

No. 24-5927

FILED  
OCT 17 2024

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE  
SUPREME COURT OF THE UNITED STATES

WILLIAM DALE WATSON — PETITIONER  
(Your Name)

vs.

WARDEN CHADWICK CRABTREE et, al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

ALABAMA COURT OF CRIMINAL APPEALS

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

PETITION FOR WRIT OF CERTIORARI

William Dale Watson

(Your Name)

AIS# 311200

E Dorm 41 A, Limestone Correctional Facility  
28779 Nick Davis Road

(Address)

Harvest, Alabama 35749

(City, State, Zip Code)

unknown

(Phone Number)

QUESTION(S) presented

1. Mr. Watson alleged the circuit court did not have the jurisdiction to try his case or sentence him, due to his Forged waiver of arraignment by an officer of the court.

Did the circuit court have jurisdiction to try Watson's case and sentence him?

2. Plain error occurred when the State entered evidence which the circuit court had stated was inadmissible because of the victim's age. The state disregarded this instruction and entered the inadmissible evidence, giving the jury a chance to hear evidence that was not related to Watson's case, which allowed the jury to find Watson guilty in regards to E.B.

Did the Alabama Criminal Court of Appeals error when it overlooked the plain error in Watson's case?

3. The circuit court did not request the State to "elect" as to which charge a conviction was sought, preventing the jury from knowing which charge went with each count. The Alabama Court of Criminal Appeals errored when it affirmed the circuit court, which was contrary to other similar ruling, without knowing what charges Watson was convicted of and neither knows either.

Should the ALA. Crim. CT. of App. reversed and remanded Watson's case back to the lower court?

4. The prosecutor's misconduct was shown several times during Watson's trial. First he totally disregarded the court's in limine with regards to E.B. when she was over the age of twelve. The prosecutor entered evidence that was inadmissible due to E.B.'s age. The prosecutor also asked an improper question, changing the age of E.B., stating she was only eleven yrs old when he already knew she was twelve. Next the prosecutor had prior knowledge of several of the victims visiting Watson and never said anything to the jury about it, if he would said anything it would of showed the victims testimony false.

Was the prosecutor's actions enough for a mistrial and was Watson denied a fair trial and impartial jury due to the prosecutors actions?

## **LIST OF PARTIES**

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

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

## **RELATED CASES**

Watson v. State, 279 So. 3d (Ala. Crim. App. 2018. No: CR-17-0384, Alabama Court of Criminal Appeals. Judgement entered June 29, 2018

Watson v. State, 325 So. 3d 838 (2020 Ala. Crim. App. 2020 WL 6110695), No: CR-20-0078, Alabama Court of Criminal Appeals. Judgement entered October 16, 2020, published June 25, 2021.

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IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

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

**OPINIONS BELOW**

**[X] For cases from federal courts:**

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

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the United States district court appears at Appendix F to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

**[X] For cases from state courts:**

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

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the Alabama Supreme Court court appears at Appendix D to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

## JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was May 9, 2024.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: August 6, 2024, and a copy of the order denying rehearing appears at Appendix F.

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

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

For cases from **state courts**:

The date on which the highest state court decided my case was Nov. 12, 2021. A copy of that decision appears at Appendix D.

A timely petition for rehearing was thereafter denied on the following date: July 16, 2021, and a copy of the order denying rehearing appears at Appendix C.

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

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

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

### **Alabama Const. of 1901**

Sets out that in all criminal proceedings, the accused has a right to demand the nature and cause of the accusation; and to have a copy thereof.

### **U.S. Const., Amend. VI**

In all criminal Prosecutions, the accused shall enjoy the right to a speedy and public trial, by a impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and be informed of the nature and cause of the accusation; to be confronted with the witness against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

### **U.S. Const. Amend. XIV (1)**

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 law.

28 U.S.C. §2254. (see Appendix H).

The Antiterrorism and Effective Death Penalty Act of 1996.

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgement of the State court. The limitation period shall run from the latest of -
  - (A) the date on which the judgement becomes final by the conclusion of direct review or the expiration of the time for seeking such review;
  - (B) the date on which the Impediment to filing an application created by the State action in violation of the Constitution of laws of the United States is removed, if the application was prevented from filing by such action;
  - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right had been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review;  
or
  - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.
- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgement or claim is pending shall not be counted toward any period of limitation under the subsection.

## STATEMENT OF THE CASE

Mr. Watson was arrested in Aug. 2012 for a single charge of Sexual Abuse of a child under the age of twelve. In Jan 2013 he was charged with twelve more charges of Sexual Abuse of a child under the age of twelve and four charges of second-degree child abuse. On Aug. 17, 2017 Watson was convicted of (a) four counts of sexual abuse of E.B., a child under the age of twelve, (b) two counts of sexual abuse of Z.W., a child under the age of twelve and (c) four counts of second-degree child abuse. App. B. On Oct. 11, 2017 Watson was sentenced to a total of 35 yrs. by the Limestone County Circuit Court. Watson's conviction was affirmed on direct appeal, Watson v. State, 279 So. 3d 40 (Ala. Crim. App. 2018). No: CR-17-0384. App. A, and a certificate of Judgement was entered June 29, 2018 by the Criminal Court of Appeals (ACCA).

On May 23, 2019 Watson filed a petition for postconviction relief under Rule 32 Petition with the Limestone Co. Circuit Court. After receiving a response from the Limestone Co. Dist. Attorney's office App. C, the circuit court entered an order dismissing his 2019 Rule 32 Petition on July 31, 2019. App. C, pg 5c. On August 16, 2019 Watson filed a motion seeking to have the circuit court vacate it's July 31, 2019 order. The Circuit Court held a hearing on Sept. 11, 2019, that same day the court entered a supplement order dismissing Watson's Rule 32 petition. App. C pg. 6c. Watson attempted to appeal this dismissal, but on October 22, 2019 the ACCA dismissed his appeal as untimely. App. C, pg 7c, and a certificate of judgement was issued. App. C, pg 8c.

On Jan. 6, 2020 The Limestone Co. Circuit Court received Watson's second Rule 32 Petition dated Dec. 10, 2019, seeking an out-of-time appeal of his Rule 32 petition. The circuit court dismissed his Rule 32 petition and he appealed. On Sept. 3, 2020 the ACCA remanded the case to the Limestone Co. Circuit Court for the lower court to entertain Watson's request for an out-of-time appeal of his 2019 Rule 32 petition. App. C, pg 9c. On Sept. 15, 2020 the Limestone Co. Circuit Court granted Watson's out-of-time appeal of his 2019 Rule 32 petition. App. C, pg 14c. On return to remand, the ACCA entered a memorandum opinion on Oct. 16, 2020. App. C, pg 15c. appeal dismissed in part; judgement reversed in part. App. C, pg 22c.

On June 25, 2021 The ACCA affirmed the judgement of the circuit court dismissing Watson's Rule 32 petition. App. C, pg 30c. On July 16, 2021 the ACCA overruled Watson's application for rehearing. App. C, pg 31c. On Nov. 12, 2021 the Alabama Supreme Court denied Watson's petition for a writ of certiorari and a certificate of judgement stating, writ denied, no opinion. App. D.

Watson filed his pro se 28 U.S.C. §2254 Habeas Corpus to the U.S. District Court for the Northern District of Alabama Northeastern Division on Oct. 13, 2022. On Dec. 9, 2022 the respondents filed an answer in which they assert that the petition is due to be dismissed because it is barred by the one-year Statute of Limitations enacted by the Antiterrorism and Effective Death Penalty Act of 1996 (ADEPA). The respondents also contend that Watson's claims are either procedurally barred or meritless. Watson appealed and on March 3, 2023 the district received his reply. On Sept. 18, 2023 the district court dismissed Watson's

petition on timeliness grounds. App. E. That same day the court ordered a final judgement. App. E. pg 6e.

Watson appealed to the U.S. Court of Appeals for the Eleventh Circuit and on May 9, 2024 the court denied his out-of-time motion for a certificate of appealability (COA) as unnecessary and his motion for a COA was denied. App. F Watson filed a motion for reconsideration of the courts May 9, 2024 order denying his motion for a COA. Upon review, Watson's motion for reconsideration was denied on August 6, 2024. App. F, pg 4f.

Before Watson's trial trial he was arraigned without his knowledge, Alabama Rules of Criminal Procedure, Rule 14.1, states (a) "except as provided in section (b), no defendant shall be tried for the commission of any misdemeanor or felony until he has been arraigned in open court." The exception is (b) "if a defendant, represented by counsel, files a written waiver, signed by the defendant and acknowledging that he received a copy of the charges against him. Ala. R. Crim. P. 14.1(b). On March 13, 2013 a Plea of Not Guilty and Waiver of Arraignment was filed in Watson's case. However, said waiver was never signed by Watson. It was signed by ~~Maxx Taylor~~ the legal ~~assistant~~ secretary for his trial counsel, Bonnie Taylor. Ms. Taylor was acting on behalf of trial counsel when she forged Watson's signature on the waiver, making her an officer of the court. Watson has never given Ms. Taylor or anyone else involving his case, permission to sign his signature on anything. By forging Watson's waiver it gave the trial court personal jurisdiction to hear his case, when actually the trial court had NO jurisdiction to hear the case. The results of said case are "void." Watson did not find out about the forgery until five

months after his trial when he was preparing for his appellate phase. An affidavit from Bonnie Taylor is included. App. G.

During trial the prosecutor, while questioning E.B. about incidents happening after she was twelve yrs old, attempted to use Watson's statement given to Det. Ramsey, while he was in the psychiatric ward in the hospital. Watson's counsel objected to the questioning. The jury was removed from the courtroom. Watson's counsel objected to the questioning because Watson was never charged with anything relating to E.B. after her twelfth<sup>th</sup> birthday. The prosecutor said he wanted to use the statement, specifically the incident where Watson was putting lotion on E.B.'s back, to show continued actions by Watson after E.B. was twelve. The court agreed with Watson's counsel and sustained the questioning. The court stated that anything that occurred after E.B. was twelve yrs. old was inadmissible and outside the realm of this case and was not to be brought up again. App. G pg 3g. The prosecutor totally disregarded the court's instructions and entered Watson's statement as evidence, which was then played for the jury to hear. The jury was never advised that the statement being heard was deemed inadmissible by the court and it was about an incident that occurred after E.B. was twelve years old.

During trial proceedings, Watson's counsel ask the Clerk of Court if he looked into the restrictions of Watson's. After doing so the clerk stated the only conditions of his bond was allowing him to go out of town, nothing else. At that time the prosecutor advised the court he had a matter that needs to be taken up outside the jury's presence. The jury was excused. After the jury was gone the prosecutor stated "we've come across

an issue we want to talk to the court about before we lapsed into it." On July 3, 2014 the state filed for an emergency hearing App. G. pg 8g, because we had been made aware the defendant was contacting or had contacted the victims. The contact was actually the victims coming to Watson's residence, to visit their grandparents. The hearing was ordered moot because Watson's counsel and the prosecutor had made an agreement that Watson would not have contact with them, even though they still came over to visit. This confirmed the prosecutor was aware of the victims being around before trial, after being told not to. App. G, pg 9g. It also showed the victims were giving false testimony when they said they had never been around Watson after the incident, and the prosecutor was also aware the victims were giving testimony and did nothing about it.

During cross-examination by the state, of Theresa Kelly, a witness for Watson, the prosecutor asked her if she was ever aware that Watson had put lotion on E.B.'s back when she was eleven years old. The prosecutor was aware E.B. was twelve years old and not eleven from his earlier statement to the court. This was a question the prosecutor was attempting to coerce the jury with false evidence which should have been grounds for a mistrial.

After both parties were finished arguing their case, jury deliberation began. During deliberation the jury asked the court "what count went with each charge." At the time Watson's counsel should have requested and "Election", but did not. The court was confused as well as the jury about the way the state had presented its case. The court stated "[b]ut I will state flat out, I don't understand the whole concept of it." The court asked what

if the jury decide if two counts happened and three did not?" The state argued it would only be a problem if the jury was not agreeable as to what incident. To which the state said, "that's a problem". The court went on to ask "what I'm struggling with is... is it okay to pick and choose like that and just say we think one occurred." The courts instincts kicked in immediately there after "the only problem is, the thing that's problematic is which ones are the jury agreeing occurred?" The court went on to say, "so how are they to know what count one is then?" The court went on to say "I had rather not make law... bad law.", but that is what happened. The only instructions to the jury was if it thinks the state proved two of five counts and not five of five, to render a verdict that reflects the same. The jury was never instructed as to what charge went with each count. The jury found Watson guilty on some charges and not guilty on others, but Can Not tell what counts he was found guilty of and neither can the court or the State can tell Watson. App. G, pg. 18g. The jury was not given an answer to the question.

## REASONS FOR GRANTING THE PETITION

1. The Limestone County Circuit Court errored when it failed to follow the Alabama Rules of Criminal Procedure, Rule 14.1 (Necessity for Arraignment).

The Limestone Co. Circuit Court errored when it dismissed Watson's petition for post-conviction relief, saying the trial court lacked jurisdiction to hear his case. App. C, pg 5c. Watson had an arraignment hearing set for 13 March 2013, in which Watson was never made aware of. On that date Watson's signature was forged on the waiver by his counsel's secretary, Bonnie Taylor, then filed with the court. Watson was never notified of any of this and only found out five months later, when preparing for his appellate phase. Under Alabama Rules of Criminal Procedure, Rule 14.1(a) except as provided in section (b), no defendant shall be tried for the commission of any misdemeanor or felony until he has been arraigned in open court. Sect. (b) exception is if a defendant represented by counsel files a written waiver of arraignment and plea of not guilty, signed by the defendant and counsel, stating age and birth of the defendant, and acknowledging receipt by the defendant of a copy of the charges against him. Watson was not given a copy of the charges at the time. Further, Art. I, §6 of the Alabama Constitution of 1901, sets out that in all criminal prosecutions the accused has a right to demand the nature and cause of the accusations and to have a copy thereof.

Bonnie Taylor was acting in behalf of counsel when she forged the waiver, making her an Officer of the court. It also gave the court jurisdiction to hear Watson's case. In the prosecutor's response, that the court used to dismiss Watson's appeal stated

even though Watson provided an affidavit from Ms. Taylor admitting she signed Watson's name to the waiver, App. G, pg 1g, she also stated that it was common practice to do so after informing the client, which did not happen. The prosecutor assumed that Watson was most likely informed and had just forgotten in this case.\* The prosecutor stated Watson waived his arraignment rights and that his claim had no merit. App. C, pg 1c.

The actions of Ms. Taylor prevented Watson of his "Due Process of Law" afforded to him by the U.S. Constitution, Amend. XIV. The circuit court had no jurisdiction to hear Watson's case or sentence him, his case should of been void. Watson was prejudiced by this and a certiorari should be granted to correct& this error.

2. The Alabama Court of Criminal Appeals errored when it failed to acknowledge "Plain Error", Federal Rules of Criminal Procedure, Rule 52(b).

"Plain Error" occurred during Watson's trial. Federal Rules of Criminal Procedure Rule 52(b), plain error is "error so obvious that the failure to notice would seriously affect the fairness or integrity of the judicial proceedings." Rule 52(b). Plain error can be considered even though it was not brought up to the courts attention. The Court of Appeals under the Plain Error rule could review a basic constitutional question despite the fact that it had not been raised by the defendant if substantial rights are affected. Sykes v. United States, 373 F. 2d 607 (5th Cir. 1996), cert. denied, 386 U.S. 977, 87 S. CT. 1172, 18 L. 2d 138 (1967). To meet the plain error standard, the error must (1) be actual error that was forfeited, (2) be plain or obvious, (3) affect substantial rights and (4) seriously affected fairness, integrity

or public reputation of judicial proceedings. U.S. v. Edeza, 359 F. 3d 1246, 2004 U.S. App. LEXIS 3921 (10th Cir.), cert. denied, 541 U.S. 1082, 124 S. CT. 2436, 158 L.2d 988, 2004 U.S. LEXIS 3991 (2004). U.S. v. Babiar, 410 F. 3d 432, 2005 U.S. App. LEXIS 10142 (8th Cir.), cert. denied, 546 U.S. 908, 126 S. CT. 262, 163 L. Ed 2d 237 (2005), U.S. LEXIS 6676 (2005).

The plain error occurred when the prosecutor entered Watson's statement given to Det. Ramsey while he was in the hospital, which contained an incident that occurred after E.B. was twelve yrs. old. Watson's counsel should have objected, but he did not. This statement had already been addressed to the court when the prosecutor stated the statement and lotion incident occurred after E.B. was twelve yrs. old. He was attempting to show the jury continuing incidents after E.B.'s twelfth birthday. App. G, pg. 3g. So both the court and the prosecutor, as well as Watson's counsel were aware the statement being entered as evidence was inadmissible, because the court had already instructed, "anything that occurred after E.B. was twelve was not to be used." By allowing this inadmissible evidence to be entered, the jury was allowed to hear the statement. The jury was NEVER advised, at any time that the statement they heard was of an incident that occurred after E.B. was twelve yrs. old and had nothing to do with the charges on Watson. If the jury would have been advised of the statement they could not have found Watson guilty on the charges related to E.B. because Watson was never charged with anything on E.B. after she was twelve. This inadmissible evidence prejudiced Watson severely, causing the jury to enter an improper verdict, which violated Watson's constitutional right to a fair trial and an impartial jury,

U.S. Constitution, Amend. VI.

Watson's plain error claim meets the four prong test, stated in U.S. v. Edeza, and are grounds for a mistrial. Other plain error incidents occurred when the prosecutor was questioning Theresa Kelly, witness for Watson, asking her if she was ever aware that Watson had put lotion on E.B.'s back when she was eleven yrs. old. The prosecutor already knew E.B. was twelve and not eleven when he asked Ms. Kelly the question, from his earlier statement to the court, regarding E.B.'s age. This was a question the prosecutor was attempting to corce the jury with, using false evidence. The question was never objected to by Watson's counsel.

Because the court errored in these matters and not remanding Watson's case, this court should grant a certiorari.

3. The Circuit Court errored when it did not demand an "Elect-  
ion" by the State and the Alabama Court of Criminal Appeals errored when it affirmed the lower courts decision.

The circuit court errored when it did not direct the state to "elect" which incident a conviction was sought. The prosecutor submitted multiple charges to the jury without specifying which incident a conviction was sought or show which charge went with each count. During jury deliberation the jury asked the court, "What charge went with each count?". The court and the prosecutor had no answer for the jury because they did not know themselves. The court and prosecutor discussed the question, without any input from Watson's counsel. Both the court and jury took issue with the way the State offered it's evidence. The court stated" [b]ut I will state flat out, I don't understand the whole concept of it." App. G, pg 18g, shows the complete discussion. The out come

of the discussion was that the jury was never advised of which charge went with each count, and the jury had to be re-instructed. The judge had stated that he had rather not make law...bad law, but that is what happened. The only instruction ~~the~~ jury received was if it thinks ~~thex~~ state proved two out of five and not five of five, to render a verdict that reflects the same. The jury found Watson guilty on some of the charges and not guilty on others, but can not tell the court what counts Watson was found guilty on. Absennt proper instructions, the court can not say Watson did not suffer prejudice because the court cannot assume the jury's verdict was unanimous as to a single incident or as to all the incidents.

The Alabama Criminal Court of Appeals also erred when affirming the circuit court's verdict. The courts ruling is contrary to their own ruling in regards to "Election." In McMahan v. State, 607 So. 2d 1288 (Ala. Crim. App. 1992), McMhan's case was reversed and remanded by the court of appeals. The court held the trial court erred by not requiring the State to elect as to which alleged occurrence a conviction was sought. Also see Reed v. State, 512 So. 2d 804 (Ala. Crim. App. 1987), where the court addresses the issue of election, reversing Reed's conviction, the court held that "The State was in the case at bar, clearly attempting to submit several different incidents to the jury without specifying which incident a conviction was sought. The record reveals that the jury was never instructed as to exactly which act or incident was to be considered in their determination of guilt. There is no guidance or explanation whatsoever, to the jury regarding the purpose of the admission of these five incidents, and was unclear upon which incident their conviction was based on." Reed, 512 So. 2d

at 809 (emphasis in the original). In McMahan, the alleged victim, D.M testified that the appellant "Touch her" on more than five separate and distinct occasions. As in Reed, the jury received no instruction concerning which incident was to be considered in their deliberation. Likewise, the record in this case is exceedingly unclear as to which of the alleged events precipitated the appellant's conviction. Therefore, based on the aforementioned authorities, we find that the trial court erred by not requiring the state to elect as to which alleged occurrence a conviction was sought. The case was reversed and remanded.

In Watson's case neither court can say they know what charges Watson was actually convicted of because neither court knows which charge goes with each count. Watson's case should have been reversed and remanded, but it was not. This prejudiced him of a fair trial as well as an impartial jury which violates his constitutional rights under the U.S. constitution, Amend. VI and XIV.

Because the Alabama Court of Criminal Appeals errored in affirming the Circuit Courts decision not to elect or give proper jury instructions no court has knowledge of which charge Watson was convicted of, because neither court know which charge went with each count. Certiorari must be granted to correct the error.

#### 4. The prosecutor's actions during trial should of been grounds for a mistrial.

During trial the prosecutor's actions should of been grounds, for a mistrial but it did not happen. In United States v. Geston, 299 F. 3d 1130, 1136 (9th Cir. 2002):

" A prosecutor's improper questioning is not in and itself sufficient to warrant reversal. The court must assess

the prosecutorial misconduct (2011 U.S. Dist. LEXIS 11) in the context of the entire trial, and determine whether the prosecutor's action seriously affected the fairness, integrity, and public reputation of judicial proceedings, or where failing to reverse a conviction would result in a miscarriage of justice.!"

Geston, 299 F. 3d at 1136. (internal quotes and citation ommited).

The prosecutor's actions were proven mutiple times during trial.

The first was when the prosecutor, already aware the court had put an in limine in regards to the lotion incident that occurred after E.B. was twelve yrs old, but he disregarded it and asked the witness Theresa Kelly about it and saying E.B. was only eleven.

Next, the prosecutor's actions were proven again when he totally disregarded the courts instructions when the court stated, "anything that happened to E.B. after she was twelve yrs old was inadmissible", and still the prosecutor entered Watson's statement that he gave to Det. Ramsey, which was an incident that occurred to E.B after she was twelve. The prosecutor then allowed the jury to hear this statement. The jury was never advised the statement was inadmissible and had nothing to do with Watson's charges.

During pre-trial phase of Watson's case the prosecutor had requested an "Emergency Hearing" with the court, due to the fact Watson was having contact with several of the victims. This contact was actually the victims coming to Watson's residence to visit. The emergency hearing was discussed during trial while the jury was not present. App. G, pg 9g. This discussion with the court proved the prosecutor had prior knowledge that the victims were around Watson after the aligation's. The prosecutor never corrected the victims when they stated, "they had not been around Watson after the incident". If the jury had known the victims

had been around Watson after the aligations, the jury would know the victims were giving false testimony. Along with the victims being impeached earlier in trial, the jury would of had questions as to the truthfulness of the victims and come to a different verdict. These actions by the prosecutor ere enough for a mistrial.

Watson was severely prejudiced by the actions of the prosecutor which affected the fairness of his trial. It violated his constitutional right to a fair trial and impartial jury under the U.S. Constitution, Amend. VI. This court should grant certiorari.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Willie Dale Watson

Date: OCT. 17, 2024