

21-5653

ORIGINAL

No.:

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

AUG 23 2021

OFFICE OF THE CLERK

Matthew Sherman PHILLIPS,

Petitioner,

vs.

Governor Katherine IVEY, et.al.,

Commissioner Jefferson DUNN,

Warden Errol PICKENS,

Honorable Steven MARSHALL,

[Alabama Representative Party] Defendants.

Respondents.

On Petition for an Original - 1215A.D. Magna Carta
Writ of Habeas Corpus enumerated
by the United States of America
Constitution, Article I, Section 9, Clause 2...to
the State of ALABAMA.

Original Emergency Writ of Habeas Corpus

Matthew Sherman Phillips #262398
North Alabama CBF/CWC 1-18A
1401 Highway 20 West
Decatur, AL 35601-7507

Q U E S T I O N (S) P R E S E N T E D

I. Matthew Sherman Phillips did not receive the "effective assistance of counsel," as guaranteed by the Sixth Amendment of the United States of America's Constitution!

II. Matthew Sherman Phillips did not receive the "right...to be secure in [his] person[]...against unreasonable searches and seizures" as guaranteed by the Fourth Amendment to the United States of America's Constitution.

III. Matthew Sherman Phillips did not receive "bail" and "cruel and unusual punishments [were] inflicted," as guaranteed in the Eighth Amendment to the United States of America's Constitution.

IV. Matthew Sherman Phillips received deprivation "of life, liberty, [and] property, without due process of law," contrary to the Citizenship and Equal Protection Clauses, in essence, the State of Alabama abridged "the privileges or immunities of [Matthew Sherman Phillips] citizen[ship] of the United States" as guaranteed in the Fourteenth Amendment of the United States of America's Constitution.

L I S T O F P A R T I E S

All parties appear in the caption of the case on the cover page.

R E L A T E D C A S E S

WR-2006-000404.00 (Murder)
WR-2006-000405.00 (Murder)
DC-2006-000617.00 (Murder)
DC-2006-000618.00 (Murder)
GJ-2007-002147.00 (Murder x two (2))
GJ-2007-002147.01 (Murder x two (2) added Assault I)
CC-2007-000076.00 (Murder x two (2) Assault I x one (1))
CC-2007-000076.01 (Reckless Murder)
CC-2007-000076.02 (Reckless Murder)
CC-2007-000076.03 (Assault I)
CC-2007-000076.60 (Counseled Rule 32)
CC-2007-000076.61 (uncounseled Rule 32 for abandoned counsel)
CR-09-1635 (Appeal number/Affirmed)
CC-2007-000076.62 (Third Rule 32)
CR-17-0822 (Appeal number/Affirmed)
CC-2007-000076.63 (Fourth Rule 32)
CR-18-0418 (Remanded to determine jurisdiction)
CR-19-0404 (Re-appealed number/Affirmed)
1200460 (Alabama Supreme Court number)

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STATUTES AND RULES

28 U.S.C. § 12512,3

28 U.S.C. § 12542,3

28 U.S.C. § 12572,3

28 U.S.C. § 13673,16XX

28 U.S.C. § 16512,3

Rule 2(b) of the Alabama Rules of Appellate Procedure1,6

Alabama Code (1975), as amended:

§ 13A-6-24

§ 13A-6-204

§ 32-5A-93,16,17,18

§ 32-5A-19117

United States Constitution:

Article I, Section 9, Clause 22,3

Article III2,3

First Amendment3,18

Fourth Amendmenti,3,18

Fifth Amendment3,18

Sixth Amendmenti,3,18

Eighth Amendmenti,3,18

Fourteenth Amendmenti,3,18

REASONS FOR NOT MAKING APPLICATION IN THE DISTRICT COURT OF ALABAMA

Matthew Sherman Phillips seeks this Court through its opinionated reference to the suspension clause and the power of the Great Writ not being suspended, with the advice that a Writ of Habeas Corpus as established by the Magna Carta of 1215 A.D. can be filed directly in the Supreme Court of the United States.

The State of Alabama precludes Phillips for review because of three (3) separate attorney errors, forcing Phillips to learn the law, because of ineffective assistance, either by deception and lies, ignorance of law and procedure, or intentionally withholding legal evidence, which will be supported by Exhibits, with additional Exhibits to follow, when prison officials decide to allow time. Every allegation and contention raised can be supported to the fullest.

The Anti-Terrorism and Effective Death Penalty Act of 1996 prejudices Phillips because of attorney error and ineffective assistance, when Phillips has constantly been seeking and asserting his rights, writing officials for years and years after Phillips discovers basics of attorney law, all of which forced Phillips to learn the law and is a recent graduate of Blackstone Career Institutes Paralegal/Legal Assistant Program, because "Equality and Justice" is for some, but never all, as can be evidenced by the contents of this Writ.

Whether or not this Writ is successful, Phillips is doubtful, especially after all Phillips has been through because of evil humans.

Although, an application is being made on this same date in the Northern District of Alabama on this 14th day of August, 2021.

IN THE
SUPREME COURT OF THE UNITED STATES
OF AMERICA'S JUSTICE JURISPRUDENCE
ORIGINAL WRIT OF HABEAS CORPUS 1215 A.D.

OPINIONS BELOW

For cases from the State of Alabama courts:

The Rule 2(b) Motion to Suspend Rules and Rule 2(b) Motion on Application for Rehearing Denials is unpublished at appears at Appendix "A."

The Alabama Supreme Court Denied Certiorari Review with No opinion and issued a Certificate of Judgment that appears at Appendix "B."

The Alabama Court of Criminal Appeals ("ACCA") issued a Certificate of Judgment which appears at Appendix "C."

The opinion of the ACCA is by Unpublished Memorandum and appears at Appendix "D," consisting of five (5) pages.

~~J-U-R-I-S-D-I-C-T-I-O-N~~

The date on which the highest state court decided my Rule 2(b) Motions to suspend the rules was June 21, 2021 and appears at Appendix "A."

The date on which the highest state court decided my writ of certiorari was May 14, 2021 and appears at Appendix "B."

The date on which the intermediary court of appeals issued the certificate of judgment was May 14, 2021 and appears at Appendix "C."

The date on which the intermediary court of appeals decided my case by unpublished memorandum was March 5, 2021 and appears at Appendix "D," consisting of five (5) pages.

The jurisdiction of this Court is invoked under:

28 U.S.C. § 1251

28 U.S.C. § 1254

28 U.S.C. § 1257

28 U.S.C. § 1651

United States Constitution, Article I, § 9, Clause 2

United States Constitution Article III Power

~~CONSTITUTIONAL AND~~
STATUTORY PROVISIONS INVOLVED

The First Amendment to the United States Constitution;

The Fifth Amendment to the United States Constitution;

The Sixth Amendment to the United States Constitution;

The Fourth Amendment to the United States Constitution;

The Eighth Amendment to the United States Constitution;

The Fourteenth Amendment to the United States Constitution;

Article I, Section 9, Clause 2 of the United States Constitution;

Article III Power by Congress of the United States Constitution;

28 U.S.C. § 1251

28 U.S.C. § 1254

28 U.S.C. § 1257

28 U.S.C. 1651

28 U.S.C. § 1367

Section 32-5A-9 of the Code of Alabama, 1975, as amended;

~~S T A T E M E N T O F T H E C A S E~~

This is an Emergency Petition for an Original Writ of Habeas Corpus of the Magna Carta of 1215 A.D. to issue, filed by Matthew Sherman Phillips (lower case)(hereinafter "Phillips"), with an outlined history as follows:

1 On September 4, 2006 Phillips was involved in a head on collision in Phillips lane of travel;

2 State Trooper Porter, without a warrant and with physical force held Phillips down for a Catheter insertion and Blood to be drawn from a non-consenting Phillips.

3 On October 13, 2006 Phillips was arrested and charged with Murder, a violation of Section 13A-6-2, Ala.Code(1975), as amended, times two (x2).

4 In March of 2007 Phillips was re-arrested for a Grand Jury Indictment returned in February for Reckless Murder times two (x2) and an added Assault I, a violation of Section 13A-6-20, Ala.Code(1975), as amended, times one (x1).

5 At all times mentioned and relevant to this cause of action Phillips was represented by James Edmund Odum, Jr.-a highly ineffective unethical liar--Phillips was never allowed bail or bond.

6 On August 11, 2008 Phillips--through lies-coercion-coaching-and deception was fraudulently deceived to plead guilty by way of a Blind Plea, after being coached in front of Phillips Father, Mother, and Sister on how and what to answer the Judge when asked--oor receive a life sentence.

7 On November 19, 2008 Phillips was sentenced to two (2) twenty-five (25) year sentences for Reckless Murder and one (1)

~~ten (10) year sentence for Assault I. (No appeal was taken due to~~
deception of trial court stating "no right to appeal" and Mr.
Odum never correcting deception).

8 Phillips Sister - Lisa Michelle Phillips Bunn Metcalfe -
immediately retained Attorney Steven Eversole, as Metcalfe was
personally involved and had knowledge of the deception involved.

9 Eversole filed a Motion to Reconsider, Withdrawal of Guilty
Plea, or Arrest of Judgment in December of 2008 - which was set
for a February 4, 2009 hearing - and denied on February 9, 2009.
(No appeal was taken due to ineffective advice of Rule 32 being
the only other option).

10 On December 14, 2009 Eversole filed Phillips first Rule 32
Petition for Postconviction Relief, pursuant to Rule 32, of the
Alabama Rules of Criminal Procedure.

11 Eversole abandoned Phillips after the trial court denied the
petition - without a hearing - and - without sending any notice
to any party.

12 On June 22, 2010 Phillips - through a charging jailhouse
lawyer - filed an out-of-time appeal from the denial of a Rule 32
Petition where no party received notice of the denial. The
Petition was summarily dismissed - appealed - affirmed - and on
October 28, 2011 the Application for Rehearing was Overruled.
(Jailhouse Lawyer transferred leaving Phillips without knowledge
- although Phillips wrote to the Alabama Court of Criminal
Appeals ("ACCA") to Appeal to the Alabama Supreme Court -
expecting the Alabama Supreme Court to give him a briefing date -
as well as - Phillips parents seeking Attorney representation for
Phillips to proceed with Attorney Susan James.

~~13 Attorney James was paid \$8,500.00 to represent Phillips in a~~
Rule 32 Petition in May of 2012 for the ineffectiveness of Steven Eversole for not filing an appeal and not correctly raising Edmund Odum's ineffectiveness for false promises, lies, deception, unethical behavior, not filing suppression Motions, etc. (continued).

14 Attorney James was terminated in 2014 for never completing a Rule 32 Petition as promised.

15 Attorney James refused to answer calls or letters and returned Phillips legal material in 2017, to Phillips parents - not Phillips - which prevented Phillips from access to the courts through his legal evidence in his legal material, as Prison officials rejected Legal Material sent from Phillips Parents.

16 On October 19, 2017 Phillips filed his third Rule 32 Petition - through another charging jailhouse lawyer - appealed the denial - and on November 9, 2018 the Alabama Court of Criminal Appeals Overruled the Application for Rehearing.

17 On December 13, 2018 Phillips - through another jailhouse lawyer - filed his Fourth Rule 32 Petition - which was remanded for a filing fee determination - reappealed - and on March 5, 2021 the ACCA Affirmed by unpublised memorandum. See Appendix D, pages 1-5;

18 On March 19, 2021 Phillips Application for Reharing was Overruled by the ACCA.

19 ON May 14, 2021 the Alabama Supreme Court Denied the Writ of Certiorari with no opinion and the ACCA issued a Certificate of Judgment. See Appendix B & C;

20 On June 21, 2021 the Alabama Supreme Court Denied Phillips Rule 2(b) Motion to Suspend Rules - where Phillips pleaded the

~~miscarriage of justice of all facts before he plead guilty by~~
deception - up til this very moment in his Statement of Facts.
See Appendix A;

21 Phillips has struggled with the unjust Alabama Courts and unethical attorneys that fraudulently deceive freemen - only to make it to this moment in time to test the legality of Phillips detention as no Constitutional Rights were never extended to Phillips, treating Phillips as a Feudal Villein, before rights and liberties evolved into the advancement of a humanitarian society from the evolution of a constant advancement in inalienable rights to life, liberty, property.

Therefore, Phillips seeks this Court to exercise its Article III vested power over the tyranny and oppression that all our Forefathers fought vicious inhumane bloody wars to establish for their seed, of the which, in Phillips case, has turned into a mockery of injustice, keeping the evil spirit of tyaranical feudal England alive.

~~REASONS FOR GRANTING THE GREAT WRIT~~

Attorney James Edmund Odum, Jr. was ineffective for:

I. Not accepting the twenty (20) year sentence offered by the District Attorney and instead convinced, coerced, deceived Phillips by promise to Plead Blind by promise of a twenty (20) split five (5) years to serve. this prejudiced Phillips because twenty (20) years is lesser than the twenty-five (25) received. See Appendix E;

II. Convincing Phillips that he "premeditated" Murder, instead of Reckless, as the wrong element was established, prejudicing Phillips into believing premeditated Murder was the charge. See Appendix E;

III. Not filing a Writ of Habeas Corpus to obtain Phillips a bond as Phillips had an Eighth Amendment Right to a bond, prejudicing Phillips with a stressful unwarranted delay in excessive jail stay (over two (2) years), explaining to Phillips that the Judge is more worried about re-election than justice. See Appendix F and ^G 0; (note: Phillips Mother's notes in ink pen);

IV. Not pleading the truth of the other vehicle being in Phillips lane and Phillips not causing the accident which prejudiced Phillips as the truth would have mandated a lesser included offense. See Appendix H;

V. Not filing a Change of Venue as repeatedly requested by Phillips as the Judge adjudicated Phillips on a Youthful Offender

~~Burglary III with a promise to "hang" Phillips if there ever was~~
a next time and this prejudiced Phillips because Phillips
received a twenty-five (25) year sentence for a promised twenty
(20) split five (5) when a Jury Trial would have NEVER convicted
Phillips of Murder. See Appendix I;

VI. For coercing - promising - deceiving Phillips into pleading
Blind for a twenty (20) split five (5) lie and coaching Phillips
on what to say to the Judge exactly to receive the split - not
"piss the Judge off" - "I [Odum] grew up with these folks" - not
make him "look stupid" - it is a pre arranged agreement with the
Judge and this prejudiced Phillips because Phillips believed all
along of a Jury Trial because a Jury would find Phillips innocent
and not guilty of Murder or rather a lesser charge - or Phillips
could have accepted the twenty (20) - but for counsels promise -
and the biggest deception of Appendix J, when Odum stated:
"After the meeting, I will contact you and we will discuss what
the Judge has advised us he would do in the event of a blind
plea." - Which he did on August 8, 2008 (Friday) with a visit to
the St. Clair County, Alabama Jail in Ashville, Alabama, and
Phillips believed Odum was telling him the truth as evidenced by
him stating in his letter that he will tell Phillips what the
judge said he will do in a blind plea. See Appendix J and K;

VII. Not correcting Judges lie of no right to appeal as the Judge
stated to Phillips that "you have no right to appeal from the
order of this court. Do you understand those things?" See
Appendix L;

VIII. After sentencing Attorney Odum stated to Phillips in front of his Father, Mother, and Sister, with Jailor John Kitchens performing security that Phillips will only serve eight (8) years and four (4) months, that this is better than the split sentence because Phillips will Ende his sentence at 1/3 of it and not telling Phillips he could appeal and this prejudiced Phillips because Odum was still deceiving and Phillips could have been afforded an appeal attorney to secure his rights but instead was prevented so Odum and the Courts lies could not be exposed.

IX. For not challenging the tortuous physical Illegal search and seizure as Odum had knowledge of the nurses documented notes in Phillips medical file of his refusal to urinate and how the State Trooper and hospital staff forced a Catheter in Phillips and held him down while extracting urine and blood. This prejudiced Phillips as this determined guilt or innocence in a criminal proceeding. See Appendix M & N;

X. For not challenging the District Attorney's use of Phillips driving record as aggravating factors as past driving record is not material to current proceeding [especially since Phillips was #1 Going the Speed Limit, and #2 Wearing a seat belt], and this Prejudiced Phillips because it allowed the District Attorney an unfair prejudicial advantage in making it appear Phillips was a troublemaker. See Appendix E for the evidence to show Phillips presented this issue to Odum..and was detrimentally neglected to the truth;

XI. For not fully investigating the circumstances as if Odum would have - it would have been discovered that Phillips was on

his side of the road, because the State Troopers Report is contradictory with the law of physics, as it is virtually impossible for Phillips being in the other lane and both vehicles swerving at the last minute - YET Phillips left no black marks, skid marks, there was no lines to paint, no chunks missing from Phillips tires, etc., YET the other vehicle left ALL OF THE MENTIONED and more. (A fifth grader would question the fabrication of evidence) and this prejudiced Phillips as this determines guilt or innocence. See Appendix H. (Trooper report will be provided when prison officials decide to allow Phillips copies);

XII. Phillips has exculpatory evidence withheld by the prosecution that St. Clair County, Alabama, Alabama Law Enforcement Agency, Alabama Criminal Justice Information Center, the Administrative Office of Courts and the Southern Judicial Information Center and Ragland Municipality refuse to respond as the accident report lists Rhodell Byers as a witness to the accident - witnesses are required to give a written statement for evidence, notwithstanding a deposition and this prejudiced Phillips because this proves Phillips was in his lane of travel and that Phillips is not the proximate cause of the accident.

XIII. In July of 2007 Odum challenged the District Attorney's Notice to offer proof by certificate of analysis by objection violating the confrontation clause, with the noted remark that the DA withdrew the notice so denied as "NOOT," which prejudiced Phillips because the laboratory that performed toxicology would

~~not be there to testify and the entire case rested on influence,~~
proving another aspect of innocence, but instead Odum deceived
Phillips into pleading guilty for a twenty (20) split five (5)
lie.

XIV. The toxicology report should have been challenged as
Phillips vitals proved his system to be functioning, normatilly,
disproving under the influence. The lab reports shows Phillips
had Methamphetamine at 280 ng/ml and amphetamines at 61 ng/ml
and tolerant abusers shows more than 200 ng/ml for
metnamphetamine and greater than 3000 ng/ml for amphetamines
after determination of ceratin Mental Health treatments, which
increases ranges for tolerances - Hence, Phillips is clinically
diagnosed bi-polar Type II and was prescribed Abilify on the
streets with Ativan, which, according to the lab, raises the
ng/ml for tolerant abusers to 300 ng/ml - making another actual
innocence presumption.

XV. Odum delayed on return calls, missed court dates, missed
answering letters and questions, always with an excuse, promise
to win at a trial, or some lied to deceive, as to questions of
importance raised and years later it is discovered Odum lied
again. This prejudiced Phillips as Odum told Phillips his 4th
Amendment is not applicable as State Troopers can forcefully take
fluid. Actually happened. Odum stated "do you think these folks
are stupid?" The driving record issue. The bond issue. Phillips
being in his lane, and so much more. Please refer to Phillips's
Mother's original notes from a decade ago. See Appendix O;P;and,Q

Attorney Steven Eversole was ineffective for:

I. Deceiving Phillips and Phillips family into believing that a Rule 32 comes after a Motion to Reconsider, instead of an appeal, which is guaranteed by law. See Appendix R;S;T;U;V;and,W;

II. Not addressing all the ineffective issues with Attorney Odum, because Phillips and Phillips family provided Eversole with all documents, notes, and letters of truth on all aspects of what happened, which prejudiced Phillips because no justice was served as a Direct Appeal would have been an automatic reversal for the 20 split five lie by deception and coaching of what to say and do in a plea of guilty, Notwithstanding, a Rule 32 on ineffective assistance would have raised a mandatory evidentiary hearing as the unethical letters of Odum proves he Deceived all parties. See Appendix U;

III. Not performing Attorney duties in being responsible to keep an updated check on Phillips Rule 32 Action, instead allowing it to prejudice Phillips for no one receiving notice of the denial and then abandoning Phillips. See Appendix X and Y;

Attorney Susan James was ineffective for:

(note: When Phillips application for rehearing in the ACCA was pending, Phillips family made contact with Susan James - meeting with her twice - before they had the money to officially retain her representation in May of 2012 (Justice should not cost money hard working Americans do not have to dispose of, as Phillips parents live off of retirement - yet was willing - still is willing - to use money not had to free Phillips - as they saw the

~~the accident scene and any person could tell Phillips was in his lane, etc. etc. and they know Phillips did not commit Murder and~~
most of all ... - they were at every stage of the proceedings to know justice was lied on by Odum, Eversole, and James, St. Clair County, the ACCA, the Alabama Supreme Court, etc.

I. Not filing the Rule 32 as promised upon hiring, but instead hindering justice. See Appendix Z;

Please do note that Phillips immediately wrote several letters telling James to proceed. The attached Exhibit is either the third or fourth - before Phillips realized in life - copies of everything must be made and kept. See Exhibit A-A;

On March 10, 2014 Phillips expressed his wish to terminate representation. See Appendix A-B;

On March 12, 2014 - two (2) days later - Phillips Father - Sherman Phillips - terminated Jameses representation. See Appendix A-C;

After several - several - several ignored calls, letters, pleas of mercy, and several (cannot be stressed enough) contacts to the Alabama State Bar over either the money lost and not refunded (only received \$1,000.00 refund, losing \$7,500.00 and more justice from Alabama's corrupt system); Finally, James responds with an apology over the belated paperwork, hindering justice. See Appendix A-D; and, A-E;

Please do note that within days, Phillips family sends him the paperwork, although James sent it to Phillips family, and not Phillips, so Phillips could not proceed. The Facility rejected Phillips legal work - forgot that the ADOC is still Corrupt Alabama. See Appendix A-F;

Please note that within days Phillips notified the Alabama State Bar of Jameses ignorance to Phillips justice in Alabama.

See Appendix A-G;

Lastly, Phillips Mother took a picture of Phillips evidence proving his claims. See Appendix A-H; and, A-I;

Birchfield v. North Dakota, 136 S. Ct. 2160 (June 23, 2016) is a retroactive decision from the Supreme Court of the United States ("SCOTUS") because it involves a new substantive rule in addition to an illegal search and seizure.

Phillips blood and urine was seized with force - without a warrant - in the hospital on September 4, 2006.

Attached Appendices M and N prove that at "1926: Lab drawn per request of State Trooper Porter..." "Pt. [Patient] uncooperative ... Refuses to urinate @ this time. MD [upped] fluids...2245 MD orders foley catheter...State Trooper @ [bedside]. Retrieved sample for state troopers use. Pt. uncooperative states 'he will kill us both Blooddrawn----'"

Well, its no wonder Phillips was uncooperative when Phillips was broken Pelvis and Foot and is refusing to urinate...so, Phillips is held dow and a catheter forced into him...Phillips is held down for blood to be drawn. Question: Is the Fourth Amendment a figment of an American fictitious fairy tale? [First Amendment Freedom of Expression]

The applicability and holding in Birchfield is that a Blood Draw is a search protected and defined under the Fourth Amendment, which requires a warrant. The entire medical record is part of the ACCA Record in Appeal #'s CR-18-0418 and CR-19-0404 and will be made available upon request to Phillips.

The State is not qualified as an expert to determine what toxicology reports determine, denying Phillips due process of law for this prejudicial determination as well as a violation of the confrontation clause.

The State is not an expert to determine in open court what Phillips blood test meant, not reciting written findings - but meant!

The State is not a toxicological analyst to determine test results and for the State to be allowed to determine false "truth" prejudiced Phillips defense, because the State misled everyone, based upon the instructions with the report.

Phillips was denied due process when his indictment was illegally amended to add Assault I.

Phillips indictment was illegally amended to Add Assault I, a charge not contemplated by the original indictment and arrest.

Section 32-5A-9 of the Code of Alabama (1975), allocates a maximum sentence of ten (10) years to be imposed.

Phillips requests this Court to exercise supplemental jurisdiction pursuant to 28 U.S.C. § 1657 to give redress under the All Writs Act of Habeas Corpus, on stating what the law says, as all Alabama courts have refused to perform the function of the judiciary under general principles of Statutory Construction / Interpretation, as Phillips is correct in his interpretation of Section 32-5A-9, Ala.Code (1975), as amended.

Section 32-5A-9, states:

"Any person who is convicted of a violation of any of the provisions of this chapter herein or by the laws of this state declared to constitute a felony shall be punished by imprisonment for not less than one year nor more than 10 years, or by a fine of not more than \$5,000.00, or by both such fine and imprisonment."

Phillips is a "person" "convicted of a violation of" a "provision of this chapter herein" and "by the laws of this state declared to constitute a felony," to-wit: Reckless Murder. Phillips sentence exceeds the ten (10) year maximum lawfully applied, denying Phillips due process with the deprivation of life, liberty, limb, and property.

Driving under the influence is a requisite element as Reckless by vehicle.

For Phillips conviction to be lawful, Phillips has to be first guilty to Section 32-5A-191 of the Ala.Code(1975), as amended.

The law is not properly applied as Section 32-5A-9 states "by the laws of this state declared to constitute a felony" showing legislative intent that all violation would not exist in Title 32 and would have to be incorporated.

When the State incorporated Section 32-5A-191 to prove DUI, it failed to incorporate the ten (10) year maximum law, to Phillips peril.

Every court refuses to address this issue to give Phillips redress and the ACCA stated that "§ 32-5A-9 does not apply to [Phillips] case." What does it apply to? See page 4 of Appendix D;

Phillips requests this Court to Order the production of Rhodell Byers witness statements, any other exculpatory evidence, including the files of ALBA, ACJIC, St. Clair County Sheriff's Office, the Municipality of Ragland, State Troopers Association, Administrative Director of Courts the Southern Judicial Information System, the St. Clair County District Attorney's Office and the Alabama Department of Corrections;

Grant Phillips leave to be transported to Washington for an Oral Argument to be allowed;

Vacate the entire conviction and sentence;

Any further Order this Court deems equitable and just;

This Original Writ of Habeas Corpus should be corrected for consistency with the foundation of our Country's ethical formation;

AND OF THIS THE SAID Matthew Sherman Phillips, PUTS HIMSELF ON THE COUNTRY:

Respectfully submitted this the 14th day of August, 2021.


Matthew Phillips [262398]

V E R I F I C A T I O N

"I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on: August 14, 2021.


Matthew Phillips

Pursuant to 28 U.S.C. § 1746