

IN THE UNITED STATES SUPREME COURT

CASE# 22-6589

MOSES JACKSON
(PETITIONER)

Vs.

PRESIDING JUDGE BUD TURNER, "et-al"
(RESPONDENTS)

CATHAM COUNTY CIRCUIT COURT- CASE# CC-01-1358, 1359, 1360, 1361

Petition

FOR

REHEARING

MOSES JACKSON AS# 228710

LOXLEY WORK RELEASE

BED# C-62B

P.O. BOX 1030

LOXLEY, ALABAMA 36551

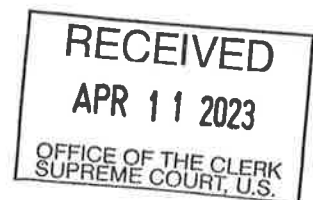


TABLE of CONTENT

1. TABLE of CONTENT	1
2. TABLE of AUTHORITIES	2
3. STATEMENT of FACTS	3-4
4. ARGUMENT, , , , ,	5-18
5. CERTIFICATE of SERVICE , , , , ,	19
6. CERTIFICATE of COMPLIANCE , , , , ,	20
7. CERTIFICATE of GROUNDS , , , , ,	21
8. CERTIFICATE of COUNSEL , , , , ,	22

TABLE of Authorities

U.S. Fed. Const.:

U.S. Const. Amendment 5, Self Incrimination Clause,	3, 5
U.S. Const. Amendment 6, Trial & Confront Accusers Clause,	3, 5
U.S. Const. Amendment 14, Due Process Clause,	3, 12
U.S. Const. Amendment 4.	11, 12

APPENDICES

APPENDIX (A-9) - UNITED STATES CONGRESS FEDERAL ESTABLISHED LAW.	
APPENDIX (A-10) - FEDERAL COURT CASE LAW AUTHORITY.	
APPENDIX (A-11) - ALABAMA APPELLATE COURT CASE LAW AUTHORITY.	
APPENDIX (A-12) - STATE WAIVER.	
APPENDIX (A-13) - ALABAMA APPELLATE COURT CASE LAW AUTHORITY.	
APPENDIX (A-14) - ALABAMA GRAND JURY AUTHORITY.	

STATEMENT OF FACTS

PETITIONER, PLACED HIS RECORD FROM THE STATE OF ALABAMA BEFORE THIS HONORABLE COURT REVIEW IN CASE # 22-6589. ON FEBRUARY 06th 2023, (COUNCIL) FOR THE SAID STATE, MR. EDMUND G. LALOR JR., FILED A "WAIVER" ON BEHALF OF ALL THE RESPONDENTS. THE PETITIONER, "RECORD" BEFORE THIS HONORABLE COURT "REVIEW" WAS "SILENT" OF AN "EFFECTIVE WAIVER" OF "THREE IMPORTANT" UNITED STATES FEDERAL CONSTITUTIONAL RIGHTS, TO WIT: (1) THE PRIVILEGE AGAINST COMPELLED SELF-INCRIMINATION GUARANTEED BY THE FIFTH AMENDMENT AND APPLICABLE TO THE STATES BY REASON OF THE FOURTEENTH; (2) THE RIGHT TO TRIAL BY JURY; AND (3) THE RIGHT TO CONFRONT ONE'S ACCUSERS, AND THE "UNITED STATES CONGRESS" FEDERAL ESTABLISHED LAW, "MANDATE" THIS HONORABLE COURT TO NOT "IGNORE" BUT TAKE "SPECIAL RECOGNITION" OF SUCH MATTER ABOVE PERTAINING TO A STATE GUILTY PLEA "PROCEEDING", OR STATE GUILTY PLEA "ISSUE" THAT COMES BEFORE THIS HONORABLE COURT REVIEW. PETITIONER, PLACED A "PRIMA FACIE" CASE PERTAINING TO PETITIONER, "INDICTMENTS" AND "COMPLAINTS/WARRANTS" BEFORE THE STATE OF ALABAMA REVIEW, AND THE STATE OF ALABAMA DID NOT REACH ITS BURDEN TO OVERCOME PETITIONER, PRIMA FACIE SHOWING, SUPPORTED WITH EVIDENCE ENCLOSED IN CASE # 22-6589, THAT WAS BEFORE THIS HONORABLE COURT REVIEW, ON FEBRUARY 27th 2023,

STATEMENT OF FACTS CONTINUE

1
This Honorable Court "DENIED" Petitioner Writ of Prohibition
ENCLOSED IN CASE # 22-6589. PETITIONER, FILED A PETI-
TION FOR REHEARING IN THIS HONORABLE COURT. ON MAR-
CH 22ND, 2023, THE CLERK OF THIS HONORABLE COURT SENT
PETITIONER, A NOTICE OF CORRECTIONS. BY THE RULES OF 2023,
THIS HONORABLE COURT, PETITIONER HAD UNTIL APRIL 06TH TO
FILE A CORRECTED PETITION. THIS CORRECTED PETITION
FOR REHEARING FOLLOWS...

ARGUMENT

GROUND #1:

THE UNITED STATES SUPREME COURT "CANNOT PRESUME" FROM A "SILENT RECORD" PERTAINING TO A STATE GUILTY PLEA ISSUE BEFORE ITS REVIEW, AN "EFFECTIVE WAIVER" OF THREE IMPORTANT UNITED STATES FEDERAL CONSTITUTIONAL RIGHTS.

SEE APPENDIX (A-9) ATTACHED TO THIS PETITION, PAGE #3, APPEAL AND ERRORS 1289-GUILTY PLEA-WAIVER OF CONSTITUTIONAL RIGHTS-PRESUMPTION #8.

THE UNITED STATES CONGRESS SPOKE "LOUD AND CLEAR" THAT WHEN A STATE GUILTY PLEA ISSUE COMES BEFORE THIS HONORABLE COURT REVIEW, THIS HONORABLE COURT CANNOT PRESUME FROM A SILENT RECORD A "WAIVER" OF THREE IMPORTANT FEDERAL CONSTITUTIONAL RIGHTS, TO WIT: (1) THE PRIVILEGE AGAINST COMPULSORY SELF-INCRIMINATION GUARANTEED BY THE FIFTH AMENDMENT AND APPLICABLE TO THE STATES BY REASON OF THE FOURTEENTH; (2) THE RIGHT TO TRIAL BY JURY; AND (3) THE RIGHT TO CONFRONT ONE'S ACCUSERS- WHICH ARE "INVOLVED" IN A WAIVER THAT TAKES PLACE WHEN A PLEA OF GUILTY IS ENTERED IN A STATE CRIMINAL TRIAL.

ARGUMENT CONT.

IN CASE # 22-6589 FILED IN THIS HONORABLE COURT, EXHIBIT (E), RESPONSE TO ORDER ON REMAND, ATTACHED TO APPENDIX (A), Writ of MANDAMUS (CR-2022-0737), THAT WAS BEFORE THIS HONORABLE COURT REVIEW, IN EXHIBIT (E), PRESIDING JUDGE BUD TURNER STATED ON RECORD FROM HIS OWN MOUTH, "FIRST, THE PETITIONER'S GUILTY PLEA AND SENTENCING WAS ~~ST~~ SYNCHRONICALLY REPORTED BY DEANNE BATTLES. MS. BATTLES HAS INFORMED THIS COURT THAT A TRANSCRIPT WAS NOT REQUESTED PRIOR TO THIS COURT REQUEST AND THAT BASED ON THE ALABAMA UNITED JUDICIAL SYSTEM'S RECORDS RETENTION SCHEDULE FOR THE CIRCUIT, DISTRICT, JUVENILE, AND MUNICIPAL COURTS, SHE NO LONGER RETAINS THE "NOTES" OF THE PROCEEDINGS AFTER "10 YEARS" HAS PASSED. THEREFORE, THIS COURT IS UNABLE TO "COMPLY" WITH THE COURT'S REQUEST FOR THE "TRANSCRIPT OF PETITIONER'S GUILTY PLEA AND SENTENCING." PETITIONER, ENTERED FOUR GUILTY PLEAS - KNOWINGLY, INTELLIGENTLY, AND VOLUNTARILY - TO CHARGE A FELONY."

IN CASE # 22-6589, EXHIBIT (C), PRESIDING JUDGE BUD TURNER ORDER DENYING PETITIONER RULE 60(b)(4) MOTION, ATTACHED TO APPENDIX (A), THAT WAS BEFORE THIS HONORABLE COURT REVIEW, IN EXHIBIT (C), PRESIDING JUDGE BUD TURNER STATED ON THE RECORD, IN PART, "PETITIONER, KNOWINGLY, INTELLIGENTLY, AND VOLUNTARILY PLEAD GUILTY."

APPEALMENT COURT.

IN CASE # 22-6589, EXHIBIT (F). PETITIONER, SWORN AFFIDAVIT, "UNREFUTED OR UNCONTESTED", BY THE STATE OF ALABAMA, "TESTIFYING" OF THE EVENTS THAT TOOK PLACE LEADING UP TO THE GUILTY PLEA AND SENTENCING PROCEEDINGS ON APRIL 11th, 2003, AND "TESTIFYING" OF THE GUILTY PLEA COLLOQUY CONDUCTED BY JUDGE MALCOLM B. STREET ON APRIL 11th, 2003.

IN EXHIBIT (F), PAGE # 2, PETITIONER ASKED HIS LAWYER, "WHAT HAPPENS IF I DO NOT ACCEPT THE PLEA", AND MY LAWYER STATED, "IT WILL NOT BE LOOKING GOOD FOR YOU, MR. JACKSON." ON PAGE # 3, THE DA HANDED PETITIONER, DOCUMENTS TO SIGN, AND STATED, "SIGNING THESE DOCUMENTS IS PART OF THE PROCEEDURE." PETITIONER, "NEVER READ" ANY OF THE DOCUMENTS, NOR DID MY LAWYER, THE DA, OR THE COURT "DID NOT" READ ANY OF THE DOCUMENTS SIGNED, TO ME. ON PAGE # 4-#5 OF EXHIBIT (F), THE "full colloquy" BETWEEN ME AND JUDGE STREET, AS WHERE IN THE ~~RECORD~~ "SAID" "full colloquy" DID JUDGE STREET ~~RECORD~~ "ADEQUATELY ADVISED" PETITIONER, OF HIS THREE "SAID" IMPORTANT FEDERAL CONSTITUTIONAL RIGHTS "OUTLINED" ON PAGE # 5 OF THIS PETITION.

THEREFORE, THE PETITIONER, "RECORD" BEFORE THIS HONORABLE COURT REVIEW WAS "SILENT" PURSUING TO "ONE" OF THE "ISSUES", TO WIT: GUILTY PLEA ISSUE, ESTABLISHED ON THE RECORD BY PRESIDING JUDGE BUD TURNER SAID ORDER DENYING PETITIONER, RULE 6D(b)(4) MOTION THAT WAS BEFORE THIS HONORABLE COURT REVIEW IN CASE # 22-6589.

Argument Court.

Yet, with these "SAID FACTS" HEREIN, Before this Honorable Court Review, this SAID COURT "DENIED" Petitioner, writ of Prohibition ENCLOSED IN CASE # 22-6589. The "UNITED STATES CONGRESS" SAID FEDERAL LAW ESTABLISHED IN APPENDIX (A-9), APPENDIX AND ERROR 3 1289-CIVIL PLEA-WAIVER OF CONSTITUTIONAL RIGHTS-PRESUMPTION, PAGE # 3, 8. "Prohibits" such action of this Honorable Court.

SEE APPENDIX (A-10). FEDERAL COURT REVIEW. IN APPENDIX (A-10), IT STATES IN PART, "PATTERSON'S 'UNREFUTED AFFIDAVIT', THESE FACTS STAND UNCONTROVERTED IN THE RECORD."

Therefore, BY "FEDERAL STANDARD", this Honorable Court should HAVE took "SPECIAL RECOGNITION" of EXHIBIT (E) RESPONSE TO ORDER ON REMAND, AND EXHIBIT (F) Petitioner, "UNREFUTED OR UNCONTESTED", SWORN AFFIDAVIT, ATTACHED TO APPENDIX (A), ENCLOSED IN CASE # 22-6589, THAT WAS BEFORE THIS HONORABLE COURT REVIEW.

FURTHERMORE, THE CRIMINAL COURT OF APPEALS, AND PRESIDING ~~JUDGE~~ BUD TURNER WAS "FULLY AWARE" PETITIONER, "RECORD WAS DESTROYED." IN APPENDIX (A-6). CLARK V. STATE, ENCLOSED IN CASE # 22-6589 THAT WAS BEFORE THIS SAID COURT REVIEW. "THE CRIMINAL COURT OF APPEALS STATED," "A REVIEWING COURT CANNOT PRESUME FROM A 'SILENT RECORD' THAT A PETITIONER 'WAIVED' HIS CONSTITUTIONAL RIGHTS."

YET, THE PETITIONER, "SILENT RECORD" WAS BEFORE PRESIDING JUDGE TURNER, AND THE ALABAMA CRIMINAL COURT OF APPEALS, AND THE SAID APPellate COURT "CLEARLY" IGNORING THE LAW, AND THE SAID APPellate COURT "CONFIRMING" THIS "UNLAWFUL ACTION". THE RECORD IS "CLEAR" BEFORE THIS SAID COURT "REVIEW" THAT THE STATE OF ALABAMA IS BEING "BIAS" AND "HIGHLY PREJUDICE" TO THE ~~PETITIONER~~ PETITIONER, AND THIS SAID COURT "CANNOT" STANDBY AND DO NOTHING.

IN APPENDIX (A-9), PAGE #3, CONSTITUTIONAL LAW § 835-DUE PROCESS-GUILTY PLEA, I.O., THE UNITED STATES CONGRESS SAID "LOUD AND CLEAR" AT A DEFENDANT GUILTY PLEA IS NOT "KNOWING" AND "VOLUNTARY", IT HAS BEEN OBTAINED IN "VIOLATION" OF "DUE PROCESS" AND IS THEREFORE "VOID".

QUESTION

1. CAN PETITIONER, MOSES JACKSON, GUILTY PLEA BE DEEMED VOLUNTARY BEFORE THIS HONORABLE COURT REVIEW, WHEN THE RECORD SHOW "NO VALID WAIVER" OF THE "THREE" IMPORTANT U.S. FEDERAL CONSTITUTIONAL RIGHTS OUTLINED ON PAGE # 5 OF THIS PETITION FOR REHEARING?
SEE APPENDIX (A-9) PAGE #2, COURTS '761-WAIVER OF CONSTITUTIONAL RIGHTS, FEDERAL INDAS CONTROL LINES.
PRESIDING JUDGE TURNER IN HIS "SAID ORDER" DENYING PETITIONER, RULE 6D(b)(4) MOTION THAT WAS BEFORE THIS HONORABLE COURT REVIEW, PRODUCED "NO EVIDENCE" ON THE RECORD SHOWING A "VALID WAIVER" OF PETITIONER, WAIVING THE THREE U.S. SAID FEDERAL CONSTITUTIONAL RIGHTS OUTLINED ON PAGE # 5 OF THIS SAID PETITION. THEREFORE BY

ARGUMENT CONT.

UNITED STATES CONGRESS FEDERAL ESTABLISHED LAW "OUTLAWED" IN APPENDIX (A-9), PAGE #3, APPEAL AND ERROR 1289 - CIVILITY PLEA - WAIVER OF CONSTITUTIONAL RIGHTS - PRESUMPTION, 8.,

THIS HONORABLE COURT SHOULD HAVE TOOK "SPECIAL RECOGNITION" OF THE SAID PRESIDING JUDGE, SAID ORDER, DENYING PETITIONER, SAID MOTION ENCLOSED IN CASE # 22-6589, SPECIFICALLY HIS REASON FOR DENIAL TO WIT: "PETITIONER, SIGNED THE PLEA AGREEMENT, HIS LAWYER, AND LAWYER FOR THE STATE".

WHICH THIS SAID REASON UP ABOVE "DO NOT" CONSTITUTE A "SAID WAIVER" BY "FEDERAL STANDARD" AND FEDERAL STAND-ARD "CONTROLS" AND "ORDERS" ALL STATES CIVILITY PLEA PROCEEDINGS INVOLVING A SAID WAIVER, "INCLUDING" THE "STATE OF ALABAMA".

IN CASE # 22-6589, EXHIBIT (I). PETITIONER, "UNREBUTED" OR "UNCONTESTED" CASE ACTION SUMMARY SHEETS, ATTACHED TO APPENDIX (A), THAT WAS BEFORE THIS HONORABLE COURT REVIEW, PAGE TWO OF DOCUMENTS (OR SECOND PAGE OF THE DOCUMENTS), AT THE TOP OF THE DOCUMENT, STATES, "4-11-03 CIVILITY PLEA AND SENTENCE. SEE NOTES (JUDGE STREET INITIALS)".

CLEARLY, THERE IS "NO NOTES" TO SEE BECAUSE THE COURT REPORTER DEANE BATHLES "DESTROYED" THE "NOTES" AS OUTLINED IN EXHIBIT (E). RESPONSE TO ORDER ON REMAND, ATTACHED TO APPENDIX (A), ENCLOSED IN CASE # 22-6589 THAT WAS BEFORE THIS SAID COURT REVIEW.

THEREFORE, IT IS CLEAR ON THE RECORD, THAT PETITIONER, SENTENCE, OF "FOUR LIFE SENTENCES" (AND CONCURRENT STRICTLY, STEMMED FROM THE CIVILITY PLEA PROLE-

ARGUMENT CONT.

EDING. PETITIONER DID NOT GO TO TRIAL IN THIS CASE, THEFORE
BY FEDERAL STANDARD, WHEN THIS SAID COURT DEEM PETITIONER
GUILTY PLEA VOID, IT MUST DEEM THE APRIL 11th, 2003 JUDGMENT
OF JUDGE STREET SENTENCING PETITIONER TO FOUR LIFE SENTENCE-
ES RUNNING CONCURRENT, VOID AND SET IT ASIDE, BECAUSE IT
"STEM" FROM THE SAID GUILTY PLEA PROCEEDINGS. THIS JUST
ACTION" PLACES PETITIONER AT STATUS QVO IN HIS CASE. CC
01-1358, 1359, 1360, 1361, TO WIT: INDICTMENTS AND COMPLAINTS
WARRANTS. THEREFORE, THIS COURT CAN REVIEW PETITIONER ISSU-
ES ON SAID INDICTMENTS, AND WARRANTS AS JURISDICTIONAL
OR NON-JURISDICTIONAL CLAIMS.

GROUND # 2:

NO SET OF CIRCUMSTANCES EXIST UNDER THE UNITED
STATES CONSTITUTION, AMENDMENT 4, AND AMENDMENT
14, DUE PROCESS CLAUSE, WHICH WOULD PERMIT THE
"LAW ESTABLISHED" IN THE STATE OF ALABAMA
PERTAINING TO COMPLAINTS/WARRANTS, AND INDICT
MENTS TO SEIZE PETITIONER, OUT THE SECURITY
OF MY PERSON, STRIPPING PETITIONER, OF MY LIFE
AND LIBERTY, WITHOUT PROBABLE CAUSE.

SEE UNITED STATES FEDERAL CONSTITUTION, AMEND-
MENT 4, WHICH STATES, THE RIGHT OF THE PEOPLE
TO BE SECURE IN THEIR PERSONS, HOUSES,
PAPERS, AND EFFECTS, AGAINST UNREASONABLE

ARGUMENT CONT.

SEARCHES AND SEIZURES, SHALL NOT BE VIOLATED, AND NO WARRANTS SHALL ISSUE, BUT UPON PROBABLE CAUSE, SUPPORTED BY OATH OR AFFIRMATION, AND PARTICULARLY DESCRIBING THE PLACE TO BE SEARCHED, AND PERSONS OR THINGS TO BE SEIZED."

SEE UNITED STATES FEDERAL CONSTITUTION, AMENDMENT 14, DUE PROCESS CLAUSE, WHICH STATES, "NOR ANY STATE SHALL DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LAW."

SEE APPENDIX (A-11) OF THIS PETITION. APPEALS COURT OF ALABAMA CASE LAW AUTHORITY.

IN APPENDIX (A-11), THE APPEALS COURT OF ALABAMA SPOKE "LOUD AND CLEAR", AND "RECOGNIZED" AND "ACKNOWLEDGED" THE SAID FOURTH AMENDMENT" QUOTED UP ABOVE AS A "CONTROLLING EFFECT" AND "GOVERNS" ALL" ALABAMA STATE LAW PERTAINING TO "ARREST WARRANTS". THE SAID COURT ALSO STATED THAT WHEN A JUDICIAL OFFICER (MAGISTRATE) ISSUE A WARRANT OF ARREST, THE MAGISTRATE "MUST" BE SUPPLIED WITH "SUFFICIENT INFORMATION" TO "SUPPORT" AN INDEPENDENT JUDGEMENT THAT PROBABLE CAUSE EXIST FOR THE WARRANT.

ARGUMENT CONT.

IN CASE# 22-6589, EXHIBIT (B). PETITIONER, RULE 60(b)(4) MOTION, ATTACHED TO APPENDIX (A), WITH EXHIBIT (B). POLICE COMPLAINT(S)/WARRANT(S), AND EXHIBIT (E). PETITIONER, INDICTM-ENTS, BOTH EXHIBITS (B) AND (E), ATTACHED TO EXHIBIT (B). PETITIONER, RULE 60(b)(4) MOTION, WHICH WAS BEFORE PRESIDING JUDGE TURNER REVIEW, WHICH WAS MY "PRIMARY" ARGUMENT, ENCLOSED IN MY SAID RULE 60(b)(4) MOTION, THAT THE OFFICERS, MARK HURST AND LT. RUSSEL BRYANT ~~PRESENTED~~ ^{MADE} "UNVERIFIED ALLEGATIONS" OUTLINED IN THE SAID COMPLAINTS, AND PRESENTED COMPLAINTS TO THE MAGISTRATE(S), AND THE MAGISTRATE(S) ISSUED W-ARRANTS OF ARREST ON PETITIONER, BASED OFF THE SAID OFFICERS "UNVERIFIED ALLEGATIONS". THE MAGISTRATES TOOK IN NO "DEPOSITIONS" OR "AFFIDAVITS" FROM THE SAID OFFICERS OR WITNESSES OUTLINED IN THE SAID COMPLAINT(S) WARRANTS. ALSO PETITIONER, ARGUED THAT "NO WITNESS-ES" WAS BEFORE THE GRAND JURY FOR REVIEW, AND THERE WAS "NO LEGAL DOCUMENTARY EVIDENCE" BEFORE THE GRAND JURY FOR THE GRAND JURY TO REACH "PROBABLE CAUSE" TO "RETURN" INDICTMENTS AGAINST PETITIONER.

IN EXHIBIT (C). PRESIDING JUDGE TURNER ORDER, DENYING PETITIONER RULE 60(b)(4) MOTION, WHICH WAS BEFORE THIS HONORABLE COURT REVIEW, STATED IN PART, "AFTER REVIEW OF PETITIONER MOTION AND PLEADINGS

Argument cont.

Thereafter, Petitioner, motion is HEREBY DENIED."

The SAID JUDGE reviewed Petitioner, Primary SAID
Arguments enclosed in SAID Motion. The SAID
JUDGE in His "DENIAL" REVIEW PRESENTED "NO EVIDENCE"
~~IN HIS SAID DENIAL~~ into show that the SAID COMPLAINTS/
WARRANTS, AND SAID INDICTMENTS WAS "SUPPORTED" BY
"DEPOSITIONS", "AFFIDAVITS", "WITNESS oral TESTIMONIES", "LEGAL
DOCUMENTARY EVIDENCE". INSTEAD, THE SAID JUDGE RELIED
ON A GUILTY PLEA that by "CLEAR" EVIDENCE PRESENTED BY
THE PETITIONER, IN GROUND # 1 of this Petition, is
"VOID".

THE ~~SAID~~ SAID JUDGE last line of "DEFENSE" AGAINST
Petitioner "SAID Primary Argument" was to go AGAINST
THE STATE OF ALABAMA ESTABLISHED LAW that HE WAS
SUPPOSE TO ABIDE BY, OUTLINED ON PAGE # 8 of this
Petition, to wit: it cannot be PRESUMED from a
SILENT RECORD, A VALID WAIVER of constitutional rights,
AND DEEM PETITIONER, GUILTY PLEA voluntary, CONSENS
"CONTRARY" to FEDERAL LAW as well, OUTLINED ON PAGE
at 5 of this Petition. THE SAID JUDGE USED
THIS "UNDERMINING" TACTIC, SHOWING "BIAS" AND
"PREJUDICE" to the Petitioner, BECAUSE THE SAID
JUDGE COULD NOT PRODUCE NO "AFFIDAVITS", "DEPOSITIONS",
"WITNESSES", OR "LEGAL DOCUMENTARY EVIDENCE" IN
SUPPORT OF SAID COMPLAINTS, WARRANTS AND INDICTMENTS.