

No. 23-7394

IN THE
SUPREME COURT OF THE UNITED STATES

MOSES JACKSON - PETITIONER(S)

VS.

PRESIDENT JOE BIDEN, "et-al" - RESPONDENT(S)

PETITION FOR REHEARING

MOSES JACKSON
(NAME)

LOXLEY WORK RELEASE
P.O. BOX 1030
(ADDRESS)

LOXLEY, ALABAMA, 36551
(CITY, STATE, ZIP CODE)

251-964-5044
(PHONE NUMBER)

GROUND(S)

GROUND #1:

THE ALABAMA CRIMINAL COURT OF APPEALS "OPINION" AND "RULING" OF THEIR DECEMBER 26th, 2023 JUDGEMENT IN CASE # 23-7394, "EFFECTED" PETITIONER UNITED STATES CONSTITUTION "DUE PROCESS" RIGHTS THAT IS "CONTROLLING LAW."

ARGUMENT:

SEE RULES OF THE UNITED STATES SUPREME COURT, RULE 14(1)(f).

SEE APPENDIX DD, ARTICLE VI MISCELLANEOUS PROVISIONS, CLAUSE 2. SUPREME LAW, ATTACHED TO THIS PETITION.

THE UNITED STATES CONSTITUTION IS THE "SUPREME LAW" OF THE LAND, MAKING THE SAID CONSTITUTION, "CONTROLLING LAW", THAT "CONTROLS" AND "GOVERNS" ALL "ESTABLISHED LAW" AND "COURT RULINGS" IN THE STATE OF ALABAMA.

SEE APPENDIX EE, PAGE #1 - #2, ALABAMA CRIMINAL APPEALS COURT DECEMBER 26th, 2023 JUDGEMENT, ATTACHED TO THIS PETITION, WHICH STATES, "JACKSON FILED A RESPONSE TO THIS COURT SHOW-CAUSE ORDER, AND THIS COURT HAS CONSIDERED HIS RESPONSE... JACKSON "DOES NOT" "CITE" THIS COURT TO ANY "STATUTE" OR "RULE" THAT "ALLOWS HIM" TO "APPEAL" THE TRIAL COURT'S DENIAL OF HIS MOTION NOR IS THIS COURT "AWARE" OF "ANY SUCH STATUTE OR RULE." "ACCORDINGLY", THIS "APPEAL" IS DUE TO BE, AND THE SAME IS HEREBY, "DISMISSED.""

The court in Appendix EE, "DISMISSED MY APPEAL" based on the court reasoning that I did not "CITE" them to no "statute" or "rule" that allows me to Appeal a trial court Denial of my Rule 60(b)(4) motion.

SEE Appendix FF, PAGE # 2, AND PAGE # 11, Petitioner Motion To show cause, attached to this Petition.

IN Appendix FF, Petitioner "CITED" the court to A ALA. CIV. APP. COURT RULING, ^{A BINDING CASE LAW} A CASE LAW DOCTRINE "PRECEDENT" RULING of the "ALABAMA SUPREME COURT" IN EX PARTE Keith.

SEE SUPREME COURT OF ALABAMA, EX PARTE S. PALMER Keith, 771 So. 2d 1018; 1998 ALA. LEXIS 279, November 06th, 1998, which states, "A PARTY MAY APPEAL THE DENIAL OF AN ALA. R. CIV. P. 60(b) motion."

The ALABAMA SUPREME COURT IN thier "DECISION/RULING" ABOVE "DID NOT" PLACE A BURDEN ON A "PARTY" TO "CITE" A "REVIEWING COURT" TO A "statute" or "rule" that allows a party to appeal a trial court Denial of a Rule 60(b)(4) motion. When a trial court DENY A Rule 60(b)(4) motion, The ALABAMA SUPREME COURT, "THE SUPERIOR COURT" of the state of ALABAMA, "STATED" "A PARTY MAY APPEAL IT."

SEE Court of criminal Appeals of ALABAMA, M.L.H. V. STATE, 99 So. 3d 894; 2011 ALA. CRIM. APP. LEXIS 46, JULY 08th, 2011, which states, "BECAUSE THE COURT OF CRIMINAL APPEALS IS BOUND BY DECISIONS OF THE ALABAMA SUPREME COURT, ALA. CODE § 12-3-16, it is without authority to OVERTHROW THE DECISIONS OF

that court."

SEE COURT OF CRIMINAL APPEALS OF ALABAMA, SCOTT V. STATE, 939 So. 2d 950; 2005 ALA. CRIM. APP. LEXIS 238, November 23RD, 2005, which states, "LIKE THE CIRCVIT COURT, THIS COURT IS BOUND BY THE DECISIONS OF THE ALABAMA SUPREME COURT."

Therefore, it is "CLEARER" ON THE FACE OF THE RECORD BY "FACT AND LAW", BEFORE THIS HONORABLE COURT REVIEW THAT THE ALA. CRIM. APP. COURT "OPINION AND RULING" IN APPENDIX EE, PAGE # 1 & 2, "OVERRULED" THE DECISION OF THEIR "SUPERIOR COURT" (ALABAMA SUPREME COURT) DECISION IN EX PARTE S. PALMER KEITH, 771 So. 2d 1018., AND THE SAID COURT WENT "BEYOND THE RULING" OF THEIR SAID SUPERIOR COURT, WHICH SAID SAID RULING IS "CONTROLLING" "LAW".

THIS SAID ACT BY THE ALA. CRIM. APP. COURT ABOVE IS "SERIOUS ERROR", THAT CALLS FOR A "INTERVENING CIRCUMSTANCE", BECAUSE THE SAID COURT "OPINION, RULING, & JUDGEMENT" IN APPENDIX EE, "VIOLATED" PETITIONER 5TH & 14TH U.S.C. RIGHTS, TO "DUE PROCESS", BECAUSE PETITIONER HAS "LIBERTY INTEREST" IN THIS SAID MATTER, BECAUSE MY VERY ISSUE(S) ON APPEAL IN CASE 23-7394, THAT WAS IN THE ALA. CRIM. APP. COURT WAS DEALING WITH A ALA. R.C.V.P. RULE 60(b)(4) MOTION THAT WAS CHALLENGING THE APRIL 11TH, 2003 JUDGEMENT THAT "STRIPPED" PETITIONER OF HIS "LIFE AND LIBERTY" AS "OUTLINED" IN PETITIONER WRIT OF HABEAS CORPUS IN CASE# 23-7394, APPENDIX D, PAGE # 2, CASE ACTION SUMMARY, AND APPENDIX I, PAGE # 12, PETITIONER RULE 60(b)(4) MOTION.

SEE APPENDIX GG, U.S.C. 5th AMENDMENT, AND SEE APPENDIX HH, U.S.C. 14th AMENDMENT, ATTACHED TO THIS PETITION.

SEE APPENDIX DD, Article VI MISCELLANEOUS PROVISIONS, CLAUSE 2. SUPREME LAW, ATTACHED TO THIS PETITION.

SEE SUPREME COURT OF THE UNITED STATES, MONTGOMERY VS. LOUISIANA, 577 U.S. 190; 136 S. Ct. 718; 193 L. Ed. 2d 599; 2016 U.S. LEXIS 862; 84 U.S. L.W. 4063; 25 Fla. L WEEKLY FED. S. 161, JANUARY 25th, 2016, WHICH STATES, "STATES MAY NOT DISREGARD A CONTROLLING, CONSTITUTIONAL COMMAND IN THEIR OWN COURTS."

THE UNITED STATES CONSTITUTION IS THE "SUPREME LAW" OF THE LAND, MAKING THE SAID CONSTITUTION, "CONTROLLING LAW", AND A "CONTROLLING CONSTITUTIONAL COMMAND", THAT THIS HONORABLE COURT HAS "HISTORICALLY" RECOGNIZED AS SUCH, AND IS "UNDER OATH" TO SUPPORT.

THIS HONORABLE ^{COURT} BY THE "UNITED STATES CONSTITUTION" MUST "INTERVENE", AND RESTORE MY RIGHT TO APPEAL MY RULE 60(b)(4) MOTION IN THE ALABAMA CRIMINAL APPEALS COURT, WHEN PETITIONER FOLLOWED THE "CORRECT" AND "LEGAL" APPEAL PROCESS OF A "ALABAMA APPELLATE COURT RULING", THAT WAS "BINDING CASE LAW" OF A "PRECEDENT RULING" OF THE ALABAMA SUPREME COURT, THAT IS "CONTROLLING LAW", THAT DO NOT PLACE A "BURDEN" ON A PARTY TO "CITE" A REVIEWING COURT TO A "STATUTE" OR "RULE" THAT ALLOWS A PARTY TO APPEAL A TRIAL COURT DENIAL OF A RULE 60(b)(4) MOTION, AS THE ALABAMA CRIMINAL APPEALS COURT "DEMONSTRATED" IN APPENDIX EE, PAGE # 1-2, ATTACHED TO THIS PETITION, WHICH WAS "CONSCIOUS SHOCKING" TO PETITIONER WHO WAS LOOKING FORWARD TO FILE HIS "BRIEF(S)", AND RAISE HIS "ANTICIPATED ISSUES" IN THE ALABAMA CRIMINAL APPEALS COURT OF CASE # CR-2023-0817, IN CASE # 23-7394.

GROUND #2:

THE ALABAMA CRIMINAL APPEALS COURT "OPINION" AND "RULING" OF THEIR DECEMBER 26th, 2023 JUDGEMENT OF CASE # 23-7394, "EFFECTED" PETITIONER "SUBSTANTIVE DUE PROCESS" TO "EQUAL BENEFIT OF THE LAW" THAT IS PROTECTED BY "CONTROLLING LAW."

ARGUMENT:

SEE APPENDIX FF, PAGE # 2, AND PAGE # 11, PETITIONER MOTION TO SHOW CAUSE, ATTACHED TO THIS PETITION.

IN APPENDIX FF, PAGE # 11, A MOTHER FILED A ALA.R.C.V.P., RULE 60(b)(4) MOTION INTO A STATE OF ALABAMA COURT (LOWER COURT), THE STATE OF ALABAMA LOWER COURT (~~CIRCUIT~~ COURT) DENIED THE MOTHER SAID MOTION. THE MOTHER FILED A WRIT OF HABEAS CORPUS INTO A STATE OF ALABAMA APPELLATE COURT (ALABAMA CIVIL APPEALS COURT), THE SAID APPELLATE COURT MADE IT KNOWN ON THE RECORD BY "BOWLING CASE LAW" OF "CASELAW DOCTRINE" OF A "PRECEDENT" RULING OF THE ALABAMA SUPREME COURT, THAT IS "CONTROLLING LAW", IN EX PARTE KEITH, 771 SO. 2D. 1018, "WHEN A TRIAL COURT DENY A RULE 60(b)(4) MOTION, THE PROPER WAY TO SEEK APPELLATE REVIEW IS BY WAY OF APPEAL", THEN THE SAID APPELLATE COURT EXERCISED ITS DISCRETION AND TREATED THE MOTHER WRIT HABEAS CORPUS AS AN APPEAL. THE MOTHER (A UNITED STATES CITIZEN, A PARTY), HAD HER APPEAL HEARD BY THE SAID APPELLATE COURT.

I, MILES JACKSON, A "UNITED STATES CITIZEN", "A PARTY", WAS "SITUATED THE SAME" "AS THE MOTHER" OUTLINED ABOVE. I FILED A ALA.R.C.V.P., RULE 60(b)(4) MOTION INTO A STATE OF ALABAMA COURT (LOWER COURT), THE STATE OF ALABAMA LOWER COURT (CIRCUIT

COURT) DENIED MY SAID MOTION. I "CORRECTLY" AND "LEGALLY" FOLLOWED THE APPEAL PROCESS OF A TRIAL COURT DENIAL OF A RULE 60(b) (4) MOTION, AFFORDED TO ME BY "BINDING CASE LAW" OF A "CASE LAW DOCTRINE", OF A "PRECEDENT" RULING BY THE ALABAMA SUPREME COURT "DEMONSTRATED" IN EX PARTE S. PALMER KEITH, 771 SO. 2d 1018. YET, THE ALABAMA CRIMINAL APPEALS COURT, WHICH IS AN "APPELLATE COURT", IN THE STATE OF ALABAMA, RECEIVES MY APPEAL, DEALING WITH A ALA.R. CIV.P. RULE 60(b)(4) MOTION, PLACED A "BURDEN" ON THE PETITIONER THAT IS "CONSCIENCE SHOCKING" AND CLEARLY GOES BEYOND SAID "CASE LAW DOCTRINE", THE ALABAMA CRIMINAL APPEALS COURT IS "BOUND TO", AS OUTLINED ON PAGE # 2, #3, AND #4 OF THIS PETITION, AND AS OUTLINED IN CASE # 23-7394, PETITIONER APPLICATION TO EXPEDITE, PAGE # 10.

IT IS "CLEAR" ON THE FACE OF THE RECORD BEFORE THIS HONORABLE COURT REVIEW, THAT PETITIONER, "DID NOT" GET "TREATED THE SAME" AS "THE MOTHER" IN APPENDIX FF, PAGE # 11, PETITIONER SHOWS CASE MOTION ATTACHED TO THIS PETITION, BY AN "APPELLATE COURT" IN THE STATE OF ALABAMA, THAT IS "BOUND TO" "PRECEDENT" RULINGS OF THE ALABAMA SUPREME COURT OUTLINED ABOVE, WHEN PETITIONER WAS "SITUATED THE SAME" AS "THE MOTHER".

THIS ACTION OUTLINED ABOVE BY THE ALABAMA APPEALS COURT IN PETITIONER APPEAL PROCESS OF CASE # CR-2023-0817, IN CASE # 23-7394, "EFFECTED" PETITIONER "SUBSTANTIVE DUE PROCESS" TO "EQUAL BENEFIT OF THE LAW", THAT IS PROTECTED BY MY UNITED STATES CONSTITUTION 5th, AND 14th AMENDMENT, "EQUAL

Protection of The LAW, Rights, That is "Controlling LAW", The "Five Judges" of The ALABAMA CRIMINAL APPEALS COURT IS "BOUND" TO, AND "CONTROLLED" AND "GOVERNED" BY.

SEE APPENDIX DD, ARTICLE VI MISCELLANEOUS PROVISIONS, CLAUSE 2. SUPREME LAW, ATTACHED TO THIS PETITION.

SEE APPENDIX GG, U.S.C. 5th AMENDMENT, AND SEE APPENDIX HH, U.S.C. 14th AMENDMENT, ATTACHED TO THIS PETITION.

SEE UNITED STATES SUPREME COURT, UNITED STATES V. VAELLO-MADERO, 596 U.S. 159; 142 S. CT. 1539; 212 L. ED. 2d 496; 2022 U.S. LEXIS 2094; 129 A.F.T.R. 2d (RIA) 2022-1551; 29 FLA. L. WEEKLY FED. S 209, April 21st, 2022, CONVEX... WHICH STATES, "WE NOW MAINTAIN (2022 U.S. LEXIS 18) THAT THE EQUAL PROTECTION OBLIGATIONS IMPOSED BY THE FIFTH AND THE FOURTEENTH AMENDMENT (ARE) INDISTINGUISHABLE."

SEE APPENDIX II, TITLE 42 U.S.C. 1981, ATTACHED TO THIS PETITION.

IN APPENDIX II, IT STATES IN PART, "ALL PERSONS WITHIN THE JURISDICTION OF THE UNITED STATES SHALL HAVE THE SAME RIGHT IN EVERY STATE... TO BE A PARTY... AND TO THE "FULL" AND "EQUAL" BENEFIT OF ALL "LAWS" AND "PROCEEDINGS" IN THE STATE COURT(S)."

THE RECORD IS "CLEARER" BEFORE THIS HONORABLE COURT REVIEW, THAT "THIS WAS NOT THE CASE" WITH PETITIONER APPEAL PROCESS OF CR-2023-0817, IN CASE # 23-7394, COMPARED TO "THE MOTHER" OUTLINED IN APPENDIX FF, PAGE #11, PETITIONER MOTION TO SHOW CAUSE, ATTACHED TO THIS PETITION, AS PETITIONER, AND THE MOTHER WAS "SITUATED THE SAME", UNDER "CASE LAW DOCTRINE", "PRECEDENT", "CONTROLLING LAW" AS OUTLINED IN EX PARTE KEITH, 771 SO. 2d. 1018.

THE "SUBSTANTIVE DUE PROCESS GUARANTEE" OF THE 5TH AND 14TH AMENDMENT OF THE U.S. CONST. PROTECTS PETITIONER AGAINST GOVERNMENT POWER "ARBITRARILY" AND "OPPRESSIVELY" EXERCISED.

SEE ALABAMA CIVIL APPEALS COURT, WADSWORTH V. MARKEI INV. CO., 906 SO. 2d. 179, 182 (ALA. CIV. APP. 2005), WHICH STATES, "SUCCESSIVE RULE 60(b) MOTIONS ON THE SAME GROUNDS ARE GENERALLY CONSIDERED MOTIONS TO RECONSIDER THE ORIGINAL RULING, AND ARE NOT AUTHORIZED BY RULE 60(b)."

THE ALABAMA CRIMINAL APPEALS COURT, "OPINION, RULING, AND JUDGMENT" IN APPENDIX EE, PAGE # 1 - # 2, ATTACHED TO THIS PETITION IS "SERIOUS ERROR", THAT CALLS FOR AN "INTERVENING CIRCUMSTANCE", BECAUSE THIS SAID "SERIOUS ERROR", "SILENCE" PETITIONER ISSUES "FOR EVER", RAISED IN MY "RULE 60(b)(4) MOTION", AND "ANTICIPATED ISSUES" ON APPEAL PURSUING TO MY SAID MOTION, "NEVER ABLE" TO BE BROUGHT BACK UP IN THE STATE OF ALABAMA "AGAIN", "JEOPARDIZING" PETITIONER ISSUES RAISED IN HIS SAID MOTION, AND "JEOPARDIZING" PETITIONER "ANTICIPATED ISSUES" RAISED IN MY "DOCKETING STATEMENT", TO BE PLACED UNDER "ARTIFICIAL BOUNDARIES", IN THE STATE COURTS OF ALABAMA, THAT THE ALA. P. CIV. P., RULE 60(b)(4) MOTION "DESTROYS", AS OUTLINED IN APPENDIX FF, PAGE # 7, PETITIONER SHOW CAUSE MOTION, ATTACHED TO THIS PETITION. THIS SAID "SERIOUS ERROR", COMMITTED BY SAID COURT OUTLINED ABOVE, VIOLATED PETITIONER U.S.C. 5TH, AND U.S.C. 14TH AMENDMENT, DUE PROCESS RIGHTS, WHICH IS "VERY CRITICAL", BECAUSE PETITIONER HAS "LIBERTY INTEREST" IN THIS

STATES, "Alabama state courts are bound by decisions of the United States Supreme Court." CONSTITUTION which
SAID MATTER, BECAUSE PETITIONER ISSUES ON APPEAL of CASE# CR-20
23-0817, IN CASE# 23-7394, WAS "CHALLENGING" THE "VERY JUDGEMENT"
THAT "STRIPPED" PETITIONER OF MY "LIFE," AND "LIBERTY," AS OUTLINED IN
CASE# 23-7394, APPENDIX D, PAGE# 2, CASE ACTION SUMMARY, AND APP
ENDIX I, PAGE# 12, PETITIONER RULE 60(b)(4) MOTION.

PETITIONER HAS PLACED BEFORE THIS HONORABLE COURT, UNITED STATES
CONSTITUTION, 5th AND 14th AMENDMENTS, DUE PROCESS AND EQUAL PROTE-
CTION OF THE LAW RIGHTS, UNITED STATES SUPREME COURT, RULES,
AND STATE OF ALABAMA SUPREME COURT "PRECEDENT", RULES, THAT
ARE "CONTROLLING LAW," THE ALABAMA CRIMINAL APPEAL COURT JUDG-
ES OF CASE# CR-20 23-0817, IN CASE# 23-7394, IS "BOUND TO",
AND MUST "ADHERE TO", AND THE "OVERWHELMING EVIDENCE" OF
"FACT(S) AND LAW(S)" HEREIN THIS PETITION SHOW OTHERWISE. THIS
SAID MATTER, CALLS FOR THIS HONORABLE COURT. TO "INTERVENE," "GRANT"
PETITIONER PETITION FOR REHEARING, "GRANT" PETITIONER WRIT OF CERTIORARI AND
ISSUE WRIT TO THE ALABAMA CRIMINAL APPEALS COURT PERTAINING TO
ITS DECEMBER 26th, 2023 JUDGEMENT IN CASE# 23-7394, THAT
SHOULD BE DEEMED A "VOID JUDGEMENT", BECAUSE OF "SERIOUS ERROR" COMMIT-
TED BY SAID APPELLATE COURT OUTLINED ABOVE, AS OUTLINED IN CA-
SE# 23-7394, APPENDIX J, UNITED STATES SUPREME COURT HEADNOTES.
THE PETITIONER HAS MADE HIS ARGUMENT(S) IN CASE# 23-7394 MORE
"DISTINCTLY", WITH "CLEARER" "FACT(S)" AND "LAW(S)" ON THE "FACE OF THE
RECORD" BEFORE THIS HONORABLE COURT REVIEW.

MOSES JACKSON #228710
LOXLEY WORK RELEASE
BED# B-1B
P.O. BOX 1030
LOXLEY, ALABAMA 36551
PHONE# 251-964-5044

Signal: Moses Jackson

PROOF OF SERVICE

I, MOSES JACKSON, CERTIFY THAT ON THIS 22ND DAY OF OCTOBER, 2024, ALL PARTIES REQUIRED TO BE SERVED A COPY OF THE "PETITION FOR REHEARING" HAVE BEEN SERVED BY FIRST CLASS PRE-PAID U.S. MAIL. RULES OF THE SUPREME COURT OF THE UNITED STATES, RULE 29.5.

(ADDRESSED BELOW)

ATTORNEY GENERAL OF THE STATE OF ALABAMA, STEVE MARSHALL,
501 WASHINGTON AVENUE, P.O. BOX 300152, MONTGOMERY, ALABAMA,
36130-0152, TEL# 334-242-7300, IS THE "GENERAL COUNSEL" FOR ALL "RESPONDENTS" OUTLINED IN THE "PARTIES SECTION" OF THIS WRIT.

MOSES JACKSON ~~AT~~ #228710
LOXLEY WORK RELEASE
BED# B-1B
P.O. BOX 1030
LOXLEY, ALABAMA 36551
TEL# 251-964-5044

Signature:
Moses Jackson

CERTIFICATE OF COMPLIANCE

No. 23-7394

MOSES JACKSON - PETITIONER(S)

v.

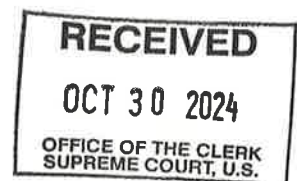
PRESIDENT ~~JUDGE~~ WINDOM, "et al" - RESPONDENT(S)

AS REQUIRED BY SUPREME COURT RULE 33.1(h), I CERTIFY
THAT THE PETITION FOR REHEARING CONTAINS 4,855
WORDS, EXCLUDING THE PARTS OF THE PETITION THAT ARE
EXEMPTED BY SUPREME COURT RULE 33.1(d).

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING
IS TRUE AND CORRECT.

EXECUTED ON OCTOBER 22ND, 2024.

SIGNATURE: Moses Jackson



CERTIFICATION OF PARTY UNREPRESENTED BY COUNSEL

PETITIONER HAS FILED A PETITION FOR REHEARING
WITH GROUNDS(S) STATED "BRIEFLY", AND AROUSED
"DISTINCTLY" OF "INTERVENING CIRCUMSTANCES" OF
A "SUBSTANTIAL" AND "CONTROLLING" EFFECT THAT IS
RESTRICTED TO THE GROUNDS SPECIFIED IN SUPREME
COURT RULE 44.(2)., AND THAT IS PRESENTED IN
"GOOD FAITH" AND NOT FOR "DELAY."

MOSES JACKSON AHS# 228710
LOXLEY WORK RELEASE
BED# B-1B
P.O. BOX 1030
LOXLEY, ALABAMA 36551

Signature:
Moses Jackson

CASE# 23-7394

Article VI Miscellaneous Provisions

Clause 1. Prior Debts Valid Under Constitution.

Clause 2. Supreme Law.

Clause 3. Oath of Office

Clause 1. Prior Debts Valid Under Constitution.

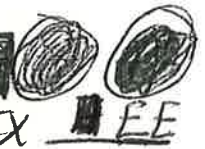
All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

Clause 2. Supreme Law.



This Constitution, and the Laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

ALCODE 

APPENDIX 

ALABAMA COURT OF CRIMINAL APPEALS

CR-2023-0817

Moses Jackson

v.

State of Alabama

Appeal from Calhoun Circuit Court Nos. CC-01-1358, CC-01-1359,
CC-01-1360, and CC-01-1361

ORDER

* Moses Jackson appeals from the Calhoun Circuit Court's order of October 25, 2023, denying his motion to set aside and deem void his convictions and sentences pursuant to Rule 60(b)(4), Ala. R. Civ. P. In his motion, he contended that his convictions and sentences from 2003 were due to be vacated because the court reporter failed to follow the Alabama Unified Judicial System's Record Retention Schedule upon her retirement with respect to the records of his trial. This Court directed Jackson to show cause why this appeal should not be dismissed as it appears that the order from which he is appealing is a nonappealable order. Jackson filed a response to this Court's show-cause order, and this Court has considered his response.

* "An appeal cannot be taken from an order subsequent to the judgment of conviction unless authorized by statute." Harris v. State, 44 Ala. App. 632, 632, 218 So. 2d 285, 286 (1969). All statutes that authorize appeals are to be strictly construed. See Wood v. Birmingham, 380 So. 2d 394 (Ala. Crim. App. 1980)." Dixon v. City of Mobile, 859 So. 2d 462, 463 (Ala. Crim. App. 2003). Jackson does not cite this Court to any statute or rule that allows him to appeal the trial court's denial of his motion nor is this Court aware of any such statute or rule. Accordingly,

1.

  
APPENDIX EE

this appeal is due to be, and the same is hereby, DISMISSED. It is further ordered that the certificate of judgment shall issue forthwith.
Windom, P.J., and Kellum, McCool, Cole, and Minor, JJ., concur.

Done this 26th day of Decemeber, 2023.

Mary B. Windom

MARY B. WINDOM, PRESIDING JUDGE

cc: Hon. Louie Harold "Bud" Turner, Jr., Circuit Judge
Hon. Kim McCarson, Circuit Clerk
Moses Jackson, pro se
Office of the Attorney General

IN THE CRIMINAL COURT OF APPEALS, ALABAMA

MOSES JACKSON AKA # 228710

VS.

STATE OF ALABAMA

~~APPENDIX~~ **FF**

CASE# CR-2023-0817

HONORABLE JUSTICES

MOTION TO SHOW CAUSE

Comes Now, Petitioner, Pro-Se, of The Above Styled Case, states the following:

ON OR ABOUT OCTOBER 19th, 2023, Petitioner, filed A RULE 60(b)(4) Motion, Before Honorable JUDGE BUD TURNER REVIEW.

SEE EXHIBIT (A), RULE 60(b)(4) REQUIREMENTS & PROCEDURES.
PAGES #1 - #3.

ON PAGE #1 of EXHIBIT (A), it gave the SAID JUDGE Jurisdiction to Relieve Petitioner, from The final Judgement outlined in Petitioner, RULE 60(b)(4) Motion.

ON PAGE #2 of EXHIBIT (A), it gave Petitioner, The Right to file SAID Motion, Collateral Attacking final Judgement without ANY time limitations.

APPENDIX ~~FF~~

ON PAGE # 3 of EXHIBIT (A), it gave Petitioner, the right to ~~the~~ SAID Motion in CATHAM County Circuit Court, the Court ~~which~~ which RENDERED the JUDGEMENT.

ON or ABOUT OCTOBER 25th, 2023, Honorable JUDGE TURNER ISSUED ORDER DENYING Petitioner, SAID Motion.

*THE Petitioner, filed the NECESSARY Documents to THE SAID Court to START the APPEAL PROCESS of A DENIAL of A RULE 60(b)(4) Motion. SEE EXHIBIT (B). Documents * of APPEAL PROCESS SENT TO THE Circuit Clerk from Petitioner.

IN EXHIBIT (B), Petitioner, also sent the SAID Clerk, AND Appellate Court of ALABAMA Case Law Authority, Placing THE SAID Court on NOTICE that it has BEEN RULED BY A SAID ALABAMA Appellate Court, "THE Appropriate method for REVIEW of THE "DENIAL" of A RULE 60(b) motion IS BY WAY of "APPEAL".

*ON OR ABOUT November 2nd, 2023 This Honorable Court ISSUED ORDER, INSTRUCTING Petitioner, TO SHOW CAUSE of SAID MATTER ABOVE.

SEE EXHIBIT (C). Hon. JUDGE BUD TURNER ORDER DENYING Petitioner RULE 60(b)(4) Motion.

THE SAID ORDER ABOVE OF OCTOBER 25th, 2023
2. ISSUED BY Honorable JUDGE TURNER, WAS AN

ORDER DENYING THE PETITIONER, RULE 60(b)(4) motion which was filed BY PETITIONER, IN THE CIRCUIT COURT OF CALHOUN COUNTY ON OCTOBER 19th, 2023, EVEN THOUGH THE SAID ORDER DO NOT SPECIFICALLY STATE THE NAME OF THE SAID MOTION, THE CLERK OF THE COURT SHOULD HAVE CONNECTED THE DOTS IN HER NOTICE TO APPEAL TO THIS HONORABLE COURT PURSUANT TO PETITIONER, SAID MATTER(S).

AFTER SUCH SAID DENIAL OF THE SAID JUDGE ORDER OF OCTOBER 25th, 2023, THE PETITIONER, FOLLOWED THE LAWFUL REQUIREMENT OF AN RULE 60(b)(4) APPEAL PROCESS AS OUTLINED IN EXHIBIT (B).

THE LAW STATES THAT AFTER THE NOTICE OF APPEAL IS BEEN GIVEN TO THE CIRCUIT ~~COURT~~, THIS CLERK IS TO INFORM THIS HONORABLE COURT THAT THE PETITIONER, HAS FILED A NOTICE OF APPEAL, AND THE DUTY OF THE CLERK IS TO FORWARD A COPY OF ALL DOCUMENTATION THAT TRANSPIRED IN THE SAID MATTER OF APPEAL.

THE CLERK WAS TO FORWARD A COPY OF THE RULE 60(b)(4) motion AND THE SAID JUDGE ORDER DENYING SAID MOTION ALONG WITH THE REQUIRED APPEAL DOCUMENTS TO THIS HONORABLE COURT, AND TO THE PETITIONER WHO IS PRO-SE. PETITIONER, HAS REVIEWED

Nothing from the clerk.

APPENDIX **FF**

THE LAW FURTHER REQUIRE AFTER THIS HONORABLE COURT HAS BEEN GIVEN THE REQUIRED DOCUMENTS FROM THE CIRCUIT CLERK OFFICE GOVERNING THE APPEAL PROCESS IT IS THIS HONORABLE COURT DUTY TO ISSUE A BRIEF DUE DATE TO THE PETITIONER.

THE PETITIONER, HAS SHOWN CAUSE FOR THIS HONORABLE COURT TO GRANT PETITIONER, APPEAL PROCESS. IT WOULD BE A MISCHARRAGE OF JUSTICE, IF THIS HONORABLE COURT DENY PETITIONER, APPEAL PROCESS, WHEN THE FACTS OUTLINED IN THIS MOTION GIVE PETITIONER, CAUSE.

THE PETITIONER, RESPECTFULLY MOVE TO PUT THIS HON. COURT ON NOTICE THAT THE LAW STATES, SEE EXH-IBIT (B), THAT WHENEVER A RULE 60(b)(4) MOTION IS DENIED, THE PROPER REVIEW IS BY APPEAL, AND SUCH APPEAL MUST BE REVIEWED BY THE APPELLATE COURT DENOVO.

WITNESS: Joshua Finney

PRINT

WITNESS: Joshua Finney

SIGNATURE

WITNESS: Sarante Williams

PRINT

WITNESS: Sarante Williams

SIGNATURE

DATE: NOVEMBER 07th, 2023

Truly Submitted:

Moses Jackson

MOSES JACKSON

AIS# 228710

LOXLEY WORK RELEASE

BED# F-13B

P.O. BOX 1030

LOXLEY, ALABAMA 3655

Rule 60. Relief from judgment or order.

Exhibit A

(a) Clerical mistakes. Clerical mistakes in judgments, orders, or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any, as the court orders. During the pendency of an appeal or thereafter, such mistakes may be so corrected by the trial court. Whenever necessary a transcript of the record as corrected may be certified to the appellate court in response to a writ of certiorari or like writ.

(b) Mistakes; inadvertence; excusable neglect; newly discovered evidence; fraud, etc.
On motion and upon such terms as are just, the court may relieve a party or a party's legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party; (4) the judgment is void.

Attachment to Appendix 1 ff

ALRULES

EXHIBIT (A)

A judgment is void under Ala. R. Civ. P. 60(b)(4) only if the court that rendered the judgment lacked subject-matter jurisdiction or personal jurisdiction. A Rule 60(b)(4) motion alleging that a judgment is void may be brought at any time.

Civil Procedure > Judgments > Relief From Judgment > Newly Discovered Evidence
Civil Procedure > Judgments > Relief From Judgment > Motions to Vacate

The appropriate method for review of the denial of an Ala. R. Civ. P. 60(b) motion is by way of appeal.

Civil Procedure > Judgments > Relief From Judgment > Void Judgments
Civil Procedure > Appeals > Standards of Review > Abuse of Discretion

The standard of review on appeal from the denial of relief under Ala. R. Civ. P. 60(b)(4) is not whether there has been an abuse of discretion. When the grant or denial of relief turns on the validity of the judgment, as under Rule 60(b)(4), discretion has no place. If the judgment is valid, it must stand; if it is void, it must be set aside. A judgment is void only if the court rendering it lacked jurisdiction of the subject matter or of the parties, or if it acted in a manner inconsistent with due process.

Civil Procedure > Judgments > Relief From Judgment > Void Judgments

An appellate court may take judicial notice of a void judgment or of the lack of subject-matter jurisdiction ex mero motu.

Attachment to Appendix FF

alhot

EXHIBIT A

Subdivision (b). This subdivision specifies certain limited grounds upon which final judgments may be attacked, even after the normal procedures of motion for a new trial and appeal are no longer available. The rule simplifies and amalgamates the procedural devices available at common law and in chancery to make such extraordinary attacks upon the judgment or decree.

Present Alabama practice recognizes a number of devices for making an extraordinary attack on a judgment. A judgment at law may be challenged by: a motion for rehearing within four months from rendition of the judgment, Code 1940, Tit. 7, § 279, Jones, The Four Months Statute, 1 Ala. Law. 237 (1940); a motion to vacate the judgment as void, Griffin v. Proctor, 244 Ala. 537, 14 So.2d 116 (1943); a petition for supersedeas, Thompson v. Lassiter, 86 Ala. 536, 6 So. 33 (1888); a writ of error coram nobis or coram vobis, Smith v. State, 245 Ala. 161, 16 So.2d 315 (1944); an independent proceeding in equity, Choctaw Bank v. Dearmon, 223 Ala. 144, 134 So. 648 (1931); and by collateral attack, A.B.C. Truck Lines v. Kenemer, 247 Ala. 543, 25 So.2d 511 (1946). A decree in equity may be challenged by: a motion to vacate or expunge from the record, Griffin v. Proctor, 244 Ala. 537, 14 So.2d 116 (1943); a bill of review or bill in the nature of a bill of review, Equity Rule 66, Cunningham v. Wood, 224 Ala. 288, 140 So. 351 (1932); and by collateral attack, Merchants Nat'l Bank v. Morris, 252 Ala. 566, 42 So. 2d 240, 1949 Ala. LEXIS 489 (1949). This wealth of devices to challenge the judgment or decree is complicated by overlapping grounds for relief, varying time limits, and differences in procedural details.

Rule 60(b) retains the substance of all the devices listed above, but destroys the artificial boundaries between them. It substitutes for the present separate remedies two simple procedures for delayed attack upon a judgment, a motion and an independent proceeding. If it has been possible to attack a judgment by any of the devices listed above, it will be possible to attack the judgment by a motion or an independent proceeding under this rule, since the rule enumerates all the grounds now available in Alabama for relief from a judgment, and, in addition, specifically preserves relief by "independent action" as it now exists.

The normal procedure to attack a judgment under this rule will be by motion in the court which rendered the judgment.



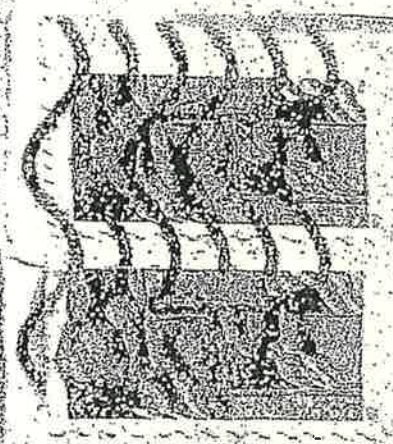
AL RULES



Attachment to Appendix FF

8. Attachment to APPENDIX ■ FF

LOUIS JACKSON AFS# 228710
XLEY WORK RELEASE, BAY# F-13B
2, BOX 1030
XLEY, ALABAMA 36551



MOBILE AL 366

FOOTLED PM 2 L

NOV 01 2023

KIM MCCARSON, CLERK

TO: Kim McCarson, Circuit Clerk
CHATHAM COUNTY COURTHOUSE
25 West 11th Street, Suite 300
ANNISTON, ALABAMA 36201

This correspondence is forwarded from an
Alabama State Prison. The contents have
not been evaluated, and the ADCC is not
responsible for the substance or content of
LEAH M. [unclear]

Exhibit (B)

2023 11 01 15:00



(B)
Exhibit

NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS
BY THE TRIAL COURT CLERK

MOSES JACKSON

V.

STATE OF ALABAMA

APPELLANT'S NAME
(as it appears on the Indictment)

APPELLEE

☒ CIRCUIT ☐ DISTRICT

☐ JUVENILE COURT OF

CALHOUN

COUNTY

CIRCUIT/DISTRICT/JUVENILE JUDGE:

BUD TURNER

DATE OF NOTICE OF APPEAL:

11-1-23

(NOTE: If the appellant is incarcerated and files notice of appeal, this date should be the date on the certificate of service, or if there was no certificate of service, use the postmark date on the envelope.)

INDIGENCY STATUS:

Granted Indigency Status at Trial Court
Appointed Trial Counsel Permitted to Withdraw on Appeal:
Indigent Status Revoked on Appeal:

☒ Yes ☐ No
☐ Yes ☒ No
☐ Yes ☒ No

DEATH PENALTY:

Does the appeal involve a case where the death penalty has been imposed?

☐ Yes ☒ No

TYPE OF APPEAL: (Please check the appropriate block)

☐ State Conviction

☐ Pretrial Appeal by State

☐ Juvenile Transfer Order

☐ Rule 32 Petition

☐ Contempt Adjudication

☐ Juvenile Delinquency

☐ Probation Revocation

☐ Municipal Conviction

☐ Habeas Corpus Petition

☐ Mandamus Petition

☐ Writ of Certiorari

☒ Other (Specify) MOTION DENIAL

IF THIS APPEAL IS FROM AN ORDER DENYING A PETITION (I.E. RULE 32 PETITION, WRIT OF HABEAS CORPUS, ETC.) OR FROM ANY OTHER ORDER ISSUED BY THE TRIAL JUDGE, COMPLETE THE FOLLOWING:

TRIAL COURT CASE NO.: CC-2001-001358-001361.00

DATE ORDER WAS ENTERED: 10-25-23

IF THIS IS AN APPEAL FROM A CONVICTION, COMPLETE THE FOLLOWING:

PETITION: ☐ Dismissed ☒ Denied ☐ Granted

DATE OF CONVICTION:

DATE OF SENTENCE:

YOUTHFUL OFFENDER STATUS:

Requested: ☐ Yes ☐ No

Granted: ☐ Yes ☐ No

LIST EACH CONVICTION BELOW: (attach additional page if necessary)

1. Trial Court Case No. _____

Sentence: _____

CONVICTION: _____

2. Trial Court Case No. _____

Sentence: _____

CONVICTION: _____

3. Trial Court Case No. _____

Sentence: _____

CONVICTION: _____

POST-JUDGMENT MOTIONS FILED: (complete as appropriate)

☐ Motion for New Trial

Date Filed

Date Denied

Continued by Agreement To (Date)

☐ Motion for Judgment of Acquittal

☐ Motion to Withdraw Guilty Plea

☐ Motion in Arrest of Judgment

☐ Other

COURT REPORTER (S)

ADDRESS: _____

N/A

APPELLATE COUNSEL

ADDRESS: _____

N/A

APPELLANT: (IF PRO SE)

ADDRESS: _____

AIS# 228710 BED # F-13B

LOXLEY WORK RELEASE - P.O. BOX 1030

LOXLEY, AL 36551

APPELLEE (IF CITY APPEAL)

ADDRESS: _____

I certify that the information provided above is accurate and to the best of my knowledge and I have served a copy of this Notice of Appeal on all parties to this action on this 2ND day of NOVEMBER, 2023

/S/ KIM MCCARSON
CIRCUIT COURT CLERK

Attachment to Appendix

EXHIBIT (B)

IN THE CIRCUIT COURT OF CALHOUN COUNTY, ALABAMA

NOTICE OF APPEAL

From: MOSES JACKSON, CASE(S) # CC-01-1358, 1359, BLD 1361
To: CLERK OF CALHOUN COUNTY, COURTHOUSE
RE: NOTICE OF APPEAL

PETITIONER, RULE 60(b)(4) MOTION OF ABOVE CASES WAS FILED IN THIS HONORABLE COURT ON OCTOBER 19, 2023. ON OCTOBER 29th, 2023, HON. JUDGE BUD TURNER DENIED PETITIONER, SAID MOTION. SEE EXHIBIT (A). CASE LAW AUTHORITY: THE APPROPRIATE METHOD OF REVERSING A RULE 60(b)(4) MOTION BEING DENIED IS BY WAY OF APPEAL. PETITIONER, PLEASE THE CLERK OF THIS COURT ON NOTICE OF APPEAL, AND REQUEST FOR THE CLERK OF THIS COURT TO START THE APPEAL PROCESS OF THIS MATTER.

Truly Submitted:

Moses Jackson
MOSES JACKSON
AJS# 228710

FILED

NOV 01 2023

KIM MCCARSON, CLERK

DATE: OCTOBER 30th, 2023

ATTACHMENT TO APPENDIX FF

[REDACTED]

Exhibit (B)

On July 27, 2021, the circuit court entered an order stating that, although it had conducted an October 1, 2020, hearing on the mother's June 26, 2020, Rule 60(b)(4) motion, "through inadvertence" it had failed to rule on that motion. Accordingly, also on July 27, 2021, the circuit court again determined that the Wilcox Juvenile Court was the proper venue for the maternal grandmother's dependency action, and it directed the Wilcox Juvenile Court to conduct appropriate proceedings in the maternal grandmother's dependency action. Thus, the circuit court denied the mother's Rule 60(b)(4) motion.

On August 9, 2021, the mother filed a petition for a writ of mandamus in this court challenging the circuit court's July 27, 2021, order. However, the appropriate method for review of the denial of a Rule 60(b) motion is by way of appeal. Ex parte Keith, 771 So. 2d 1018, 1021 (Ala. 1998). We have elected to exercise our discretion to treat the mother's petition for a writ of mandamus as an appeal. Barnhart v. Ingalls, 275 So. 3d 1112, 1120 (Ala. 2018); Weaver v. Weaver, 4 So. 3d 1171, 1173 (Ala. Civ. App. 2008).

As noted earlier, we do not address the propriety of any of the orders of the Wilcox Juvenile Court or the Sumter Juvenile Court or whether either or both of those courts had the authority to take certain actions. See note 1, *supra*. The appeal is taken from the circuit court's July 27, 2021, order, and, therefore, we confine our discussion in this opinion solely to the propriety of that order.

"The standard of review on appeal from the denial of relief under Rule 60(b)(4) is not whether there has been an abuse of discretion. When the grant or denial of relief turns on the validity of the judgment, as under Rule 60(b)(4), discretion has no place. If the judgment is valid, it must stand; if it is void, it must be set aside. A judgment is void only if the court rendering it lacked jurisdiction of the subject matter or of the parties, or if it acted in a manner inconsistent with due process. Satterfield v. Winston Industries, Inc., 553 So. 2d 61 (Ala. 1989)."J.L.E. v. T.L.S., 880 So. 2d at 1162 (quoting Insurance Mgmt. & Admin., Inc. v. Palomar Ins. Corp., 590 So. 2d 209, 212 (Ala. 1991)).

The mother argues in her brief submitted to this court that the circuit court's January 30, 2020, judgment is void. We agree, but not for the reasons argued by the mother. This court may take judicial notice of a void judgment or of the lack of subject-matter jurisdiction *ex mero motu*. Williams v. Mari Props. LLC, [Ms. 1190556, Dec. 18, 2020] __ So. 3d __, 2020 Ala. LEXIS 186 (Ala. 2020); R.W. v. G.W., 2 So. 3d 869, 871 (Ala. Civ. App. 2008); Davis Plumbing Co. v. Burns, 967 So. 2d 94, 96 (Ala. Civ. App. 2007).

Attachment to Appendix FF

Alabama Judicial Decisions 2022

2021 Ala. Civ. App. LEXIS 128:: D.H. vs. V.P

December 3, 2021

alhot

Exhibit (B)

Attachment to Appendix FF

State of Alabama Unified Judicial System Form ARAP-1C 8/91		REPORTER'S TRANSCRIPT ORDER - CRIMINAL See Rules 10(c) and 11(b) of the Alabama Rules of Appellate Procedure (A.R.App.P.)		Criminal Appeal Number
TO BE COMPLETED BY COUNSEL FOR THE APPELLANT OR BY THE APPELLANT IF NOT REPRESENTED AND FILED WITH THE WRITTEN NOTICE OF APPEAL OR FILED WITHIN 7 DAYS AFTER ORAL NOTICE OF APPEAL IS GIVEN.				
☒ CIRCUIT COURT ☐ DISTRICT COURT ☐ JUVENILE COURT OF <u>CHilton County</u> COUNTY v. ☒ STATE OF ALABAMA ☐ MUNICIPALITY OF _____ Appellant				
Case Number <u>10-01-1338, 1359, 1362, 1361</u>		Date of Judgment/Sentence (Order) <u>OCTOBER 25, 2013</u>		
Date of Notice of Appeal <u>OCTOBER 30, 2013</u>		Indigent Status Granted: ☒ Yes ☐ No		
PART 1. TO BE SIGNED IF THE APPEAL WILL NOT HAVE A COURT REPORTER'S TRANSCRIPT: I CERTIFY THAT NO REPORTER'S TRANSCRIPT IS EXPECTED AND THAT THE RECORD ON APPEAL SHALL CONSIST OF THE CLERK'S RECORD ONLY IF THE APPEAL IS FROM DISTRICT COURT OR JUVENILE COURT. I ALSO CERTIFY (1) THAT A STIPULATION OF FACTS WILL BE INCLUDED IN THE CLERK'S RECORD AND THAT THE APPELLANT WAIVES HIS RIGHT TO A JURY TRIAL IF SO ENTITLED; OR (2) THAT THE PARTIES HAVE STIPULATED THAT ONLY QUESTIONS OF LAW ARE INVOLVED AND THAT THE QUESTIONS WILL BE CERTIFIED BY THE JUVENILE / DISTRICT COURT FOR INCLUSION IN THE CLERK'S RECORD (SEE RULE 28(A)(1), ALABAMA RULES OF APPELLATE PROCEDURE, AND §12-12-72, CODE OF ALABAMA 1975). Signature: <u>Moses Jackson</u> Date: <u>OCTOBER 30, 2013</u> Print or Type Name: <u>MOSES JACKSON</u>				
PART 2. DESIGNATION OF PROCEEDINGS TO BE TRANSCRIBED. Request is hereby made to the court reporter(s) indicated below for a transcript of the following proceedings in the above referenced case (see Rule 10(c)(2), Alabama Rules of Appellate Procedure (A.R.App.P.)). MARK PROCEEDINGS REQUESTED:				
☐ TRIAL PROCEEDINGS - Although this designation will include the judgment and sentence proceedings, a transcript of the organization of the jury and arguments of counsel will be designated separately. ☐ ORGANIZATION OF THE JURY - This designation will include not only examination and challenges for cause. Note that in noncapital cases the voir dire of the jury will not be recorded unless the trial judge so directs. (See Rule 19.4, A.R.App.P.) ☐ ARGUMENTS OF COUNSEL - Note that in noncapital cases the arguments of counsel will not be recorded unless the trial judge so directs. (See Rule 19.4, A.R.App.P.)		COURT REPORTER(S)		
IN ADDITION TO ANY PROCEEDINGS DESIGNATED ABOVE, SPECIAL REQUEST IS HEREBY MADE TO INCLUDE THE FOLLOWING PROCEEDINGS IN THE REPORTER'S TRANSCRIPT PORTION OF THE RECORD ON APPEAL. (ATTACH ADDITIONAL PAGES IF NECESSARY):				
ADDITIONAL PROCEEDINGS REQUESTED		DATE COURT REPORTER(S)		
D. _____		_____		
E. _____		_____		
F. _____		_____		
G. _____		_____		
IMPORTANT NOTICE: The court reporter who reported the proceedings for which a transcript is requested must be identified on this form to be effective. Additionally, it is important to note that the appellant may not be permitted to raise any issue on appeal relating to any proceedings in the case that are not specifically designated on this form for inclusion in the reporter's transcript. A general designation such as "all proceedings" is not sufficient. (See Rule 10(c)(2), A.R.App.P.)				
PART 3. MUST BE SIGNED IF THE APPEAL WILL HAVE COURT REPORTER'S TRANSCRIPT: I CERTIFY THAT I HAVE DISTRIBUTED THIS FORM AS SET OUT BELOW. I ALSO CERTIFY (1) THAT I HAVE MADE SATISFACTORY FINANCIAL ARRANGEMENTS WITH EACH COURT REPORTER LISTED ABOVE FOR PREPARING HIS OR HER PORTION OF THE REPORTER'S TRANSCRIPT HEREIN REQUESTED; OR (2) THAT THE APPELLANT PROCEEDED AT TRIAL AS AN INDIGENT AND THAT STATUS HAS NOT BEEN REVOKED; OR (3) THAT THE APPELLANT HAS BEEN GIVEN PERMISSION TO PROCEED ON APPEAL IN FORMA PAUPERIS.				
Signature _____		Date _____ Print or Type Name _____		
DISTRIBUTION: Original filed with Clerk of Trial Court and copies mailed to: (1) Clerk of the Court of Criminal Appeals, (2) the District Attorney, (3) the Attorney General or the municipal prosecutor in lieu of the District Attorney and the Attorney General if the appeal is from a municipal conviction, and (4) to each Court Reporter who reported proceedings designated for inclusion in the reporter's transcript.				

FILED

NOV 01 2023

KIM REAGAN

12.

Exhibit

(B)

State of Alabama Unified Judicial System	COURT OF CRIMINAL APPEALS DOCKETING STATEMENT	Criminal Appeal Number
Form ARAP-26 (front) 8/91		

A. GENERAL INFORMATION:

☒ CIRCUIT COURT ☐ DISTRICT COURT ☐ JUVENILE COURT OF Carleton COUNTY

v. ☒ STATE OF ALABAMA ☐ MUNICIPALITY OF _____ Appellant

Case Number <u>CC-1358 (3A, PLN 36)</u>	Date of Complaint or Indictment <u>November 16th, 2001</u>	Date of Judgment/Sentence Order <u>OCTOBER 25th, 2003</u>
Number of Days of Trial/Hearing <u>ONE DAY</u>	Date of Notice of Appeal <u>OCTOBER 30th, 2001</u>	Written: ☒
Indigent Status Requested: ☐ Yes ☒ No	Indigent Status Granted: ☐ Yes ☐ No	

B. REPRESENTATION:

Is Attorney Appointed or Retained? ☐ Appointed ☐ Retained

If no attorney, will appellant represent self? ☒ Yes ☐ No

Appellant's Attorney (Appellant if pro se) Attach additional pages if necessary:

MOSES JACKSON

Address P.O. BOX 1030 City LOXLEY Telephone Number 251-964-5044

State AL Zip Code 36551

C. CODEFENDANTS: List each CODEFENDANT and the codefendant's case number:

Codefendant <u>NISHMAN HARDWICK</u>	Case Number <u>DONT KNOW</u>
Codefendant <u>TYRESE COWEN</u>	Case Number <u>DONT KNOW</u>
Codefendant	Case Number

D. TYPE OF APPEAL: Please check the applicable block:

☒ State Conviction	☐ Pretrial Order	☐ Juvenile Transfer Order	☐ Other (Specify)
☐ Post-Conviction Remedy	☐ Contempt Adjudication	☐ Juvenile Delinquency	
☐ Probation revocation	☐ Municipal Conviction	☐ Habeas Corpus Petition	

E. UNDERLYING CONVICTION/CHARGE: Regardless of the type of appeal checked in Section D, please check the box beside each offense category for which the appellant has been convicted or charged as it relates to this appeal. Also include the applicable section of the Code of Alabama for State convictions.

☐ Capital Offense - §	☐ Trafficking in Drugs - §	☐ Fraudulent Practices - §
☐ Homicide - §	☐ Theft - §	☐ Offense Against Family - §
☐ Assault - §	☐ Damage or Intrusion to Property - §	☐ Traffic - DUI - §
☐ Kidnapping / Unlawful Imprisonment §	☐ Escape - §	☐ Traffic - Other - §
☐ Drug Possession - §	☐ Weapons/Firearms - §	☒ Miscellaneous (Specify) <u>Know 1-13 - § ATT. PROVIDED</u>

F. DEATH PENALTY:

Does this appeal involve a case where the death penalty has been imposed? ☐ Yes ☒ No

G. TRANSCRIPT:

1. Will the record on appeal have a reporter's transcript? ☐ Yes ☒ No

2. If the answer to question "1" is "yes", state the date the Reporter's Transcript Order was filed.

3. If the answer to question "1" is "no":

(a) Will a stipulation of facts be filed with the circuit clerk? ☒ Yes ☐ No

(b) Will the parties stipulate that only questions of law are involved and will the trial court certify the questions? ☐ Yes ☐ No

NOTE: If the appeal is from the district or juvenile court and the answer to question "1" is "No", then a positive Response is required for question 3(a) or 3(b).

Attachment to Appendix FF

FILED

13.

Exhibit (B)

From ARAP-26 (back)

8/91

COURT OF CRIMINAL APPEALS DOCKETING STATEMENT

H. POST-JUDGMENT MOTIONS: List all post-judgment motions by date of filing, type, and date of disposition (whether by trial court order or by the provisions of Rule 20.3 and 24.4 9(ARCP))

DATE OF FILING			TYPE OF POST-JUDGMENT MOTION	DATE OF DISPOSITION		
Month	Day	Year		Month	Day	Year
10	19	2023	Rule 60(b)(4) Motion	10	25	2023

I. NATURE OF THE CASE: Without argument, briefly summarize the facts of the case

PETITIONER WAS CONVICTED OF FOUR CLASS A FELTIES AND SENTENCED TO FOUR LIFE SENTENCES (AN CONVICTION ON APRIL 11th, 2003. THE STATE AGENT, COURT REPORTER, DEANE BATTLES FAILED TO PRESERVE THE RECORD OF SUCH SAID CONVICTIONS AND SENTENCE. PETITIONER, HAS NO WAY TO PURCHASE SAID RECORD, AND COME THROUGH THE EVIDENCE TO RAISE A CONVICTION ISSUE OF FACTS, TO WIT: JURISDICTIONAL ISSUES/MATTERS, TO ARGUE BEFORE THE TRIAL COURT VSTING SUCH VOD EVIDENCE TO SUPPORT AND CORROBORATE PETITIONER, ARGUMENT WHICH IS MY SUBSTANTIAL RIGHT.

J. ISSUE(S) ON APPEAL: Briefly state the anticipated issues that will be presented on appeal. (Attach additional pages if necessary)

1. THE RECORD OF THE TRIAL COURT JUDGMENT WAS INCONSISTENT WITH THE PROCESS PERTAINING TO A RULE 60(b)(4) MOTION.
2. THE TRIAL COURT JUDGMENT OF CONVICTION AND SENTENCE MUST BE RENDERED.
3. THE COURT REPORTER ACTIONS WAS INCONSISTENT WITH THE PROCESS.
4. CASE OF FIRST IMPRESSION

K. SIGNATURE:

Moses John

10-30-2023

Date

Moses John

Signature of Attorney/Party Filing this Form

Attachment to Appendix FF



ELECTRONICALLY FILED
10/25/2023 4:13 PM
11-CC-2001-001358.00
CIRCUIT COURT OF
CALHOUN COUNTY, ALABAMA
KIM MCCARSON, CLERK

IN THE CIRCUIT COURT OF CALHOUN COUNTY

STATE OF ALABAMA

V.

JACKSON MOSES
Defendant.

)
)
) Case No.: CC-2001-001358.00
)
)
)

Exhibit (C) (C)

ORDER

MOTION TO SET ASIDE AND DEEM VOID filed by JACKSON MOSES is hereby
DENIED.

DONE this 25th day of October, 2023.

/s/ BUD TURNER
CIRCUIT JUDGE

Attached to Appendix FF



ELECTRONICALLY FILED
10/25/2023 4:13 PM
11-CC-2001-001359.00
CIRCUIT COURT OF
CALHOUN COUNTY, ALABAMA
KIM MCCARSON, CLERK

IN THE CIRCUIT COURT OF CALHOUN COUNTY

STATE OF ALABAMA

V.

JACKSON MOSES
Defendant.

)
)
)
)
)

Case No.: CC-2001-001359.00

Exhibit (C) (1) (2)

ORDER

MOTION TO SET ASIDE AND DEEM VOID filed by JACKSON MOSES is hereby
DENIED.

DONE this 25th day of October, 2023.

/s/ BUD TURNER
CIRCUIT JUDGE

Attachment to Appendix



ELECTRONICALLY FILED
10/25/2023 4:13 PM
11-CC-2001-001360.00
CIRCUIT COURT OF
CALHOUN COUNTY, ALABAMA
KIM MCCARSON, CLERK

IN THE CIRCUIT COURT OF CALHOUN COUNTY

STATE OF ALABAMA

V.

JACKSON MOSES
Defendant.

)
)
)
)
)
)

Case No.: CC-2001-001360.00

exhibit   

ORDER

MOTION TO SET ASIDE AND DEEM VOID filed by JACKSON MOSES is hereby
DENIED.

DONE this 25th day of October, 2023.

/s/ BUD TURNER
CIRCUIT JUDGE

Attachment to Appendix  FF





ELECTRONICALLY FILED
10/25/2023 4:13 PM
11-CC-2001-001361.00
CIRCUIT COURT OF
CALHOUN COUNTY, ALABAMA
KIM MCCARSON, CLERK

IN THE CIRCUIT COURT OF CALHOUN COUNTY

STATE OF ALABAMA

V.

JACKSON MOSES
Defendant.

)
)
)
)
)
)

Case No.: CC-2001-001361.00

exhibit

ORDER

MOTION TO SET ASIDE AND DEEM VOID filed by JACKSON MOSES is hereby
DENIED.

DONE this 25th day of October, 2023.

/s/ BUD TURNER
CIRCUIT JUDGE

Attachment to Appendix



**Amendment 5 Criminal actions—Provisions concerning—Due process of law
and just compensation clauses.**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ALCODE 

Amendment 14

APPENDIX  HH

- Sec. 1. [Citizens of the United States.]
- Sec. 2. [Representatives—Power to reduce apportionment.]
- Sec. 3. [Disqualification to hold office.]
- Sec. 4. [Public debt not to be questioned—Debts of the Confederacy and claims not to be paid.]
- Sec. 5. [Power to enforce amendment.]

Sec. 1. [Citizens of the United States.]

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

ALCODE 

TITLE 42 U.S.C. 1981

APPENDIX II



§ 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 make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.



USCS

