

# ALABAMA UNIFORM INCIDENT / OFFENSE REPORT SUPPLEMENT

MAY NOT BE PUBLIC INFORMATION OFFICER'S WORK PRODUCT

1 ORI # 0380100	2 AGENCY NAME DOTHAN P.D.	3 DATE AND TIME OF REPORT 08068 1000	4 CASE # 88080708	5 SFX 1
6 VICTIM'S NAME (ORIGINAL REPORT) MCNEAL, JAMES		7 DATE OF ORIGINAL REPORT	8 TYPE REPORT <input checked="" type="checkbox"/> CONTINUATION <input type="checkbox"/> FOLLOW-UP	
9 ORIGINAL INCIDENT/OFFENSE MURDER		10 NCIC/UCR	11 STATE CODE/LOCAL ORDINANCE	
12 NEW INCIDENT/OFFENSE		13 NCIC/UCR	14 STATE CODE/LOCAL ORDINANCE	
15 HAS AN ARREST BEEN MADE? <input type="checkbox"/> YES <input type="checkbox"/> NO		16 DATE OF ARREST	17 HAS WARRANT BEEN OBTAINED? <input type="checkbox"/> NO <input type="checkbox"/> YES WARRANT #	
		18 DATE OF WARRANT	19 PRIOR YEAR	

20  DEFENDANT  SUSPECT NAME: *He said it wasn't Jerry he know Jerry but he didn't*

21  DEFENDANT  SUSPECT NAME:

found B/M, EDDIE McKISSIC, who was suffering from an apparent knife wound to his back and a B/M, JAMES McNEAL, who apparently was lying dead on the kitchen floor of the residence with a refrigerator laying on top of body. OFFICER STOVER and OFFICER HARDEN immediately requested paramedics and Rescue I, manned by GARY LUTHER and WALTER POWELL, of the Dothan Fired Department was dispatched at 0217 hours and arrived at 0221 hours.

#4 LUTHER and POWELL immediately attended to McNEAL and determined that McNEAL did not show any vital signs. LUTHER and POWELL then attened to McKISSIC who was unaware that he had a stab wound to his back. McKISSIC was transported to the Southeast Alabama Medical Center by Pilcher's Ambulance Serivce.

#5 OFFICER STOVER and OFFICER HARDEN secured the crime scene and requested a supervisor. On the supervisor's arrival, an investigator was requested and SGT. JOHN COLLIER of C.I.D. was contacted at 0235 hours and arrived at the scene at 0254 hours.

#6 Upon SGT. COLLIER's arrival at the scene, he was infomed of the situa-  
tion by SGT. WOOTEN and, after a brief inspection of the scene, requested

24 MOTOR VEHICLE	25 CURRENCY, NOTES	26 JEWELRY	27 CLOTHING/FURS	28 FIREARMS	29 OFFICE EQUIPMENT
\$ _____ S _____ R _____ D	\$ _____ S _____ R _____ D	_____ S _____ R _____ D	\$ _____ S _____ R _____ D	\$ _____ S _____ R _____ D	\$ _____ S _____ R _____ D
30 ELECTRONICS	31 HOUSEHOLD	32 CONSUMABLE GOODS	33 LIVESTOCK	34 MISCELLANEOUS	
\$ _____ S _____ R _____ D	\$ _____ S _____ R _____ D	\$ _____ S _____ R _____ D	\$ _____ S _____ R _____ D	\$ _____ S _____ R _____ D	

MOTOR VEH. RECOVERY ONLY  N WHERE?  Y

35 MOTOR VEH. STOLEN IN YOUR JURISDICTION?  Y  N WHERE?

36 RECOVERED IN YOUR JURISDICTION?  Y  N WHERE?

44 CASE STATUS <input type="checkbox"/> 1. PENDING <input type="checkbox"/> 2. INACTIVE <input checked="" type="checkbox"/> 3. CLOSED	45 CASE DISPOSITION: <input type="checkbox"/> 1. CLEARED BY ARREST (JUV.) <input checked="" type="checkbox"/> 2. CLEARED BY ARREST (ADULT) <input type="checkbox"/> 3. UNFOUNDED <input type="checkbox"/> 4. EXCEPTIONAL CLEARANCE <input type="checkbox"/> A. SUSPECT/OFFENDER DEAD <input type="checkbox"/> B. OTHER PROSECUTION <input type="checkbox"/> C. EXTRADITION DENIED <input type="checkbox"/> D. LACK OF PROSECUTION <input type="checkbox"/> E. JUVENILE, NO REFERRAL OF DEATH OF VICTIM	46 REPORTING OFFICER SGT. JOHN COLLIER ID # 243	47 ASSISTING OFFICER ID #	48 SUPERVISOR APPROVAL ID #	49 WATCH GROUP ID #
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# ALABAMA UNIFORM INCIDENT / OFFENSE REPORT SUPPLEMENT

MAY NOT BE PUBLIC INFORMATION OFFICER'S WORK PRODUCT

1 ORI # 038011010	2 AGENCY NAME DOTHAN P.D.	3 DATE AND TIME OF REPORT 08/10/88 1220	<input type="checkbox"/> 1. AM <input type="checkbox"/> 2. PM <input type="checkbox"/> 3. MIL	4 CASE # 88080708	5 SFX 1
6 VICTIM'S NAME (ORIGINAL REPORT) MCNEAL, JAMES		7 DATE OF ORIGINAL REPORT M D Y	8 TYPE REPORT CONTINUATION FOLLOW-UP		
9 ORIGINAL INCIDENT/OFFENSE MURDER		10 NCIC/UCR	11 STATE CODE LOCAL ORDINANCE		
12 NEW INCIDENT/OFFENSE		13 NCIC/UCR	14 STATE CODE LOCAL ORDINANCE		
15 HAS AN ARREST BEEN MADE? <input type="checkbox"/> YES <input type="checkbox"/> NO		16 DATE OF ARREST M D Y	17 HAS WARRANT BEEN OBTAINED? <input type="checkbox"/> NO <input type="checkbox"/> YES WARRANT #		18 DATE OF WARRANT M D Y
19 PRIOR YEAR			PREMISE WEAPON		
20 <input type="checkbox"/> DEFENDANT <input type="checkbox"/> SUSPECT NAME:			21 <input type="checkbox"/> DEFENDANT <input type="checkbox"/> SUSPECT NAME:		

hours on 08/04/88. The victim's body was taken to the morgue by BYRD and GREG CARPENTAR at 0445 hours on 08/04/88.

*My uncle didn't wear glasses?*

#9 I photographed and dusted the scene for prints. The house was very dusty and greasy. No prints of value were found.

#10 The following evidence was taken from the house by me:

0555 hours - Item #1 - Blood sample from eastside of bed in the north bedroom

0557 hours - Item #2 - Blood sample from kitchen floor in front of sink

0609 hours - Item #3 - Pillow case from floor in north bedroom

0610 hours - Item #4 - Sheet from bed in north bedroom

0613 hours - Item #5 - (1) \$100 bill; (1) \$20 bill; (2) \$10 bills; (7) \$1 bills from from of chair in the t.v. room

0615 hours - Item #6 - Brown envelope from floor in t.v. room

0616 hours - Item #7 - Pall Mall cigarette pack (opened) from the floor in the t.v. room

0616 hours - Item #8 - Eye glasses on floor next to heater in t.v. room

0617 hours - Item #9 - Passport "EDDIE WAYNE McKISSIC" in front of chair in t.v. room

NARRATIVE CONTINUED ON BACK

24 MOTOR VEHICLE \$ _____ S _____ R _____ D	25 CURRENCY, NOTES \$ _____ S _____ R _____ D	26 JEWELRY \$ _____ S _____ R _____ D	27 CLOTHING/FURS \$ _____ S _____ R _____ D	28 FIREARMS \$ _____ S _____ R _____ D	29 OFFICE EQUIPMENT \$ _____ S _____ R _____ D
30 ELECTRONICS \$ _____ S _____ R _____ D	31 HOUSEHOLD \$ _____ S _____ R _____ D	32 CONSUMABLE GOODS \$ _____ S _____ R _____ D	33 LIVESTOCK \$ _____ S _____ R _____ D	34 MISCELLANEOUS \$ _____ S _____ R _____ D	
MOTOR VEH. RECOVERY ONLY		35 MOTOR VEH. STOLEN IN YOUR JURISDICTION? <input type="checkbox"/> Y <input type="checkbox"/> N WHERE?		36 RECOVERED IN YOUR JURISDICTION? <input type="checkbox"/> Y <input type="checkbox"/> N WHERE?	

MULTIPLE CASES CLOSED	37 CASE #	38 SFX	39 CASE #	40 SFX	41 CASE #	42 SFX	43 ADDITIONAL CASES CLOSED NARRATIVE BY DN
44 CASE STATUS <input type="checkbox"/> 1. PENDING <input type="checkbox"/> 2. INACTIVE <input checked="" type="checkbox"/> 3. CLOSED	45 CASE DISPOSITION: <input type="checkbox"/> 1. CLEARED BY ARREST (JUV.) <input checked="" type="checkbox"/> 2. CLEARED BY ARREST (ADULT) <input type="checkbox"/> 3. UNFOUNDED <input type="checkbox"/> 4. EXCEPTIONAL CLEARANCE: <input type="checkbox"/> A. SUSPECT/OFFENDER DEAD <input type="checkbox"/> B. OTHER PROSECUTION <input type="checkbox"/> C. EXTRADITION DENIED <input type="checkbox"/> D. LACK OF PROSECUTION <input type="checkbox"/> E. JUVENILE, NO REFERRAL <input type="checkbox"/> F. DEATH OF VICTIM			46 REPORTING OFFICER SGT. DANNY McGRIFF		ID # 204	
				47 ASSISTING OFFICER		ID #	
				48 SUPERVISOR APPROVAL		ID #	
		49 WATCH CMDR.		ID #			

B  
C

*Head about Jerry*

50 DATE AND TIME OF REPORT			: <input type="checkbox"/> 1 AM			51 CASE #			52 SFX		
M	D	Y	<input type="checkbox"/> 2 PM								
			<input type="checkbox"/> 3 MIL								
53 TYPE REPORT: <input type="checkbox"/> 1. CONTINUATION <input type="checkbox"/> 2. FOLLOW-UP											

ADDITIONAL INCIDENT/OFFENSE NARRATIVE CONTINUED

- 0620 hours - Item #10 - House key on key chain in t.v. room next to brown shoes
  - 0623 hours - Item #11 - Billfold belonging to EDDIE WAYNE McKISSIC on floor in t.v. room
  - 0625 hours - Item #12 - (1) pair of yellow pants from t.v. room in front of heater
  - 0626 hours - Item #13 - White clamshell cap on chair in t.v. room
  - 0630 hours - Item #14 - White shirt on chair in front of t.v.
  - 0634 hours - Item #15 - Broken glass from south bedroom window
  - 0640 hours - Item #16 - Yellow towel in kitchen floor
  - 0646 hours - Item #17 - Blood sample from scales on kitchen floor
  - 1145 hours - Item #18 - Bloody footprint cut from kitchen floor at diningroom doorway
  - 1146 hours - Item #19 - Partial bloody footprint cut from kitchen floor at diningroom doorway
  - 1148 hours - Item #20 - Bloody footprint cut from diningroom floor. (08/05/88)
  - 1530 hours - Item #21 - Blood from top of the refrigerator.
- #11 On 08/04/88, at 0950 hours, I interviewed SANDRA CARPENTAR at 610 Holland Street. CARPENTAR stated that on 08/03/88, at approximately 1500 hours, JERRY HAMMOND came to her house looking for her cousin, EVON HOLMES. HAMMOND was wearing gray dress pants and a gray shirt. He was driving a blue Volkswagen. HAMMOND came back at approximately 1630 hours and stated he was going to work at Domino's Pizza. CARPENTAR and her husband, CHARLES SNELL, did not leave home that night. When she got up on 08/04/88, at approximately 0800 hours, she noticed a blue Volkswagen parked in her backyard. The vehicle had Alabama License #: 38AL-738, registered to JOHNNY BOWICK of 128 Young America Drive, Dothan, AL. The vehicle was towed by Dothan Honda Wrecker Service to the City Garage to be processed. CARPENTAR signed a Consent Search Form for me to search her house. Nothing was found in the house. A small bloody fingerprint was found on the front porch. The blood was lifted from the porch by CHARLIE BROOKS of the Alabama Department of Forensic Sciences/Dothan Office.

NARRATIVE

*There were about 3 Volkswagens in the area*

TYPE OR PRINT IN BLACK INK ONLY

*They tested my Bro Volkswagen for blood + prints none then came car then to son*

CONTINUE ON ADDITIONAL SUPPLEMENT

VIII 32



CARLOS L. RABREN  
DIRECTOR

VANN V. PRUITT, JR.  
ASSISTANT DIRECTOR

# ALABAMA DEPARTMENT OF FORENSIC SCIENCES

MONTGOMERY DIVISION

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MONTGOMERY, ALABAMA 36103  
(205) 261-2938

Allan D. Stilwell, M.D.  
James R. Lauridson, M.D.  
State Medical Examiners

Richard A. Roper, Ph.D.  
Laboratory Director

## SERVICES

- Forensic Drug Chemistry
- Forensic Pathology
- Forensic Serology
- Trace Evidence Examination
- Firearms/Toolmarks Examination
- Documents Examination
- Crime Scene Investigation

November 9, 1988

Re: Case 01A-88-70159  
James McNeal, subject  
Jerry Hammond, suspect

MEMORANDUM: To File

BY : Phyllis T. Rollan, Forensic Laboratory Analyst

SUBJECT : Laboratory Examinations and Analyses

On August 12, 1988, the undersigned received, by United Parcel Service, from Forensic Laboratory Analyst Charles F. Brooks of the Dothan Laboratory, one sealed manila envelope containing certain items of evidence identified as relative to the above styled case. The following is a description of the evidence and the results of laboratory examinations and analyses:

1. One sealed styrofoam box containing one tube of blood identified to be from James McNeal. Serological analyses revealed the blood to be consistent with ABO group A.
2. One sealed manila envelope labeled in part "1B Top Step" containing one piece of white cloth, wrapped in white paper, bearing stains. Analyses of the stains were negative for blood.
3. One sealed manila envelope labeled in part "2B Porch" containing one piece of white cloth, wrapped in white paper, bearing stains. Analyses of the stains were negative for blood.

*It was  
my own  
mule  
not related  
just by  
damage to  
my aunt*

COJ  
DJC 205

4. One sealed manila envelope labeled in part "1A Top Step" containing one piece of white cloth, wrapped in white paper, bearing stains. Analyses of the stains were negative for blood. ~~8~~
5. One sealed manila envelope labeled in part "2A Porch" containing one piece of white cloth, wrapped in white paper, bearing stains. Analyses of the stains were negative for blood. ~~7~~
6. On August 12, 1988, the undersigned received, by U. S. Mail, from Criminalist David J. Thorne of the Enterprise Laboratory, one sealed manila envelope containing one piece of gauze, bearing stains, in a sealed manila envelope labeled in part "Swab of Steering Wheel and Gear Lever". Analyses of the stains were positive for blood. Serological analyses could not be performed on the small amount of blood present.

On September 3, 1988, the undersigned received, by United Parcel Service, from Medical Examiner Investigator Mark Day of the Dothan Laboratory one sealed cardboard box containing the following evidence identified as relative to the above styled case:

7. One sealed manila envelope containing two tubes of blood identified to be from Jerry Hammond. Serological analyses revealed the blood to be consistent with ABO group A.
8. One sealed brown paper bag labeled in part "From Pocket of Jerry Hammond" containing one "Old Timer" brand pocket knife, with three blades, wrapped in white paper. The knife handle measures approximately 3-7/8 inches in length with blades measuring from approximately 2-1/8 inches to 2-7/8 inches long and 1/2 inch at their widest points. Examination and analyses of the knife blades and handle were negative for blood. ~~8~~
9. One sealed manila envelope labeled in part "From Refrigerator" containing one sealed white paper package with blood powder therein. Serological analyses revealed the blood to be consistent with ABO group A.
10. One sealed manila envelope containing one film cannister labeled in part "Kitchen" with two cotton swabs therein

*Innocent Project  
Augusta Davis  
came from the  
check steering  
wheel & the  
nothing to  
tie my  
gro so  
they gave  
Johnny  
Bowling  
the car back  
he was the  
owner*

*CDJ  
DGC 206*

bearing dark colored stains. Serological analyses could not be performed because of the condition of the sample.

11. One sealed manila envelope containing one film cannister labeled in part "North Bedroom" with two cotton swabs therein bearing dark colored stains. Serological analyses could not be performed because of the condition of the sample.
12. *unlike shirt* One sealed manila envelope containing one shortsleeve, pullover, gray colored shirt which is severed at the front neck area. The shirt bears bloodstains on the front and upper back. Serological analyses revealed the blood to be consistent with ABO group A.
13. One sealed manila envelope labeled in part "Scales on Kitchen Floor" containing one cotton swab bearing bloodstains. Serological analyses revealed the blood to be consistent with ABO group A.
14. One sealed white paper package containing one yellow colored towel bearing bloodstains.
15. One sealed brown paper bag labeled in part "Grant St." with numerous papers, including a drivers license and receipts made out to James McNeal. Examination and analyses of the billfold and its contents were negative for blood.
16. One sealed brown paper bag labeled in part "Located 292.7 feet North of E. Main St. on 6th Ave." containing one pair of navy colored pants bearing bloodstains on the inside back, front, and lower back legs.
17. One sealed brown paper bag, and one sealed white envelope attached to the bag, containing one pair of white colored "Reebok" brand tennis shoes bearing bloodstains on the right shoe and one pair of white shoestrings bearing bloodstains.

PTR:bw

Phyllis J. Rollan

CCD  
DC 207

9

**NEWMAN & NEWMAN**

ATTORNEYS AT LAW

219 WEST CRAWFORD STREET

DOTHAN, ALABAMA 36302

**MALCOLM R. NEWMAN**  
**MARLA Y. NEWMAN\***

\*Also Admitted in Texas

MAILING ADDRESS  
POST OFFICE BOX 6137  
DOTHAN, ALABAMA 36302  
(205) 792-2132

April 27, 1990

Mr. Jerry Hammonds  
11039 Dorm 12/B21  
P. O. Box 5107  
Union Spring, AL 36083

RE: New Trial

Dear Jerry:

Even though I am no longer your attorney, in doing some research the other day I came across a case that might be pertinent for your new Trial. It is the case of Ex Parte Smith which is found at 557 So2d 13. It is a decision by the Supreme Court of Alabama that discusses double jeopardy and whether or not a Sentence can be enhanced after remand. I think the case is pertinent because by way of implication it can be argued that the State may not be allowed to bring up the old indictment for Capital Murder after having dismissed the original indictment for Capital Murder. Like I said I don't know if it's directly on point but it may be useful. Anyway, I just thought that you might like to know so that you can pass it on to your new attorney. Good luck to you.

Sincerely,

*Malcolm R. Newman*  
MALCOLM R. NEWMAN

MRN/bj

cc: Betty Wilson

*The got mad with the family for firing this lawyer so they came back & charged him with the murder charge*

①

STATEMENT OF THE CLAIMS

The trial court judge lacked subject-matter jurisdiction and authority on February 20, 1990, to entertain and grant petitioner, petition for Writ of Habeas Corpus that was transferred from the Circuit Court of Montgomery County on January 22, 1990, docketed and filed on February 6, 1990, in the Circuit Court of Houston County, attacking his February 14, 1989, Solicitation to Commit Unlawful Distribution of a Controlled Substance Conviction (18 years sentence). Because the Circuit Court judge of Montgomery County lacked subject-matter jurisdiction and authority on January 22, 1990, to entertain and issue a court order transferring petitioner petition for Writ of Habeas Corpus received and filed on August 4, 1989, in the Circuit Court Clerk Office of Montgomery County, attacking his February 14, 1989, Solicitation to Commit Unlawful Distribution of Controlled Substance Conviction (18 years sentence), out of the Circuit Court of Houston County, where he was convicted at on February 14, 1989, on it because petitioner Drug conviction-sentence was pending on Direct Appeal, in the Alabama Court of Criminal Appeal on August 14, 1989, when his petition for Writ of Habeas Corpus, was filed in the Circuit Court of Montgomery County. Therefore, the Circuit Court judge of Montgomery County, transfer order of January 22, 1990, transferring petitioner, petition for Writ of Habeas Corpus to the Circuit Court of Houston County, is nullity; and, the Circuit Court judge of Houston County order of February 14, 1990, granting petitioner nullity petition for Writ of Habeas Corpus on February 14, 1989, Solicitation to Commit Unlawful Distribution of Controlled Substance conviction (18 years sentence). is also nullity.

The trial court did not have jurisdiction to issue its order of March 31, 1993, Ex Parte James, 836 So.2d, 813, at 847 (Ala. 2002).

A court is without authority to render a judgment in a case, in which it does not have subject-matter jurisdiction. Ex Parte Tubbs, 585 So.2d. 1301 (Ala. 1991).



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The absence of subject-matter jurisdiction renders void any judgment entered in the act. Stamps v. Jefferson County Bd. Of Education., 642 So.2d. 941 (Ala. 1994).

Writ of error coram nobis is not available to one during time judgment sought to be set aside are pending appeal. Alabama Constitution 1901, section 149. Lovell v. State, 344 So.2d. 826 (Ala.Crim.App. 1977).

Proceeding for postconviction relief, did not lie where direct appeal from murder convictions was pending in the appellate court. Hart v. State, 547 So.2d. 1195 (Ala.Crim.App. June 30, 1989, and Gibson v. State, 547 So.2d. 1196 (Ala.Crim.App. June 30, 1989).

The trial court did not jurisdiction to entertain petitioner rule 20 petition filed on May 30,1990, while his direct appeal was pending in the Court of Criminal Appeals. Jackie McLeod v. E.L. Harrelson and Attorney General for the State of Alabama, D.C. Docket No. 91-T-00002-S and Case No. 93-6039, June 17, 1994.

3

2. The trial court judge lacked subject-matter jurisdiction and authority on February 20, 1990, to entertain and grant petition for Writ of Habeas Corpus that was transferred from the Circuit Court of Montgomery County on January 22, 1990, docketed and filed on February 14, 1989, Solicitation to Commit Unlawful Distribution of Controlled Substance Conviction (18 years sentence) because petitioner petition for Writ of Habeas Corpus was void on its face, because petitioner petition was not properly verified under oath by petitioner since it was not signed in the presence of a notary public or notarized by a notary public, as required by Alabama Law. Therefore, the Circuit Court of Houston County, court order of February 20, 1990, granting petitioner nullity petition for Writ of Habeas Corpus on his February 14, 1989 Solicitation to Commit Unlawful Distribution of Controlled Substance conviction (18 year sentence), is nullity.

Habeas Corpus petition which was not verified by oath was properly dismissed, and failure to verify petition for Writ of Habeas Corpus is not a "Nicety of PLeading" that can be dismissed, since, without such a verification, there is no evidence before the Circuit Court, Mead v. State, 449 So.2d. 1279 (Ala. Crim.App. 1984). Trial Court was without jurisdiction to review petition, because it was not signed in the presence of notary public. Kelly v. State, 911 So.2d. 1125 (Ala.Crim.App. 2004).

The trial court did not have jurisdiction to issue it court order of March 31, 1993. Ex Parte James, 836 So.2d. 813, at 847 (Ala.2002). A court is without authority to render a judgment in a case in which it does not have subject-matter jurisdiction. Ex Parte Tubbs, So.2d. 1301 (Ala.1991). The absence of subject-matter jurisdiction, renders void any judgment entered in the act. Stamps v. Jefferson County Bd. Educ. 642 So.2d. 941 (Ala. 1994).

(4)

STATEMENT OF FACTS

1. On or about October 7, 1988, the Grand Jury of Houston County, returned a one count Indictment against petitioner for committing the offense of Capital Murder of James McNeal. (CC-88-790).

2. On November 9, 1988, petitioner, pleaded not guilty at his arraignment in the Circuit Court of Houston County, for committing the offense of Capital Murder.

3. On February 14, 1989, petitioner, pleaded guilty at his trial for committing the offense of Solicitation To Commit Unlawful Distribution Of Controlled Substance, as a lesser included offense of Capital Murder.

4. On February 14, 1989, the Circuit Court judge of Houston County sentenced petitioner to 18 years on his Solicitation To Commit Unlawful Distribution Of Controlled Substance Conviction (CC-88-790).

5. On March 3, 1989, petitioner filed a pro se, Motion To reduce Sentence, on his 18 years prison sentence in the Circuit Court of Houston County, dealing with his Solicitation To Commit Unlawful Distribution Of Controlled Substance conviction.

6. On May 30, 1989, the Circuit Court judge of Houston County, denied petitioner pro se, Motion To Reduce Sentence.

7. On May 30, 1989, the petitioner retained Attorney Malcolm R. Newman, gave Notice Of Appeal, on the trial court judge denying petitioner pro se, Motion to Reduce Sentence.

8. On or about August 4, 1989, while petitioner was incarcerated in the Houston County Jail (Dothan, Alabama), on his 18 year Solicitation To Commit Unlawful Distribution of Controlled Substance conviction. Petitioner fellow inmate Jackie Mcleod, #116274-A, filed a petition for Writ of Habeas Corpus, in the Circuit Court of Montgomery County, on petitioner 18 years Solicitation To Commit Unlawful Distribution of Controlled Substance conviction, without his (petitioner) consent, while petitioner drug conviction-sentence was still pending on Direct Appeals.

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9. On January 22, 1990, the Circuit Court judge of Montgomery County issued a court order transferring petitioner petition for Writ of Habeas Corpus on his February 14, 1989 Solicitation to Commit Unlawful Distribution of Controlled Substance conviction (18 years sentence) to the Circuit Court of Houston County.

10. On February 20, 1990, the Circuit Court of Houston County, issued a court order granting petitioner petition for Writ of Habeas Corpus, attacking his Solicitation to Commit Unlawful Distribution of Controlled Substance conviction (18 years sentence), as a Error Coram Nobis petition and that petitioner be tried on his original Capital Murder charge that was dismissed against him with prejudice on February 14, 1989, when he pleaded guilty to Solicitation to Commit Unlawful Distribution of Controlled Substance, as a lesser included offense of Capital Murder.

11. In November 2002, petitioner was tried, convicted, and sentence to Life Without Parole on his Capital ~~Murder~~ Indictment charge that the trial court judge had reinstated against him on February 20, 1990, when he granted his petition for Writ of habeas Corpus, on his February 14, 1989, Solicitation to Commit Unlawful Distribution of Controlled Substance conviction (18 year sentence).

RELIEF

Wherefore, premisses considered, petitioner prays that this Honorable Court render the following relief.

1. Petitioner request that the Circuit Court judge of Montgomery County, transfer order of January 22, 1990, transferring his petition for Writ of Habeas Corpus, on his February 14, 1989, Solicitation to Commit Unlawful Distribution of Controlled Substance conviction (18 year sentence) be rendered nullity (null and void).

2. Petitioner request that the Circuit Court judge of Houston County, court order of February 20, 1990, granting his petition for Writ of Habeas Corpus, on his February 14, 1989, Solicitation to Commit Unlawful Distribution of Controlled Substance conviction (18 year sentence) be render nullity (null and void).

3. Petitioner request that the trial court jury verdicts on his 2002 Life Without Parole Capital Murder conviction be rendered nullity (null and void) since the Circuit Court judge of Houston County ruling of February 14, 1990, granting his petition for Writ of Habeas Corpus on his February 14, 1989, Solicitation to Commit Unlawful Distribution of Controlled Substance conviction (18 year sentence) was nullity.

3-11-99

ON Aug. 4, 1988, I was charged with causing the death of a family member James McNeal a capital offense.

ON Feb. 14, 1990, I was given a plea bargain, the state would dismiss the capital charge and amend a charge of solicitation to commit cocaine sale charge with a eighteen years prison sentence and a five thousand dollars victim fund fine.

ON or about a year later the eighteen years sentence was overturned due to a habeas Corpus an jail inmate by the name of Jackie McLeod filed alleging the Houston County District Attorney's office, violated my constitutional rights by amending the charge of solicitation that wasn't a lesser included offense of the original charge that I got ~~indicted~~ indicted for which was capital murder.

On or about the same time the inmate forged my signature to the documents and mailed it to the court. My family had hired Mr. Newman to represent me in which he guaranteed results if retained.

On or about a few months later Houston County Circuit Court denied the sentence of reduction motion the hired attorney had filed and granted the habeas corpus petition the inmate forged without my consent.

The eighteen years sentence were vacated and I was reinstated back with the original charge of capital murder and later convicted and sentenced to death by electrocution.

The appeals courts later overturned the conviction due to vital parts of the trial transcripts were missing from the complete records.

I was retried a third time and now again the appeal courts have this third conviction <sup>overturned</sup> stating the trial court erred in allowing issues to be overlooked that were possibly

very prejudice during trial.

Anyway where things stand at the present the state has appealed the criminal court of appeals ruling granting another trial.

What I need at this point more than anything is a good lawyer that will give me the best possible representation.

If you feel you can help me with representation please write to me at the address below.

Thank you.

Jerry Hammond Z-522

Holman Unit 8-4-12

Atmore, Ala.

36503-3700