

**FORM 22. PETITION FOR WRIT OF CERTIORARI  
TO A COURT OF APPEALS**

\_\_\_\_\_  
Appellant  
v.  
\_\_\_\_\_  
Appellee

Circuit Court of \_\_\_\_\_ County

SC No. \_\_\_\_\_  
(To be inserted by Clerk of the Supreme Court)

Petition for Writ of Certiorari

TO THE SUPREME COURT OF ALABAMA:

Comes your Petitioner \_\_\_\_\_ and petitions this Court for a writ of Certiorari to  
[name]  
issue to the Court of (Criminal, Civil) Appeals in the above-styled cause under Rule 39,  
ARAP, and shows the following:

1. Petitioner (was convicted of the charge of \_\_\_\_\_, or secured or  
suffered a judgment) in the Circuit Court of \_\_\_\_\_ County, Alabama,  
on \_\_\_\_\_.  
[date]

The Court of (Criminal, Civil) Appeals (affirmed, reversed) the judgment on  
\_\_\_\_\_. An application for rehearing was filed on \_\_\_\_\_ and  
[date] [date]  
overruled on \_\_\_\_\_.  
[date]

2. A copy of the opinion of the appellate court is attached to this petition which  
shows the Court of (Criminal, Civil) Appeals case to be No. \_\_\_\_\_.

3. Petitioner alleges as grounds for the issuance of the writ the following:

(1) The basis of this petition for the writ is that the appellate court (held valid [or  
invalid] a city ordinance, state or federal statute or treaty) or (incorrectly initially  
construed a controlling provision of the Alabama or Federal Constitution). The issue is  
whether the appellate court erred in holding that \_\_\_\_\_ .  
[here state the claimed error in holding]

(2) The basis of this petition for the writ is that the decision affects a class of  
(constitutional, state or county officers) namely, the office of \_\_\_\_\_ .  
The issue is whether the appellate court erred in holding \_\_\_\_\_ .  
[here state claimed error in holding]

(3) The basis of this petition for the writ is that a material question requiring decision was one of first impression in the appellate courts of Alabama and was incorrectly decided. The issue is whether the appellate court erred in holding that

\_\_\_\_\_  
[here state claimed error in holding]

(4) The basis of this petition for the writ is that the decision is in conflict with a prior decision of the Supreme Court on the same point of law. In its opinion, the appellate court held \_\_\_\_\_ . In the case of \_\_\_\_\_ v.

[copy the alleged conflicting holding]

\_\_\_\_\_, \_\_\_\_\_, the Supreme Court held:

[citation]

\_\_\_\_\_. These statements of the law or the substance of

[copy the holding]

the opinion are in conflict and the appellate court erred in failing to follow the decision of the Supreme Court on the same point of law.

or

The basis of this petition for the writ is that the decision of the appellate court is in conflict with its prior decision(s) on the same point of law. In its present decision the appellate court held: \_\_\_\_\_ . In the case of

[copy the alleged conflicting holding]

\_\_\_\_\_ v. \_\_\_\_\_, \_\_\_\_\_ the appellate court held: \_\_\_\_\_ .

[citation]

[copy the holding]

These statements of the law are in conflict and the issue is which holding should be followed on this principle of law.

(5) The basis of this petition for the writ is that the decision of the appellate court cites controlling Supreme Court cases which were followed in its decision and these cases should be overruled, viz.: \_\_\_\_\_ v. \_\_\_\_\_, \_\_\_\_\_;

[citation]

\_\_\_\_\_ v. \_\_\_\_\_, \_\_\_\_\_; etc. The holding of these cases are

[citation]

\_\_\_\_\_. The issue is whether the Supreme Court ought to overrule these controlling cases because \_\_\_\_\_ .

[state the reasons for overruling these decisions]

Petitioner respectfully requests that after a preliminary examination, the writ of certiorari be granted and that this Court proceed under its rules to review the matters complained of, and to reverse the judgment of the Court of (Criminal, Civil) Appeals, and for such other relief as Petitioner may be entitled.

I certify that I have this day served copies of this petition and the brief on all other parties to the appeal in the court of appeals and the Court of (Criminal, Civil) Appeals.

\_\_\_\_\_  
Attorney for Petitioner

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Address

[Amended effective December 1, 1976.]