ORIGINAL

25-7036

No. CC-2021-000915

IN THE

SUPREME COURT OF THE UNITED STATES

Stephens, Carlos L. – PETITIONER
(Your Name)

VS.

State of Alabama - RESPONDSENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Alabama Supreme Court, Montgomery, Alabama.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Stephens, Carlos L. #330247.
(Your Name)

200 Wallace Drive.
(Address)

Clio, Alabama 36017.
(City, State, Zip Code)

N/A.
(Phone Number)

QUESTION(S) PRESENTED

DOES THE 5TH AMENDMENT PROTECTION FROM "FORMER JEAOPARDY" AS APPLIED TO STATES THROUGH THE 14TH AMENDMENT, UNITED STATES CONSTITUTION FOR THE REPUBLIC OF AMERICA, WAS DENIED TO THE PETITIONER? WHERE THE STATE OF ALABAMA PROSECUTED THE PETITIONER FOR MURDER, AFTER HE WAS ACQUITTED BY JUDGE FOR CAPITAL MURDER, BASED ON THE SAME FACTS, VICTIM, AND INCIDENT.

LIST OF PARTIES

[X] All parties 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 subject of this petition is as follows:

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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

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

The opinion of the United States court of appeals appears at Appendix _____ 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[ ] is unpublished.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 _____ 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[ ] is unpublished.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 _____ to the petition and is

[ ] reported at_____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

The opinion of the **Circuit (Jefferson County)** court Appears at Appendix __A__ to the petition and is

[ ] reported at _____ ;or,
[ ] has been designated for publication but is not yet reported; or,
[x] is unpublished.

JURISDICTION

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

The date on which the United States Court of Appeals decided my case was

_____.

[ ] 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: _____ , and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for 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).

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

The date on which the highest state court decided my case was Oct. 1, 2025.
A copy of that decision appears at Appendix _____ .

[ ] A timely petition for rehearing was thereafter denied on the following date: _____ , and a copy of the order denying rehearing appears at Appendix _____.

[ ] 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

United States Constitution

Alabama 2022 Constitution

State statute (Alabama Code 1975, et seq.)

STATEMENT OF THE CASE

See attached page(s).

STATEMENT OF CASE AND FACTS

On or about the 5th of July 2022, Hon Circuit Judge Kechia S. Davis [herein after Hon. Court], did grant the Petitioner's attorney's motion for acquittal. See, Exhibit: A.

The Petitioner was acquitted for Capital Murder, as stated by the Hon. Court, as Exhibit A attests to.

The Petitioner's trial counsels, Richard Jaffery and Jonathan Crown, on August 29, 2022, manipulated the Petitioner to actually enter a guilty plea to Murder based on the same deceased, Destiny D. Washington, person, same facts, incident, and circumstances the Petitioner was acquitted upon July 5, 2022. The Petitioner's trial counsels convinced the Petitioner to plead guilty; see, Exhibit: B (Guilty Plea). Had the Petitioner known an acquittal of the Capital Murder case for the above named deceased person, barred the State from prosecuting him for a different offense based on the same facts, incident, and victim that he was acquitted for the principals of former jeopardy, the Petitioner would not have pled guilty.

Evening, the facts of the Petitioner's case under the initial charge of Capital Murder in violation of §13A-5-40(a)(17), Ala. Code 1975, could have easily defeated the State charge of Capital Murder where the accusatory instrument is not in compliance with the mandates of §15-8-25 Ala. Code 1975. The Jefferson County District Attorney Office was commanded by the Alabama Legislature to state the "facts" in the accusatory instrument; see, Exhibit: C(the purported indictment).

The Jefferson County D.A. Office could not even accuse the Petitioner of Murder, unless done as ascertained by law. Actually the Petitioner could not plead guilty to an offense of Murder that he was never indicted for. On or about the 16 day of January, 2025, the Petitioner sent an official request for the attorney (district)of Jefferson County to confess that because he was acquitted of Capital Murder, the State could not, under a different name of offense, based upon "former jeopardy." The Petitioner filed a motion for judicial notice of the official letter to Jefferson County D.A. Office to confess, with his trial court; see, Exhibit: D (" Letter" /Motion Judicial Notice).

The Petitioner's trial court took judicial notice in part on the 26 day

of January , 2025. The Petitioner filed a Motion to Compel, thereafter, to the trial court in order to make the D.A. of Jefferson County comply with Imbler v. Pachtman, requirements to confess information that casts doubt on the correctness of conviction; sentence of the Petitioner. See, Exhibit: E (Motion to Compel).

On or about the 19 day of February, 2025, the Petitioner's trial court denied the Petitioner's Motion to Compel; see, Exhibit: F (Order).

The Petitioner filed a writ of mandamus in the Alabama Court of Criminal Appeals, the petition was denied/dismissed on August 7, 2020.

The Petitioner filed a writ of mandamus in the Alabama Supreme Court in which was dismissed October 1, 2025, no reason given.

STATMENT OF THE ISSUES

"CAN THE STATE OF ALABAMA PROSECUTE A DEFENDANT FOR A DIFFERENT CHARGE, BASED ON THE SAME SET OF FACTS, THE DEFENDANT WAS ACQUITTED UPON?"

"DOES THE ALABAMA COURT OF CRIMINAL APPEALS HAVE A DUTY TO EX MERO MOTU DECIDE AN ISSUE THAT IS APPARENT THE LOWER COURT LACKED SUBJECT-MATTER?"

"DOES THE D.A. OF JEFFERSON COUNTY HAVE A DUTY TO CONFESS, TO INFORM THE LOWERCOURT OF INFORMATION THAT CASTS DOUBTOF THE CORRECTNESS OF A DEFENDANT'S SENTENCE OR CONVICTION?"

STATEMENT OF WHY WRIT SHOULD ISSUE

CLEAR LEGAL RIGHT

The Petitioner contends he has a clear legal right not to be prosecuted for a different offense, based on the same facts, victim, and circumstances he was acquitted for earlier at a different date, and a different time, by virtue of the 5th Amendment "former jeopardy claus"; Art. I, Sec. 9, Ala.1901 Const.; 14th Amendment "fundamental fairness" due process component; Art. I, Sec. 6, Ala. 1901 Const.

IMERATIVE DUTY

The Petitioner contends the Respondent(s) has an imperative duty to see to

it justice bare the face of justice, to be faithful to the law and accord every party a decision based on the law. Canon 2A, Canons of Judicial Ethics; Canon3A(1), Canons of Judicial Ethics. The D.A. of Jefferson County is bound by ethics of his office to inform the proper authority of information that cast doubt on the correctness of a defendant's conviction or sentence. Imbler v. Pachtman, 47 L. Ed. 2d 129, ft nt 25 (1976). The petitioner requested the Respondent to do so, but the trial court denied the Petitioner's Motion to Compel the D.A. of Jefferson County to comply with Imbler, supra. See, Exhibit: _____.

The reasons given for denial of the Petitioner's Motion to Compel is basically the Petitioner entered voluntarily a guilty plea to Murder. This position of the Respondent was rejected in Ex parte Gillentine, 980 So. 2d966, 974 :: September 7, 2007 (no defendant would be deemed waived a former jeopardy defense by entering a guilty plea to a lesser offense). There is no exception permitting retrial once the defendant has been acquitted, no matter how egregiously erroneous: Fong Foo v. United States. 369 U.S. 141, 143 (1962); Sanabria v. United States, 437 U.S. 54, 75, 98 S.Ct. 2170, 57 L. Ed.2d 43 (1978). Further, the Alabama Criminal Court of Appeals has decided issues concerning subject-matter jurisdiction can be raised at any time by either party on the Hon. Court ex mero motu. Flannigan v. Jordan, 871 So.2d767, 768 (Ala. 2003); Ex parte V.S., 918 So. 2d 908, 912, 913 ::June 24, 2005.

The Petitioner could not have pled guilty to murder where the D.A. of Jefferson County suspended §15-8-25, Ala. Code 1975, that the Law makers made mandatory when the D.A. draws up an indictment it must state the facts. No where did the D.A. Office ever allege the Petitioner was in a vehicle driving while having a shoot out with the driver of the vehicle, where the victim was a passenger in a vehicle driving by (whoever the driver of that vehicle was) a driver shooting at the Petitioner or getting ready to shoot at the Petitioner by aiming a gun at the Petitioner.

No one can suspend the law in Alabama, but the Alabama Legislature, Art. I, Sec. 21, Ala. 1901 Const. Nor can the D.A. of Jefferson County "accuse" the Petitioner of any crime, unless ascertained by law, Art. I, Sec. 7, Ala. 1901 Const. The Alabama Legislature fixed by law §15-8-25, supra. In which invokes the procedural due process clause of the 14th U.S. Amend. and 5th U.S. Amend. due process applicable to the states by the 14th U.S. Amend.

REASONS FOR GRANTING THE PETITION

See additional page(s).

The Alabama Supreme Court has made it clear in Ex parte Seymour, 946 So. 2d 536, 538 (Ala. 2006), that the power to decide a case derives from the Alabama Constitution of 1901 and Alabama Codex Law. This Petitioner, shows both statute and constitution of Alabama 1901, the D.A. of Jefferson County was forbidden to enter the Jefferson County Courtroom and "accuse" the Petitioner of anything at all. For, the failure of the D.A. of Jefferson County to comply with the law as mandated to be enabled to accuse the Petitioner. The Seymour decision derives from U.S. v. Cotton, 535 U.S. 625, 630-31, 122 S, Ct. 1781, 152 L. Ed. 2d 860 (2002) (the state statute or Constitution is where the power to decide a case is found).

NO OTHER ADEQUATE REMEDY

No other adequate remedy exists to expeditiously enforce the Petitioner's right not to be prosecuted for a different offense in name, based on facts the Petitioner was acquitted upon, to enforce the 5th Amend. Applicable to the states by the 14th Amend. "former jeopardy" bar. Writ of Mandamus is the proper method by virtue of Ex parte Zigler, 669 So. 2d 133, 135 (Ala. 1995).

JURISDICTION

This Hon. Court has jurisdiction to grant this writ pursuant to: 28 U.S C. §1257CA)
WHEREFORE, all things being considered above, the Petitioner prays this Writ be granted.

Done this 19 day of December 2025: Carlos Stephens

Stephens, Carlos Londarrius

CERTIFICATE OF SERVICE

I hereby certify I have served a copy of this matter on all parties involved by placing a copy of the same in the institutional mailbox, prepaid postage, properly addressed, first class rate.

Done this 19 day of December, 2025: _____

CONCLUSION

The petition for a writ of Certiorari should be granted .

Respectfully submitted,

Carlos Stephens

Date: December 19, 2025