

IN THE SUPREME COURT OF THE UNITED STATES

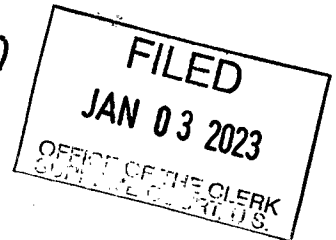
22-6589 CASE#

MOSES JACKSON  
(PETITIONER)

ORIGINAL

VS.

PRESIDENT JUDGE BUD TURNER, "et-al"  
(RESPONDENT)



CALHOUN COUNTY CIRCVIT COURT- CASE# CC-01-1358, 1359, 1360, 1361

PETITION FOR WRIT OF PROHIBITION  
OR IN THE ALTERNATIVE  
PETITION FOR WRIT OF MANDAMUS

MOSES JACKSON A# 228710  
LOXLEY WORK RELEASE  
BED# C-62B  
P.O. BOX 1030  
LOXLEY, ALABAMA 36551

"STANDARD OF REVIEW"

ALL PERSONS WITHIN THE JURISDICTION OF THE UNITED STATES  
SHALL HAVE THE "SAME RIGHT" IN "EVERY STATE" AND TERRITORY...  
TO SUE, BE PARTIES, "GIVE EVIDENCE", AND TO THE "FULL AND EQUAL"  
BENEFIT OF ALL LAWS AND "PROCEEDINGS" FOR THE "SECURITY OF"  
PERSONS... AS ENJOYED BY "ALL" CITIZENS.

## **Article III Judicial Power**

Sec. 1. Supreme Court and inferior courts--Judges and compensation.

Sec. 2 Subjects of Jurisdiction.

Sec. 3 Treason.

### **Sec. 1. Supreme Court and inferior courts--Judges and compensation.**

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

### **Sec. 2 Subjects of Jurisdiction.**

Clause 1. Subjects of Jurisdiction.

Clause 2. Jurisdiction of Supreme Court

Clause 3. Trial by Jury.

#### **Clause 1. Subjects of Jurisdiction.**

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

#### **Clause 2. Jurisdiction of Supreme Court**

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

ALCODE

## STANDARD OF JURISDICTION AND REMEDY

PETITIONER, COMES BEFORE THIS HONORABLE COURT, AS A UNITED STATES CITIZEN, WHO CURRENTLY RESIDES IN THE STATE OF ALABAMA.

PETITIONER, BEING A UNITED STATES CITIZEN, AND A RESIDENT OF THE STATE OF ALABAMA... PETITIONER, IS IN "CONTROVERSY" WITH THE STATE OF ALABAMA. PETITIONER, PROTECTED BY THE UNITED STATES CONSTITUTION, HAS "ARTICLE THREE (3) STANDING". AND UNDER THE UNITED STATES CONSTITUTION, ARTICLE THREE (3), CLAUSE #1, AND CLAUSE #2, SUCH "UNITED STATE CONGRESS LAW", GIVES THIS HONORABLE COURT "JURISDICTIONAL ACCESS" TO EXERCISE ITS U.S. CONGRESS "INHERITED POWERS" TO MOVE IN ITS "APPELLATE JURISDICTION", BOTH AS "TO LAW AND FACTS", OVER PETITIONER, writ of Prohibition, filed in this Honorable Court.

PETITIONER, BRINGS SAID WRIT BEFORE THIS HONORABLE COURT UNDER 28 U.S.C. § 1651(a), WHICH GIVES THIS HONORABLE COURT "JURISDICTIONAL DISCRETION", TO ACCEPT SAID WRIT, HEAR SAID WRIT, ISSUE SAID WRIT, GRANTING PETITIONER, DUE RELIEF APPLICABLE BY BOTH "LAW AND FACTS" OUTLINED WITHIN PETITIONER, SAID WRIT.

"EXCEPTIONAL CIRCUMSTANCES" WARRANT THE EXERCISE OF THE COURT'S DISCRETIONARY POWERS.  
SEE APPENDIX (d). RULE 60(b)(4) COMMITTEE COMMENTS.

IN APPENDIX (d), THE ALABAMA LEGISLATURE "SPOKE LOUD AND CLEAR", THAT A ~~REDACTED~~ RULE 60(b)(4) MOTION CAN BE FILED IN ANY COURT IN THE STATE OF ALABAMA WHERE THE JUDGEMENT WAS RENDERED.

SEE EXHIBIT (B). PETITIONER, RULE 60(b)(4) MOTION, ENCLOSED IN APPENDIX (A). PETITIONER, WRIT MANDAMUS CR-2022-0737, AND SEE EXHIBITS (A) THROUGH (L) ATTACHED TO EXHIBIT (B), ENCLOSED IN ~~APPENDIX~~ (A).

PETITIONER, PLACED A RULE 60(b)(4) MOTION BEFORE THE TRIAL JUDGE OF THE COURT PETITIONER, WAS SENTENCED AT, DUE TO PETITIONER, WAS "ATTACKING THE APRIL 11th, 2003 JUDGEMENT" THAT WAS RENDERED BY HONORABLE JUDGE MALCOLM B. STREET ON PETITIONER IN CATHOON <sup>COUNTY</sup> CIRCUIT COURT, WHERE THE SAID MOTION WAS FILED.

SEE EXHIBIT (C). TRIAL JUDGE DENIAL OF PETITIONER, SAID MOTION, ATTACHED TO APPENDIX (A).

THE TRIAL JUDGE IN EXHIBIT (C), "REVIEWED" PETITIONER, SAID MOTION AND PLEADINGS THEREAFTER, AND "DENIED" PETITIONER, MOTION, AND BASED HIS REASON FOR DENIAL OFF A "ALLEGED PLEA AGREEMENT DOCUMENT", THAT THE JUDGE FAILED TO PRODUCE AS EVIDENCE, IN FACT, AS OUTLINED IN EXHIBIT (C), THE JUDGE PRODUCED NO "FACTUAL EVIDENCE" OR NO "SUPPORTING EVIDENCE" IN HIS DENIAL OF PETITIONER, RULE 60(b)(4) MOTION. THE JUDGE BASIS FOR DENIAL WAS NO MORE THAN A "BEARBRINE" STATEMENT.

SEE APPENDIX (A). PETITIONER, WRIT MANDAMUS CR-2022-0737.

PETITIONER, PLACED WRIT IN APPENDIX (A), BEFORE THE CRIMINAL COURT OF APPEALS, MAKING THE SAID COURT AWARE THAT THE SUPREME COURT OF ALABAMA ESTABLISHED, THAT WHEN A PETITIONER ALLEGES THAT THE TRIAL COURT LACK SUBJECT MATTER JURISDICTION, THEN THE WRIT MANDAMUS IS THE BASIS TO SEEK APPELLATE REVIEW. PETITIONER ALSO MADE THE SAID COURT AWARE IN APPENDIX (A), PAGES #13-18, THAT THE TRIAL JUDGE IMPROPERLY APPLIED THE LAW TO PETITIONER, FACTS ENCLOSED IN PETITIONER, RULE 6D(b)(4) MOTION, WHEN THE TRIAL JUDGE USED AN ALLEGED PLEA AGREEMENT DOCUMENT, THAT HE DID NOT PRODUCE AS EVIDENCE IN HIS RULING, NOR DID THE TRIAL JUDGE PRODUCE ANY "FACTUAL" OR "SUPPORTING" EVIDENCE IN HIS RULING WHICH IS CONTRARY TO THE REQUIREMENTS, "STATUTORY REQUIREMENTS" UNDER ALA. R. CRIM. P. RULE 14.4, AND CONTRARY TO THE "MANDATORY" REQUIREMENTS UNDER A REVIEW OF A RULE 6D(b)(4) MOTION "ATTACHING THE VALIDITY OF A JUDGEMENT". PETITIONER ALSO MADE SAID COURT AWARE IN APPENDIX (A), PAGES #20-21, THAT PETITIONER HAD CLEAR LEGAL RIGHT TO THE RELIEF/ORDER SOUGHT IN APPENDIX (A), PAGE #4.

SEE APPENDIX (C). CRIMINAL COURT OF APPEALS ORDER.

THE CRIMINAL COURT OF APPEALS DENIED PETITIONER, WRIT WITHOUT PRODUCING NO "FACTUAL" OR "SUPPORTING" EVIDENCE WITH THEIR DENIAL, WHICH IS CONTRARY TO AN APPELLATE COURT REQUIRED PROCEDURE WHEN REVIEWING A RULE 6D(b)(4) BEFORE THE COURT "ATTACHING A JUDGEMENT", AND CONTRARY TO

THE "MANDATORY" REQUIREMENTS UNDER A REVIEW OF A RULE 6D(b)(4) MOTION, "ATTACKING THE VALIDITY OF A JUDGEMENT."  
SEE APPENDIX (E). AN APPELLATE COURT REVIEW DE NOVO A RULE 6D(b)(4) MOTION.  
SEE APPENDIX (A-1). PETITIONER, WRIT OF PROHIBITION SC-2022-0931.

SEE APPENDIX (A-2). REVIEW IN THE SUPREME COURT OF ALABAMA.

PETITIONER, FILED A WRIT IN APPENDIX (A-1), IN THE SUPREME COURT OF ALABAMA, STILL "ATTACKING THE APRIL 11<sup>TH</sup>, 2003 JUDGEMENT," OF HONORABLE JUDGE MALCOLM B. STREET, SENTENCING PETITIONER TO FOUR (4) LIFE SENTENCES (AND CONCURRENT, AND MAKING THE SAID COURT AWARE THAT THE CIRCUIT COURT WAS "PROHIBITED" BY THE LAWS AND FACTS, ENCLOSED IN EXHIBIT (B), ATTACHED TO APPENDIX (A), FROM DENYING PETITIONER, RULE 6D(b)(4) RELIEF, AND PETITIONER, MAKE THE SAID COURT AWARE, IN APPENDIX (A-1), THAT THE CRIMINAL COURT OF APPEALS OF ALABAMA, DID NOT GIVE PETITIONER, A "PROPER REVIEW", THEREFORE THE SAID COURT WAS "PROHIBITED" FROM DENYING PETITIONER, RULE 6D(b)(4) MOTION; AND <sup>ENCLOSED IN SAID WRIT</sup> THAT IT WAS THE DUTY OF THE SUPREME COURT OF ALABAMA, "UNDER THE JURISDICTION" OF ALABAMA TO GIVE PETITIONER, A "DE NOVO" AND "EX MERITO MOTU" REVIEW OF PETITIONER, RULE 6D(b)(4) MOTION, AND SAID REVIEW ON PETITIONER, WRIT IN APPENDIX (A).

SEE APPENDIX (A-3). SUPREME COURT OF ALABAMA ORDER.

ON NOVEMBER 23<sup>RD</sup>, 2022 THE SAID <sup>COURT</sup> IN APPENDIX (A-3), DENIED PETITIONER, WRIT WITHOUT ANY "FACTUAL" OR "SUPPORTING" EVIDENCE TO "JUSTIFY" THEIR DENIAL. THE SAID COURT DID NOT STATE IN THEIR ORDER THAT THEY "AGREE" WITH THE TRIAL JUDGE DENIAL IN EXHIBIT (C), ATTACHED

to ~~APPENDIX~~ (A), Nor Did They State in thier said order that they Agree with the criminal court of Appeals Denial in Appendix (G). The said court "PRODUCED NO EVIDENCE" on the RECORD IN APPENDIX (A-3), TO SHOW THAT THE TRIAL COURT HAD SUBJECT MATTER JURISDICTION OVER PETITIONER, CASE, AND THAT THE JUDGEMENT OF April 11<sup>th</sup>, 2003 "MUST STAND", which "UNDER THE JURISDICTION OF ALABAMA" IS "PROHIBITED", when THE SUPREME COURT OF ALABAMA RECIEVES A RULE 60(b)(4) motion, "ATTACKING THE VALIDITY OF THE JUDGEMENT OF April 11<sup>th</sup> 2003" SEE EXHIBIT (I). CASE ACTION SUMMARY SHEET, GUILTY PLEA AND SENTENCE PROCEEDINGS ON 4-11-03, ATTACHED TO APPENDIX (A).

SEE EXHIBIT (A). JURISDICTIONAL NOTES, ATTACHED TO EXHIBIT (B), WHICH EXHIBIT (B) IS ATTACHED TO APPENDIX (A).

IN EXHIBIT (A), "UNDER THE JURISDICTION OF ALABAMA", when the "GRANT" OR "DENIAL" of A RULE 60(b)(4) motion turns on the "VALIDITY" of the "UNDERLYING JUDGEMENT" (April 11<sup>th</sup>, 2003 JUDGEMENT), THE OPERATION OF THE "TRIAL COURT'S DISCRETION" IS OF "NO IMPORT". IF THE JUDGEMENT IS VALID, IT "MUST" STAND, IF IT IS VOID, IT "MUST" BE SET ASIDE.

SEE APPENDIX (A-4). THE WORD "SHALL" AND "MUST" UNDER THE JURISDICTION OF ALABAMA IS "MANDATORY".

IN EXHIBIT (A). JURISDICTIONAL NOTES, UNDER THE JURISDICTION OF ALABAMA, IF THE UNDERLYING

JUDGEMENT (April 11<sup>th</sup>, 2003) IS VOID DUE TO LACK OF SUBJECT MATTER JURISDICTION OF THE ENTRY OF THE JUDGEMENT VIOLATED THE PETITIONER (MOSES JACKSON), DUE PROCESS RIGHTS THEN THE TRIAL COURT HAS "NO DISCRETION" AND "MUST" GRANT RELIEF UNDER RULE 6D(b)(4).

THE TRIAL JUDGE IN EXHIBIT (C), ATTACHED TO APPENDIX (A), HELD NO HEARINGS ON PETITIONER, SAID MATTER, AND THE SAID JUDGE TOOK IN NO ORAL TESTIMONY, THEREFORE THE SAID JUDGE DENIAL, DO NOT FALL WITHIN THE "ONE TENUS RULE", UNDER THE JURISDICTION OF ALABAMA.

SEE APPENDIX (A-5). NO WITNESS EXAMINED ORALLY.

AFTER THE REVIEW OF THIS HONORABLE COURT OF THE "LAW AND FACTS" HEREIN THIS "STANDARD OF JURISDICTION AND REMEDY" SECTION OF THIS WRIT. IT IS CLEAR, ON THE FACE OF THE RECORD, PETITIONER, DID NOT RECEIVE A "PROPER REVIEW" FROM THE STATE OF ALABAMA. THE SUPREME COURT OF ALABAMA DO NOT ACCEPT APPLICATION FOR REHEARING, "ONLY" UPON REVIEW FROM THE CRIMINAL COURT OF APPEALS AS OUTLINED IN APPENDIX (A-2). RULE 21(e)(1). AN APPLICATION FOR REHEARING IS NOT WARRANTED UNDER THE JURISDICTION OF ALABAMA, WHEN FILING A ~~RE~~ EXTRA ORDINARY WRIT, AS OUTLINED IN APPENDIX (A-2).

PETITIONER, EXHAUSTED HIS REMEDIES IN THE STATE OF ALABAMA. THE CIRCUIT COURT, CRIMINAL COURT OF APPEALS,



AND THE HIGHEST COURT IN THE LAND OF ALABAMA, THE SUPREME COURT OF ALABAMA, TURNED A BLIND EYE TO THEIR OWN LAWS, AND MADE A "DISCRETIONARY RULING" ON A RULE 60(b)(4) MATTER WHICH IS "PROHIBITED" BY THE LAWS AND FACTS OUTLINED HEREIN THIS SAID SECTION OF THIS WRIT. NEITHER, SAID COURTS ADDRESSED THE APRIL 11<sup>TH</sup>, 2003 JUDGEMENT WHICH WAS THE "BASIS" OF PETITIONER'S ARGUMENT. NEITHER, SAID COURT PRODUCED ANY EVIDENCE IN THEIR DENIALS TO AFFIRMATIVELY SHOW ON THE RECORD THAT THE APRIL 11<sup>TH</sup>, 2003 JUDGEMENT IN PETITIONER'S CASE IS "NOT VOID" AND "MUST STAND" AS "REQUIRED" BY LAW IN EXHIBIT (A). JURISDICTIONAL NOTES, ATTACHED TO EXHIBIT (B), WHICH EXHIBIT (B), IS ATTACHED TO APPENDIX (A).

THEFORE, "ADEQUATE RELIEF" CANNOT BE OBTAINED IN "ANY OTHER FORM" OR FROM "ANY OTHER COURT," BUT THROUGH THIS HONORABLE COURT. UNDER THE JURISDICTION OF ALABAMA A RULE 60(b)(4) MOTION UNDER A REVIEWING COURT CALLS FOR A DENIAL REVIEW WITH SUPPORTING EVIDENCE TO DETERMINE WHETHER THE UNDERLYING JUDGEMENT (APRIL 11<sup>TH</sup>, 2003) "STAND OR NOT." THIS DETERMINATION CANNOT BE DISTURBED BY ANY PARTIES. THE STATE OF ALABAMA HAD ITS OPPORTUNITY TO ADDRESS THIS MATTER AND FAILED TO DO SO. THIS IS A "EXCEPTIONAL CIRCUMSTANCE" THAT WARRANTS THIS HONORABLE <sup>COURT</sup> "DISCRETIONARY POWERS" TO MOVE UNDER "APPELLATE REVIEW" IN THIS MATTER. PETITIONER, PRAY THIS HONORABLE COURT CONSIDER THIS "GREAT MATTER" AND ISSUE THIS WRIT.

# QUESTIONS

1. CAN THE STATE OF ALABAMA "TURN A BLIND EYE" TO THE "UNITED STATES CONSTITUTION" AND ITS "LAWS", AT THE "INITIATION" OF PETITIONER, CASE, AND THROUGH THE "LEGAL PROCESS" OF PETITIONER CASE, AND IT BE "JUSTIFIED" BY THIS HONORABLE COURT?
2. CAN THE STATE OF ALABAMA "TURN A BLIND EYE" TO ITS OWN "LAWS", "RULINGS", AND "THE FACTS" PETITIONER, PLACED ON THE RECORD BEFORE THE "REVIEWING COURTS OF ALABAMA", AND KEEP PETITIONER "ILLEGALLY DETAINED" IN THE STATE OF ALABAMA?
3. CAN THE STATE OF ALABAMA "RETAIN JURISDICTION" OVER THE "SUBJECT MATTER OF PETITIONER, CASE" WITH "NO PROBABLE CAUSE" AT THE "INITIATION" OF PETITIONER, CASE, AND "NO PROBABLE CAUSE" THROUGH THE "LEGAL PROCESS" OF PETITIONER, CASE?
4. CAN THE REVIEWING COURTS OF THE STATE OF ALABAMA RECEIVE A RULE 60(b)(4) MOTION "ATTACKING A UNDERLYING JUDGEMENT", AND DENY THE SAID MOTION WITHOUT CONDUCTING A "DENOVA REVIEW" WITH "SUPPORTING EVIDENCE" TO AFFIRMATIVELY SHOW ON THE RECORD, THE "JUDGEMENT UNDER ATTACK", "STAND OR NOT"?
5. CAN THE REVIEWING COURTS OF THE STATE OF ALABAMA RECEIVE "FACTUAL" AND "FACIAL" EVIDENCE FROM THE PETITIONER, PERTAINING TO A "FELONY CIVIL PLEA", AND "THE RECORD IS CLEAR", PETITIONER, "DID NOT WAIVE HIS CONSTITUTIONAL RIGHTS", BEFORE ENTERING INTO A CIVIL PLEA, AND IT BE "JUSTIFIED" BY "ANY REVIEWING COURT", THAT THE "FELONY CIVIL PLEA" IS "VOLUNTARILY MADE" BY THE "PETITIONER"?

# Questions Cont.

6. CAN THE REVIEWING COURTS "ILLEGALLY DETAIN" PETITIONER IN THE STATE OF ALABAMA "TURNING A BLIND EYE" AND "NOT FOLLOW THE LAW OF THE LAND" THIS HONORABLE COURT "CASE LAW AUTHORITY" IN "BOYKIN", AND THE SAID ACTION BE "SUSTAINED" BY THIS HONORABLE COURT?
7. CAN THE MAGISTRATE(S) OF PETITIONER, CASE, "ISSUE WARRANTS OF ARREST" WITH "NO PROBABLE CAUSE" ESTABLISHED ON THE RECORD BY THE MAGISTRATE(S) AND THE WARRANTS BE "DEEMED ~~VALID~~ VALID" FOR PETITIONER, ARREST BY THE STATE OF ALABAMA REVIEWING COURTS, OR "ANY REVIEWING COURTS?"
8. CAN THE GRAND JURY OF PETITIONER, CASE, "RETURN INDICTMENTS" AGAINST PETITIONER, WITH "NO PROBABLE CAUSE" ESTABLISHED ON THE RECORD BY THE GRAND JURY, AND THE INDICTMENTS "BE DEEMED VALID" FOR FURTHER PROSECUTION ON PETITIONER, BY THE STATE OF ALABAMA REVIEWING COURTS, OR "ANY REVIEWING COURT"?
9. CAN THE TRIAL COURT OF PETITIONER, RULE 60(b)(4) "ESTABLISH A RECORD" FOR "APPELLATE REVIEW", AND THE APPELLATE COURT(S) OF ALABAMA "TURN A BLIND EYE" TO THE SAID ESTABLISHED RECORD, BECAUSE IT "FAVORS" THE PETITIONER, AND THIS SAID ACTION STAND "JUSTIFIED" BY "ANY REVIEWING COURT"?

PARTIES TO THE PROCEEDINGS IN THE COURT WHOSE JUDGEMENT IS THE SUBJECT OF THIS PETITION IS AS FOLLOWS:

PRESIDING

1. JUDGE BOB TURNER

PRESIDING

2. JUDGE WINDOM

3. JUDGE HELLM

4. ~~JUDGE~~ MCCOY

5. JUDGE COLE

6. JUDGE MINOR

7. <sup>CHIEF</sup> JUSTICE PARKER

8. JUSTICE BOLIN

9. JUSTICE SHAW

10. JUSTICE WISE

11. JUSTICE BRYAN

12. JUSTICE SELLERS

13. JUSTICE MENDHEIM

14. JUSTICE STEWART

15. JUSTICE MITCHELL

16. ATT. GEN. MARSHALL

17. K. IVEY

ALABAMA

CAHOON COUNTY Circuit Court

ALABAMA

CRIMINAL COURT OF APPEALS

ALABAMA

CRIMINAL COURT OF APPEALS

ALABAMA

CRIMINAL COURT OF APPEALS

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CRIMINAL COURT OF APPEALS

SUPREME COURT OF ALABAMA

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SUPREME COURT OF ALABAMA

SUPREME COURT OF ALABAMA

ATTORNEY GENERAL OF ALABAMA

COOVERBUR, ALABAMA

JACKSON V. STATE, CC-01-1359, 1360, 1358, 1361. RULE 60(b)(4) MOTION.  
JUDGEMENT ENTERED MAY 02ND, 2022.

JACKSON V. STATE, CR-2022-0737. JUDGEMENT ENTERED SEPTEMBER 23RD, 2022.

JACKSON V. STATE, SC-2022-0931. JUDGEMENT ENTERED NOVEMBER 23RD, 2022

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# CONSTITUTIONAL AND STATUTORY PROVISIONS

1. UNITED STATES CONSTITUTION AMENDMENT FOUR CHASE, "THE RIGHT TO BE SEIZED LEGALLY FOR THE SECURITY OF PERSONS".....
2. UNITED STATES CONSTITUTION, AMENDMENT FIVE CHASE, "THE RIGHT NOT TO BE SUBJECT TWICE TO JEOPARDY".....
3. UNITED STATES CONSTITUTION, AMENDMENT EIGHT CHASE, "THE RIGHT NOT TO BE SUBJECT TO CRUEL AND UNUSUAL PUNISHMENT".....
4. UNITED STATES CONSTITUTION, AMENDMENT FOURTEEN CHASE, "THE RIGHT TO DUE PROCESS OF LAW AND EQUAL PROTECTION OF THE LAW"....

28 U.S.C § 1651(a), "THE SUPREME COURT AND ALL COURTS ESTABLISHED BY ACT OF CONGRESS MAY ISSUE ALL WRITS NECESSARY OR APPROPRIATE IN AID OF THEIR RESPECTIVE JURISDICTIONS AND ACCORDABLE TO THE USAGES AND PRINCIPLES OF LAW".....

42 U.S.C § 1981. EQUAL RIGHTS UNDER THE LAW, (a) STATEMENT OF EQUAL RIGHTS. "ALL PERSONS WITHIN THE JURISDICTION OF THE UNITED STATES SHALL HAVE THE SAME RIGHT IN EVERY STATE AND TERRITORY... TO SUE, BE PARTIES, COVE EVIDENCE", AND TO THE FULL AND EQUAL BENEFIT OF ALL LAWS AND PROCEEDINGS FOR THE SECURITY OF PERSONS... AS IS ENJOYED BY ALL CITIZENS".....



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PLEA STATEMENT OF CASE COURT.

JUDGE DURING THE SAID COUNTY PROCEEDINGS DID NOT INFORM PETITIONER, OF HIS CONSTITUTIONAL RIGHTS AND SUBSTANTIAL RIGHTS COVERED UNDER SAID RULE 14.4 DURING THE COLLOQUY OF SAID PROCEEDINGS, AND ACCEPTED PETITIONER, PLEA OF GUILT AND GUILTY PLEA, AND ON APRIL 11<sup>TH</sup>, 2003, THE SAID JUDGE SENTENCED PETITIONER, TO FOUR (4) LIFE SENTENCED IN CONJUNCTION. IN JANUARY OF 2022, PETITIONER SOUGHT FOR A COPY OF THE WARRANTS OF PETITIONER CASE, REQUESTING FOR A COPY OF ANY AFFIDAVITS OR DEPOSITIONS IN SUPPORT OF SAID WARRANTS. ON FEBRUARY 04<sup>TH</sup>, 2022 THE CLERK OF THE COURT, SENT PETITIONER A COPY OF SAID WARRANTS WITH A NOTE STATING, "THIS IS THE ONLY TESTIMONY ON THE CIRCUIT RECORD, FOR ALL OTHERS YOU WILL NEED TO CONTACT THE DA'S OFFICE." THE PETITIONER, WROTE THE DA OFFICE IN FEBRUARY OF 2022, REQUESTING FOR A COPY OF ANY OTHER TESTIMONY IN SUPPORT OF COMPLAINT/WARRANT(S) SENT BY THE CIRCUIT COURT. THE DA OFFICE NEVER RESPONDED TO PETITIONER REQUEST/LETTER. ON MARCH 19<sup>TH</sup>, 2022 PETITIONER, FILED A RULE 60(b)(4) MOTION IN CALHOUN COUNTY CIRCUIT COURT WHERE PETITIONER, WAS SENTENCED, ATTACHING THE APRIL 11<sup>TH</sup> 2003 JUDGEMENT OF JUDGE MALCOLM B. STREET, ESTABLISHING A "PRIMA FACIE CASE" IN THE SAID MOTION THAT WAS BEFORE PRESIDING JUDGE BIRD TURNER REVIEW. ON MAY 02<sup>ND</sup>, 2022 THE SAID JUDGE ISSUED A ORDER DENYING PETITIONER, SAID MOTION, AND THE BASIS OF THE SAID JUDGE DENIAL WAS PETITIONER, KNOWINGLY, INTELLIGENTLY, AND VOLUNTARILY PLEAD GUILTY, AND HIS REASON TO COME TO THAT SAID CONCLUSION WAS BASED OFF AN ALLEGED PLEA AGREEMENT DOCUMENT THE SAID JUDGE STATED IN HIS SAID ORDER, HAD PETITIONER SIGNATURE, PETITIONER COUNCIL SIGNATURE, AND THE COUNCIL FOR THE STATE SIGNATURE REFLECTING ON THE ALLEGED ~~SAID~~ DOCUMENT, THAT THE SAID JUDGE "DID NOT" PRODUCE AS EVIDENCE ON THE RECORD IN HIS SAID ORDER.

## STATEMENT OF CASE CONT.

ON MAY 21<sup>ST</sup> 2022, PETITIONER, FILED A WRIT MANDAMUS IN THE CRIMINAL COURT OF APPEALS IN ALABAMA, STILL ATTACKING THE APRIL 11<sup>TH</sup> 2003 JUDGEMENT OF JUDGE MALCOLM B. STREET, PUTTING THE SAID COURT ON NOTICE THAT PETITIONER, WAS SEEKING THE SAID COURT REVIEW ON HIS SAID MOTION DENIED BY JUDGE TURNER, AND THAT JUDGE TURNER, IMPROPERLY APPLIED THE LAW TO PETITIONER, FACTS OUTLINED IN SAID MOTION, AND THAT PETITIONER, HAS CLEAR LEGAL RIGHT TO PETITIONER, SOUGHT RULE 60(b)(4) RELIEF. ON SEPTEMBER 23<sup>RD</sup>, 2022, THE SAID COURT ISSUED ORDER, DENYING PETITIONER, SAID WRIT, WITH "NO SUPPORTING EVIDENCE", AND "WITHOUT" GIVING PETITIONER, A "PROPER REVIEW." ON SEPTEMBER 29<sup>TH</sup>, 2022, PETITIONER, FILED A WRIT OF PROHIBITION IN THE SUPREME COURT OF ALABAMA, STILL ATTACKING THE APRIL 11<sup>TH</sup> 2003 JUDGEMENT OF JUDGE MALCOLM B. STREET, PUTTING THE SAID COURT ON "NOTICE OF ITS OWN LAWS" OUTLINED IN PETITIONER, WRIT OF MANDAMUS FILED IN THE CRIMINAL COURT OF APPEALS, REQUESTING A "DENVO" AND "EX MED MOTU REVIEW" FROM THE SAID COURT ON PETITIONER, ARGUMENT OUTLINED IN WRIT OF PROHIBITION BEFORE THE SUPREME COURT OF ALABAMA REVIEW. ON NOVEMBER 23<sup>RD</sup>, 2022, THE JUSTICES OF THE SUPREME COURT OF ALABAMA TURNED A BLIND EYE TO THE UNITED STATES CONSTITUTION AND ITS LAWS, THE SAID COURT TURNED A BLIND EYE TO "THE LAW OF THE LAND", THIS HONORABLE COURT "CASE LAW AUTHORITY" OUTLINED IN PETITIONER, RULE 60(b)(4) MOTION, AND THE SAID COURT TURNED A BLIND EYE TO THEIR OWN LAWS PETITIONER, PLACED BEFORE THE SAID COURT IN SAID MOTION AND WRIT(S), AND DENIED PETITIONER, SAID WRIT WITH NO SUPPORTING EVIDENCE ON THE RECORD TO SHOW HOW A "INVOLUNTARY PLEA" CARRIES THE APRIL 11<sup>TH</sup>, 2003 SAID JUDGEMENT TO STAND. THIS WRIT FOLLOWS.

# REASONS FOR GRANTING THE <sup>WRIT</sup> ~~WRIT~~

## Reason #1:

SEE EXHIBIT (J). Prima facia showing, attached to exhibit (B), which exhibit (B) is attached to APPENDIX (A).

SEE EXHIBIT (B). PETITIONER, RULE 60(b)(4) motion, attached to APPENDIX (A).

PETITIONER, filed said motion in CALIFORNIA COUNTY CIRCUIT COURT, ATTACKING THE JUDGEMENT of April 11<sup>th</sup>, 2003, HANDLED DOWN BY JUDGE MALCOLM B. STREET, SENTENCING PETITIONER, TO FOUR (4) LIFE SENTENCES VAN CONCURRENT.

SEE EXHIBIT (I). SENTENCE DATE, APRIL 11<sup>th</sup>, 2003, attached to APPENDIX (A).

PETITIONER, MADE A "Prima facia showing", IN HIS SAID motion ATTACKING the April 11<sup>th</sup>, 2003 SAID JUDGEMENT, PUTTING THE TRIAL COURT ON NOTICE, THAT THE COURT "lacked subject matter JURISDICTION" OVER PETITIONER, CASE BECAUSE OF NO PROBABLE CAUSE AT THE "initiation" of PETITIONER, CASE AND NO PROBABLE CAUSE THROUGH THE "LEGAL PROCESS" of PETITIONER, CASE.

SEE EXHIBITS (A) (B) (C) (D) (E) (F) (G) (H) (I) (J) (K) AND (L), attached to exhibit (B). PETITIONER, RULE 60(b)(4) motion. which exhibit (B), is attached to APPENDIX (A).

SEE EXHIBIT (C). PRESIDING JUDGE BUD TURNER ORDER, attached to APPENDIX (A).

## REASONS FOR CONTINUING THE WRIT CONT.

THE SAID JUDGE DENIED PETITIONER, SAID MOTION, BASED OFF A "BARE BONE STATEMENT", SUPPORTED WITH "NO EVIDENCE" PRESENTED ON THE RECORD BY THE SAID JUDGE IN HIS SAID ORDER, MISS APPLYING THE LAW TO PETITIONER, FACTS OUTLINED IN PETITIONER, SAID MOTION, AND MAKING A "DISCRETIONARY JUDGEMENT" WHICH IS "PROHIBITED" BY THE "STANDARD REQUIREMENTS" OF A RULE 60(b)(1) MOTION ATTACKING A JUDGEMENT. SEE EXHIBIT A. JURISDICTIONAL NOTES. ATTACHED TO EXHIBIT (B), WHICH EXHIBIT (B) IS ATTACHED TO APPENDIX (A).

When a reviewing court receives a rule 60(b)(4) motion ~~attacking~~ attacking a underlying judgment (April 11<sup>th</sup> 2003), then that reviewing court has "no room for discretion." The reviewing court "must" do a "de novo review," because the "validity" of a judgment is a "question of law."

SEE APPENDIX A. PETITIONER, WIT MANDAMUS (CR-2022-0737), PAGES #7-8, AND PAGES #13-18.

THE PETITIONER, MADE IT "clear" ON THE RECORD BEFORE THE CRIMINAL COURT OF APPEALS, THAT THE SAID TRIAL JUDGE ~~improperly~~ APPLIED THE LAW TO THE FACTS OF PETITIONER, SAID MOTION, AND THAT UNDER THE JURISDICTION OF ALABAMA, ~~IT IS~~ IS "Prohibited" FOR A REVIEWING COURT TO DETERMINE FROM A ALLEGED PLEA AGREEMENT DOCUMENT OF A "felony Guilty Plea" THAT THE PLEA IS VOLUNTARY.

SEE EXHIBIT (E). TRANSCRIPT OF GUILTY PLEA PROCEEDINGS AND SENTENCING OF APRIL 11th, 2005 DESTROYED BY COURT REPORTER, ATTACHED TO APPENDIX (A). AND SEE EXHIBIT (H), ~~REDACTED~~.

## REASONS for GRANTING THE WRIT CONT.

COURT OF CRIMINAL APPEALS OF ALABAMA CASE LAW AUTHORITY, ATTACHED TO APPENDIX (A).

IN ~~THE~~ EXHIBIT (H), THE SAID COURT STATED, THAT IN JARMAN V. STATE, THE APPELLANT PLEADS GUILTY TO A MISDEMEANOR, AND THE SAID COURT REVERSED AND REMANDED THE APPELLANT CASE, BECAUSE THE RECORD WAS DEVOID OF "ANY QUESTIONS" ASKED BY THE JUDGE AND "ANY ANSWERS" GIVEN BY THE APPELLANT, WHICH IS NECESSARY TO SHOW COMPLIANCE WITH THE "LAW OF THE LAND", THIS HONORABLE COURT CASE LAW AUTHORITY OUTLINED IN "BOWKIN", AS STATED IN EXHIBIT (H).

I, MOSES JACKSON, A UNITED STATES CITIZEN, IS "SIMILAR SITUATED" LIKE JARMAN.

SEE EXHIBITS (E) (F) (G) (H) (I) AND (J), ATTACHED TO APPENDIX (A).

THE PETITIONER, (MOSES JACKSON) RECORD IS DEVOID OF "ANY QUESTIONS" ASKED BY THE JUDGE AND "ANY ANSWERS" GIVEN BY THE PETITIONER, (MOSES JACKSON)

SEE EXHIBIT (C). SUPREME COURT OF ALABAMA CASE LAW AUTHORITY, ATTACHED TO APPENDIX (A).

THE SUPREME COURT OF ALABAMA MADE IT VERY CLEAR THAT WHEN IT COMES TO A "FELONY GUILTY PLEA" THE STANDARDS OF "JARMAN" DO NOT APPLY. THEREFORE, WHEN IT COMES TO FELONY GUILTY PLEA, AND THE TRANSCRIPT OF THE COLLOQUY IS DESTROYED, IT MUST AFFIRMATIVELY

## REASONS for GRANTING the writ CONT.

show on "Court Documents", the "questions" given by the JUDGE AND "Answers" given by the DEFENDANT, DURING THE CIVIL PLEA colloquy to be in compliance with "BODY" "Law" of the land.

PETITIONER, MOSES JACKSON, IS "similar situated" like FLEMING IN EXHIBIT (C).

SEE APPENDIX (A-B). CLARK V. STATE.

UNDER THE JURISDICTION of ALABAMA, A REVIEWING COURT CAN NOT PRESUME from a "Silent Record", AS it IS in PETITIONER, (MOSES JACKSON) CASE, THAT A PETITIONER, WAIVED HIS CONSTITUTIONAL RIGHTS.

THE SAID COURT REVERSE AND REMANDED THE CASE ABOVE with instructions for the LOWER COURT to SET ASIDE CLARK CONVICTION.

PETITIONER, MOSES JACKSON, IS "similar situated" like CLARK.

SEE 42 U.S.C § 1981. EQUAL RIGHTS UNDER THE LAW, which states, "(a) STATEMENT OF EQUAL RIGHTS. All PERSONS within THE JURISDICTION of THE UNITED STATES SHALL HAVE THE SAME RIGHT IN EVERY STATE AND TERRITORY... to SUE, BE PARTIES, "GIVE EVIDENCE", AND to the full AND EQUAL benefit of all LAWS AND PROCEEDINGS for the SECURITY of PERSONS... AS IS ENJOYED by All CITIZENS.

SEE COURT of CIVIL APPEALS of ALABAMA, McIVER V. BONDY'S FORD INC., 916 So. 2d 616 (JUNE 17th, 2005) which states, "An APPELLATE COURT IS "BOUND" BY THE "TRIAL COURT RECORD"

## REASONS FOR GRANTING THE WRIT CONT.

IN ALL CASES.

SEE COURT OF CRIMINAL APPEALS IN ALABAMA K.S. V. STATE,  
230 So. 3d 809 (February 10<sup>th</sup>, 2017), which states, "AN APPELLANT  
COURT IS "BOUND" BY WHAT APPEARS IN THE RECORD BEFORE IT."  
SEE EXHIBIT (C). TRIAL JUDGE ORDER DENYING PETITIONER, RULE  
6D(b)(4) MOTION, ATTACHED TO APPENDIX (A).

THE TRIAL JUDGE IN EXHIBIT (C), ESTABLISHED A RECORD  
FOR APPELLANT REVIEW OF PETITIONER, SAID MOTION.

THE SAID JUDGE IN EXHIBIT (C), STATED HE "REVIEWED" THE  
PETITIONER, RULE 6D(b)(4) MOTION. THE SAID JUDGE DID NOT  
STATE IN HIS SAID RULING, THAT HE WAS CONFUSED BY PET-  
ITIONER PLEADINGS, OR HE BELIEVES PETITIONER DID NOT HAVE  
MERIT TO HIS CLAIMS IN SAID MOTION. THEREFORE, THE SAID  
JUDGE WAS FULLY AWARE OF PETITIONER, ARGUMENT. THE SAID  
JUDGE "DID NOT" PRODUCE ANY "SWORN AFFIDAVITS" OR "DEPOSITIONS"  
FROM THE CALHOUN COUNTY COURT RECORDS, OR FROM THE DA'S OFFICE  
OF CALHOUN COUNTY COURT HOUSE IN SUPPORT OF THE POLICE  
COMPLAINTS OF PETITIONER CASE ON THE RECORD IN HIS RULING  
IN EXHIBIT (C). THE SAID JUDGE PRODUCED "NO LEGAL DOC-  
UMENTARY EVIDENCE" FROM THE CALHOUN COUNTY COURT RECORDS,  
ON THE RECORD IN HIS RULING IN EXHIBIT (C) TO OVERCOME  
PETITIONER, PRIMA FACIAL SHOWING, THAT THE GRAND JURY  
IN PETITIONER, CASE HAD NO "WITNESSES" OR "LEGAL DOCUME-  
NTARY EVIDENCE" BEFORE ITS REVIEW.

SEE EXHIBIT (B). PETITIONER SAID MOTION, PAGE #12, ATTACHED



# REASONS FOR GRANTING Writ CONT.

TO APPENDIX (A).

SEE EXHIBITS (E). PETITIONER, INDICTMENT(S), (F). NO WITNESSES APPEAR ON INDICTMENT(S), ATTACHED TO EXHIBIT (B), WHICH EXHIBIT (B) IS ATTACHED TO APPENDIX (A).

SEE APPENDIX (A-7). AUTHORITY OF GRAND JURY.

UNDER THE JURISDICTION OF ALABAMA, "NOTES" AND "STATEMENTS" OF WITNESSES IS NOT "LEGAL" DOCUMENTARY EVIDENCE BEFORE A ALABAMA GRAND JURY. THE WITNESSES MUST BE SWORN BEFORE THE GRAND JURY, OR THE WITNESSES MUST PRESENT SWORN AFFIDAVITS BEFORE THE GRAND JURY OF ALABAMA.

THE TRIAL JUDGE IN EXHIBIT (B), ATTACHED TO APPENDIX (A). PRODUCED NO SWORN TESTIMONY "ORAL OR AFFIDAVIT" FROM ANY WITNESS FROM THE CALHOUN COURT RECORDS, ON RECORD IN HIS SAID RULING OF PETITIONER, CASE.

AFTER THE TRIAL JUDGE REVIEW OF PETITIONER, SAID MOTION, HIS "FINAL DEFENSE" TO TRY TO OVERCOME PETITIONER, RULE 60(b)(4) RELIEF WAS TO USE A "BAREBONE STATEMENT" IN HIS SAID RULING WHICH WAS CONTRARY TO THE LAWS OF ALABAMA, AND THE LAW OF THE LAND ESTABLISHED IN "BOYKIN", OUTLINED IN APPENDIX (A-6), PAGES #3 AND #4.

PETITIONER, EXERCISING HIS CONSTITUTIONAL RIGHTS UNDER 42 U.S.C 1981, "RIGHT TO PRESENT EVIDENCE", PETITIONER, PRESENTED "EVIDENCE" TO OVERCOME THE TRIAL JUDGE "ERRONEOUS RULING".  
SEE APPENDIX (A). PETITIONER Writ Mandamus (CR-2022-0737).

## REASONS FOR GRANTING writ CONT.

SEE EXHIBITS (C) AND (H), ATTACHED TO APPENDIX (A).  
SEE APPENDIX (A-6).

PETITIONER, WAS "SIMILAR SITUATED" LIKE "JARMAN", "FLEMING" AND "CLARK". THIS IS VERY IMPORTANT, BECAUSE IT PROTECTS OUR CONSTITUTIONAL U.S. AMENDMENT 14, DUE PROCESS AND EQUAL PROTECTION CLAUSE, RIGHTS. THE RIGHT TO DUE PROCESS OF LAW, AND THE RIGHT TO EQUAL BENEFIT OF THE LAWS.

JARMAN, FLEMING, AND CLARK, WAS "SIMILAR SITUATED" AS PETITIONER, MOSES JACKSON. THE REVIEWING COURTS OF ALABAMA "REVERSED" EACH OF THE SAID DEFENDANTS ABOVE CASES, BECAUSE THE RECORD WAS CLEAR THAT THE SAID DEFENDANTS DID NOT WAIVE THEIR CONSTITUTIONAL RIGHTS, AND THEIR RECORDS WAS CLEAR THAT COMPLIANCE WITH "BOYKIN" WAS NOT APPLIED UNDER ALA. R. CRIM. P. RULE 14.4.

AND IN PETITIONER, CASE, IT IS A "EXCEPTIONAL CIRCUMSTANCE" THAT WARRANT THIS HONORABLE COURT TO EXERCISE ITS "DISCRETIONARY POWER", BECAUSE THE REVIEWING COURTS OF ALABAMA THAT RESIDED OVER PETITIONER, RULE 60(b)(4) MOTION HAD "NO ROOM FOR DISCRETION", BECAUSE PETITIONER, WAS ATTACKING A UNDERLYING JUDGEMENT (APRIL 11<sup>TH</sup>, 2003), WHICH UNDER JURISDICTION OF ALABAMA MANDATORY REQUIRES A DE NOVO REVIEW.

SEE EXHIBIT (A). JURISDICTIONAL NOTES, ATTACHED TO EXHIBIT (B), WHICH EXHIBIT (B) IS ATTACHED TO APPENDIX (A).

## REASONS FOR GRANTING writ cert.

SEE EXHIBIT (C), ATTACHED TO APPENDIX (A).

SEE APPENDIX (C), ATTACHED TO APPENDIX (A-1)

SEE APPENDIX (A-3).

THE REVIEWING COURTS IN THEIR ORDERS OUTLINED ABOVE, THEIR RULINGS WAS "DISCRETIONARY", AND "CONTRARY" TO LAW.

THE TRIAL JUDGE "SET THE RECORD" FOR "APPELLATE REVIEW." PETITIONER, PRESENTED "EVIDENCE" ESTABLISHED BY LAW TO OVERCOME THE TRIAL JUDGE "REASONING". BECAUSE DENVO REVIEW CALLS FOR A QUESTION OF LAW, IF PETITIONER WOULD HAVE RECEIVED A PROPER REVIEW, UNDER "ANY REVIEWING COURT", "THE LAW OF THE LAND", AND OTHER LAWS OF ALABAMA WOULD REMOVE THE TRIAL JUDGE REASON FOR DENIAL, AND WITH NO OTHER REASON ESTABLISHED BY THE TRIAL JUDGE IN EXHIBIT (C) ABOVE, THERE WOULD BE NO OTHER CHOICE BUT FOR A REVIEWING COURT TO GRANT PETITIONER, RULE 60(b)(4) RELIEF. THE REASONS HEREIN IS WHY THIS HONORABLE COURT SHOULD GRANT WRIT. "DENVO REVIEW", "QUESTION OF LAW", UNDER JURISDICTION OF ALABAMA, THE REVIEWING COURT'S "MUST" TAKE EX-MERO MOTO NOTICE THAT IT CANNOT BE "PRESUMED" FROM A "SILENT RECORD" A "VALID WAIVER OF CONSTITUTIONAL RIGHTS".

SEE APPENDIX (A-8). SUPREME COURT OF ALABAMA CASE LAW AUTHORITY.

IN APPENDIX (A-8), THE SUPREME COURT OF ALABAMA MADE IT BOLD AND CLEAR, THAT THE COURTS OF ALABAMA "DERIVES"

REASONS FOR GRANTING writ cont.  
Its "JURISDICTION" from The "CONSTITUTION" AND "ALABAMA CODE".

SEE EXHIBIT (B), PAGE # 16, <sup>ALABAMA CODE 1975, 15-7-2</sup> ATTACHED TO ~~APPENDIX~~ (A).

SEE APPENDIX B, ATTACHED TO APPENDIX (A-1).

SEE EXHIBIT (B), PAGE # 5, AMENDMENT 4, ATTACHED TO APPENDIX (A).

SEE EXHIBIT (I), ATTACHED TO EXHIBIT (B), WHICH EXHIBIT (B) IS ATTACHED TO APPENDIX (A).

It is "clear" from The "LAW AND FACTS" ABOVE, AND IT IS "clear" from The "PERPETRANCE" of PETITIONER, "EVIDENCE" PLACED BEFORE THIS HONORABLE COURT IN THIS SAID WRIT, AND ALL "APPENDICES" AND "EXHIBITS" ATTACHED TO THIS WRIT THAT THE MAGISTRATES OF PETITIONER, CASE VIOLATED PETITIONER, UNITED STATES CONSTITUTIONAL RIGHTS, AMENDMENT 4, SEIZURE CLAUSE, AMENDMENT 5, DUE PROCESS AND DUE PROCESS CLAUSE, AMENDMENT 14, DUE PROCESS AND EQUAL PROTECTION CLAUSE, AND AMENDMENT 8, CRUEL AND UNUSUAL PUNISHMENT CLAUSE, THE RIGHT TO BE TRIED LEGALLY FOR THE SECURITY OF PERSONS, THE RIGHT NOT TO BE SUBJECT TWICE TO JEOPARDY, THE RIGHT TO DUE PROCESS OF LAW, AND EQUAL PROTECTION OF THE LAW, AND THE RIGHT NOT TO BE SUBJECT TO CRUEL AND UNUSUAL PUNISHMENT, WHEN THE MAGISTRATES DID NOT FOLLOW THE "STATUTORY REQUIREMENTS" OF CODE OF ALABAMA 1975, 15-7-2. DEPOSITION OF WITNESSES, AND WHEN THEY DID NOT FOLLOW ALA.R. CRIM.P. RULE 4. ARREST WARRANT OR SUMMONS ON A COMPLAINT. AND THIS ACTION BY THE MAGISTRATE(S) CAUSED THE COURTS OF ALABAMA TO "LACK SUBJECT MATTER JURISDICTION" OVER PETITIONER, CASE WITH "NO POWER" TO ACT, TO WIT:

REASONS FOR GRANTING WRIT COURT.

"NO POWER" TO ISSUE WARRANT OF ARREST ON PETITIONER, "NO POWER" TO ARREST PETITIONER, "NO POWER" TO ARRAIGN PETITIONER, "NO POWER" TO DETAIN PETITIONER, "NO POWER" TO BOUND PETITIONER, CASE OVER TO THE GRAND JURY, "NO POWER" TO RETURN INDICTMENTS ON PETITIONER, "NO POWER" TO TAKE PETITIONER TO TRIAL, "NO POWER" TO CONDUCT A GUILTY PLEA PROCEEDING OR ACCEPT A GUILTY PLEA FROM PETITIONER, AND "NO POWER" TO CONVICT AND SENTENCE PETITIONER TO FOUR LIFE SENTENCES CONCURRENT, AND IF SOMETHING THE LAW PERMITS A "VOLUNTARY" FELONY GUILTY PLEA TO OVERCOME <sup>"NO"</sup> PROBABLE CAUSE AT THE "INITIATION" AND "NO PROBABLE CAUSE" THROUGH THE "LEGAL PROCESS" OF A DEFENDANT CASE, THE PETITIONER, HAS PRESENTED A GREAT WEIGHT OF "FACTUAL" AND "FACIAL" "EVIDENCE" ON THE FACE OF THE RECORD, TO AFFIRMATIVELY SHOW THAT PETITIONER, "DID NOT WAIVE" HIS CONSTITUTIONAL RIGHTS BEFORE ENTERING INTO A FELONY GUILTY PLEA, PETITIONER HAD NO "UNDERSTANDING" OR "KNOWLEDGE" OF HIS "CONSTITUTIONAL RIGHTS" AND "SUBSTANTIAL RIGHTS" UNDER THE LAW OF THE LAND, "BOYKIN", AND UNDER THE JURISDICTION OF ALABAMA, ALA. R. CRIM. P. RULE 14.4, AND THE RECORD IS "CLEAR" THAT PETITIONER, WAS NOT INFORMED BY THE TRIAL JUDGE UNDER SAID RULE 14.4 WHICH "MUST" BE IN COMPLIANCE WITH THE LAW OF THE LAND, "BOYKIN", AND NO REVIEWING COURT CAN DETERMINE FROM THE RECORD THAT PETITIONER, WAS INFORMED, UNDER SAID RULE 14.4, AND PETITIONER, CONTROLLING RECORD, UNDER THE JURISDICTION OF ALABAMA, "CASE ACTION SUMMARY SHEET", IS "DENIED" OF "ANY QUESTIONS" ASKED BY THE JUDGES AND "ANY ANSWERS" GIVEN BY PETITIONER, WHICH REMOVES THE TRIAL JUDGE REASON FOR DENIAL IN EXHIBIT (C) ATTACHED TO APPENDIX (A).

## REASONS FOR GRANTING WRIT CONT.

AND ONCE THE TRIAL JUDGE REASON IS "OVERCOME" AND "REMOVED" BY THE PETITIONER, SAID "EVIDENCE" ON THE FACE OF THE RECORD, THEN THERE IS "NO OTHER REASON" GIVEN IN EXHIBIT (C), AND PETITIONER HAS MET/REACHED HIS BURDEN OF PROOF, THAT "GRANT" PETITIONER, RULE 60(b)(4) RELIEF.

THE GRAND JURY OF PETITIONER, CASE REVIEWED "NO WITNESSES" AND HAD "NO LEGAL DOCUMENTARY" EVIDENCE BEFORE ITS REVIEW.

THE REVIEWING COURTS OF ALABAMA "IGNORED" AND "DID NOT" FOLLOW THEIR OWN LAWS, NEITHER DID THEY FOLLOW "THE LAW OF THE LAND". THIS HONORABLE COURT CASE LAW AUTHORITY IN "BOYKIN" PERTAINING TO A CIVIL PLEA PROCEEDING, AND THIS HONORABLE COURT CASE LAW AUTHORITY IN EXHIBIT (H), ATTACHED TO EXHIBIT (B), WHICH EXHIBIT (B) IS ATTACHED TO APPENDIX (A).

PETITIONER, PROVED THROUGH THE "PERFOMANCE" OF HIS SAID EVIDENCE THAT THERE WAS "NO PROBABLE CAUSE" AT THE INITIATION OF PETITIONER, CASE AND "NO PROBABLE CAUSE" THROUGH THE LEGAL PROCESS OF PETITIONER, CASE, YET THE REVIEWING COURTS OF ALABAMA CAUSE PETITIONER, NO "DE novo REVIEW" OR "EX MERO MOTU REVIEW" WHICH IS THE COURT(S) DUTY BY LAW. THIS IS WHY THIS WRIT SHOULD ISSUE. IT IS A "EXCEPTIONAL OR CIRCUMSTANCE" THAT "WARRANTS" THIS HONORABLE COURT "DISCRETIONARY POWERS".

# CONCLUSION

The Petitioner, has shown "clearly", on the record before this Honorable Court the following:

1. Petitioner, is "illegally detained" in the state of ALABAMA.
  2. The Magistrates took in "no ~~affidavits~~" AND THEY MADE "no DEPOSITIONS" to "support" Police complaints.
  3. The Magistrates "issued" warrants of arrest with "no probable CAUSE."
  4. The DA Brought "no witnesses" before the GRAND JURY, AND THE GRAND JURY HAD "no LEGAL DOCUMENTARY EVIDENCE" before its review, BUT STILL "returned" INDICTMENTS AGAINST PETITIONER.
  5. Petitioner, "Did not" waive his constitutional rights before entering into a felony guilty plea, AND Petitioner has "no UNDERSTANDING" or "knowledge" of his "constitutional" AND "substantial rights" before pleading guilty.
  6. The Trial Judge (Malcolm B. Street) "Did not" follow the "mandatory" requirements of said rule 14.4, the records "reflect" such fact, AND it "must" be in compliance with "Borden", "informing" Petitioner of his "constitutional" AND "substantial rights" outlined in said rule 14.4.
  7. The Trial Judge (BUD TURNER) "misapplied" the "law" to the "facts" of Petitioner Rule 6D(b)(4) motion, the records "reflect" such fact. The Trial Judge "set" the records for Appellate review with "one reason" that was "overcome" by Petitioner, said "evidence". The Trial Judge produced "no sworn affidavits", "no depositions", AND "no LEGAL DOCUMENTARY EVIDENCE" on the record, in his said ruling.
  8. The reviewing courts of ALABAMA made "Discretionary" judgments in each of their rulings, with "no supporting evidence" ignoring "the law of the land" (United State Supreme Court) rulings as well.  
Petitioner
- Therefore, BY THESE STATED SAID FACTS ABOVE, REQUEST THAT THIS HONORABLE COURT "issue" this writ, "Directing" THE TRIAL JUDGE

(BUD TURNER) TO "SET ASIDE" THE APRIL 11<sup>TH</sup>, 2003 JUDGEMENT, "EXPUNGE" PETITIONER, CASE# CC-01-1358, 1359, 1360, 1361 FROM THE RECORD "PROHIBITING" PETITIONER, FROM "SUFFERING" FURTHER HARDSHIP, AND "RELEASE" PETITIONER, "IMMEDIATELY" FROM CUSTODY, "PROHIBITING" PETITIONER, FROM FURTHER "ILLEGAL" DETAINMENT, "OR IN THE ALTERNATIVE", DIRECT THE SUPREME COURT OF ALABAMA TO DIRECT THE SAID TRIAL JUDGE TO DO THE SAID SAME, OR "IN THE ALTERNATIVE", THIS HONORABLE COURT "CORRECT" PETITIONER, "DUE RELIEF", APPLICABLE BY LAW, FROM THE "LAWS AND FACTS", OUTLINED IN THIS WRIT BEFORE THIS HONORABLE COURT REVIEW.

PETITIONER, PRAY THAT THIS HONORABLE COURT SEE Fit TO EXERCISE ITS DISCRETIONARY POWERS TO REVIEW PETITIONER SAID WRIT BY THE "LAWS AND FACTS" ENCLOSED WITH IN SAID WRIT, THAT THIS HONORABLE COURT ISSUE WRIT, AND CORRECT PETITIONER, DUE RELIEF APPLICABLE BY LAW.

SWORN AND SUBSCRIBED TO BEFORE ME ON THIS 2  
DAY OF December 2022.

Joseph Bonner  
NOTARY

Moses [Signature]  
PETITIONER

**Joseph Bonner**  
NOTARY PUBLIC COMMISSION  
State at large  
expired date: 02/17/2025

MY COMMISSION EXPIRES