey signed it into law.

(G) That the Enhancement law St Clair County used on Coker in Aug. 2017 is void, and Coker's sentence is now illegal and unlawful by operation of the Oct. 2013 abolishing of AL Enhancement Act 446, by the AL Legislature and Gov. Ivey.

(H) That all the above stated did violate the Appellant U.S. Const. Amend. Rights of 1st, 5th, 8th, and 14th Amend.'s and did deprive the Appellant of them.

(I) That there is no Trial transcript, and never have been one.

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 proceeding in the court whose judgment is the subject of this petition is as follows:

1) Alabama Supreme Court
Montgomery, Alabama
CASE NO.: 1200328

2) ALABAMA COURT OF CRIMINAL APPEALS
MONTGOMERY, ALABAMA
CASE NO: CR20-0180

3) St CLAIR county CIR COURT
PELL CITY, ALABAMA
CASE NO: CC 07-285.61

4) ALABAMA COURT OF CRIMINAL APPEALS
MONTGOMERY, ALABAMA
CASE NO: CR15-1177
REVERSED AND REMANDED
WITH INSTRUCTION'S ORDER
4th JAN - 2017

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	28 U.S.C. 1257(A)
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	Amend. 1, 5, 8, 14
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A AL S.Ct.- CASE NO.: 1200328

APPENDIX B AL COURT CRIM APP - CASE NO: CR10-0180

APPENDIX C AL COURT CRIM APP - CASE NO: CR15-1177
Reversed and Remanded, 4th JAN-2017

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES See Following	PAGE NUMBER-2
(1) On Oct. 1, 2013, Alabama Abolished the Enhancement Act of 446 permanent.	
(2) U.S. Constitutional Amendment's: 1st, 5th, 8th, and 14th.	
(3) See, U.S. Supreme Court decision's in support of Appellant case as follows: <u>Apprendi v. New Jersey</u> , 530 U.S. 446 1, 7 L Ed 435, 120 - 20 U.S. Sct 2348 (2000) <u>Blakely v. Washington</u> , 542 U.S. 296 - 124 Sct 2531 - 159 L Ed 2d 403 (2004) <u>Sunday v. State</u> , 857 So. 2d 166 (2002) AL Court Crim App LEXIS 166 (2002)	
(4) <u>Solem v. Helm</u> , 463 U.S. 277, 284-90 (1988)	

STATUTES AND RULES

- (1) See - On Oct. 1, 2013- Alabama Sentencing Commission provides sentences standards.
- (2) Gov. Kay Ivey signed the Oct. 2013, Bill created by the AL Legislature that abolished all the Enhancements from 1980 forward, on Oct. 1, 2013.
- (3) Unwarranted Sentencing Disparities, see 12-25-2A Code of Alabama
- (4) They violated and deprived me of my 1st, 5th, 8th, and 14th U.S. Constitutional Rights of (1) Redress of Grievance (2) Due Process and Double Jeopardy (3) Cruel and Unusual punishment and (4) Due Process and Equal Protection of the law.

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

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**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the _____ 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.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was Mar. 10, 2021.
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

(1) That the St Clair County Cir. Court of Pell City, Alabama did violate and deprive the Defendant of his 1st Amend. and 5th Amend. Double Jeopardy Clause and the 8th Amend. Cruel and Unusual Punishment with an Illegal 25 year sentence on Defendant, and his 14th Amend. of Equal Protection and Due Process and did deprive him of them all.

(2) That the Enhancement Act 446 was abolished on Oct. 1, 2013- from 1980 forward, making the Defendant sentence void-illegal by said operation of this law.

(3) On Oct. 1, 2013, Alabama Sentencing Standards Commission, provides sentence's standards.

(4) Illegal and unlawful Indictment of Defendant old 1979 conviction Enticing for Indecent purposes of Cobb County Superior Court, of Marietta, GA, that Grand Jury of St Clair County, Pell City, AL, did illegally and unlawfully re-indict the Defendant again on June 2007.

(5) That Coker Attorney Beverly Barber told him that there is no trial transcript of his June 2008 Double Jeopardy trial, because she said Michelle Seay told her she could not hear what was being said at Coker 2008, June trial. She is the Court Reporter.

(6) That all the above stated violations against the Defendant are in violation of his 1st, 5th, 8th, and 14th U.S. Const. Amendment Rights and they deprive him of them.

REASONS FOR GRANTING THE PETITION

(1) That the U.S. S. Ct. should grant the petition, because if it does not then the St Clair County Cir. Court of Pell City, AL, will continue to use the old Act 446 Enhancement law's on other inmate's thereby illegally enhancing there sentences like they did to the Defendant on his Re-hearing in Aug. 2017, in St Clair County Cir. Court, Pell City, AL, on Aug. 2017, they did Re-enhance Coker again to the 25 year sentence illegally and unlawfully, even though they knew full well that the AL Legislature had created a law that abolished all enhancement from 1980 forward, including Coker sentence of Oct. 2008, 25 years illegal sentence, that was signed by Gov. Ivey on Oct. 1, 2013, that makes Coker and other inmates enhanced sentences void and illegal by said operation of the abolished Act 446 law, permanent.

Also

St Clair County Cir. Court, D.A.'s Office and the Grand Jury will continue to Indict inmates in other States, and retry them again which is Double Jeopardy. Making up their own laws as they go.

STATEMENT OF THE CASE

On April 2, 2007, the Defendant was kidnapped by the St Clair Sheriff's Dept., of Pell City, AL. He was taken to the Cogswell Ave., Sheriff's Dept. on the 3rd floor where, He was never told that he was under arrest or what for. He was never read his miranda rights.

The Det. Bagwell said General Coker look at my Navy Plaque's in the next room, Coker then walked thru the door in the next room to look at the so called navy plaque's, and then someone from behind him, did then inject Coker with a syringe needle full of horse transquillizer, knocking senseless. They then took Coker to the Pell City - jail- house and threw Coker in the drunk tank. Coker suffered from amnesia and did not know where he was at from this drug attack and had severe mental defect from this too. He could not legally defend himself on account of this.

The Judge Hill of St Clair County Cir. Court after the arrest on April 2, 2007, he never gave Coker no arraignment, no bail bond, no bail hearing, no preliminary hearing, and no Attorney, finally appointed an attorney after 90 days in the drunk tank.

On approx. June of 2007, the St Clair County Grand Jury Illegally indicted Coker in State of GA Cobb Superior Court, for his old 1979- Ent/Ind/Purposes CASE.

(Relief)

The petitioner COCKER NOW ASKS this HONORABLE COURT TO RENDER JUDGEMENT IN HIS FAVOR, AND ASKS this COURT TO REVERSE the AFORESTATED CONVICTIONS AND SENTENCES AGAINST HIM WITH PREJUDICE.

AND NOW ASKS this COURT TO ORDER his IMMEDIATE RELEASE FROM AL DEPT OF CORRECTIONS PRISON, HERE AT LIMESTONE C.F.

AND ANY SUCH FURTHER RELIEF this COURT DEEM'S FAIR & JUST, EQUITABLE, AND SO HE EVER PRAYS FOR this NOW.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Larry Coker - PRO-SE

Date: APRIL 24 - 2021

(CERTIFICATE OF SERVICE) COURTESY COPY

The petitioner NOW CERTIFYS that he has sent A COPY OF this petition to the opposing party listed BELOW, with ENUFF postage ON it DEPOSITED HERE IN the U.S. MAILBOX, AT LIMESTONE C.F.

The ALABAMA ATTORNEY GENERAL OFFICE
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P.O. BOX 300152
MONTGOMERY, ALABAMA

36130-0152