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23-CV-2026-900042.00

CIRCUIT COURT OF
COVINGTON COUNTY, ALABAMA
AMY JONES, CLERK**Ken McFeeters, Plaintiff,**

v.

Tommy Tuberville, Defendant**Alabama Republican Party, Defendant**

Ca

GOD'S LAW TEAM, Intervening Trustee for**THE PROTECTION TRUST FOR THE PEOPLE OF ALABAMA****DEMAND FOR AN EMERGENCY EVIDENTIARY HEARING**

Courts to Be Open; Remedies for All Injuries; Impartiality of Justice **That all courts** shall be open; and that every person, for any injury done him, in his lands, goods, person, or reputation, shall have a remedy by due process of law; and right and justice **shall be administered without sale, denial, or delay.** Alabama Const. art. 1, § 13.

Plaintiff, Ken McFeeters, and GOD'S LAW TEAM, Intervening Trustee for THE PROTECTION TRUST FOR THE PEOPLE OF ALABAMA, by and through counsel, Jerry D. Roberson, jointly submit this DEMAND FOR AN EMERGENCY EVIDENTIARY HEARING.

March 24, 2026, Plaintiff stated in the Complaint (sale/tolls/taxes/filing fees), referring to Rule 65 of the Alabama Rules of Civil Procedure:

“Plaintiff herein makes **demand** of this Honorable Court to **immediately** set a trial by jury as required by Amendment VII of the Constitution of the United States of America.” Plaintiff recognizes the demand for immediate implementation of a constitutionally guaranteed right to have a trial jury make the determination of “veracity” of the evidence and testimony of Tommy Tuberville was very unusual. However, the Court's failure to administer the case has caused a challenging barrier to the lawful execution of the Republican Party Primary May 19, 2026.

This Honorable Court has not set a hearing of any kind despite the mandate of Rule 65 (**denial**) which for many years has been routinely administered in most courthouses in Alabama as a “walk through”, often without “notice” to the defendants, due to the impending and/or imminent irreparable potential harm to the Plaintiff, trust beneficiaries or the body politic.

This Honorable Court was clearly notified March 24, 2026 the Republican Party Primary Election would be conducted May 19, 2026 and that the case would require special administrative diligence.

DOCUMENT 165 Temporary Restraining Order hearing the
Failure to, at minimum, immediately set a trial the
week of March 24, 2026 is not negligence. It is maladministration (**delay**). Fortunately,
execution of a plan for resolution is immediately available.

THE COURT SHOULD REQUIRE A THRESHOLD EVIDENTIARY DETERMINATION

This Honorable Court should order a limited threshold evidentiary proceeding narrowly focused upon the constitutional residency requirement.

Plaintiff respectfully demands:

1. Production of sworn affidavits regarding residency;
2. Production of documentary evidence demonstrating domicile and continuous residency;
3. Judicial determination regarding constitutional eligibility.

This approach protects:

- the due process rights of all parties;
- the integrity of Alabama elections;
- judicial economy; and
- the constitutional structure itself.

If Defendant satisfies the constitutional requirements through competent evidence, the matter may then proceed accordingly.

If Defendant, Tommy Tuberville, cannot establish constitutional eligibility, then he is not qualified by operation of law.

THE INTEREST OF THE PEOPLE OF ALABAMA FAVORS RESOLUTION ON THE MERITS

The legitimacy of elections depends upon public confidence that constitutional qualifications are applied equally and lawfully.

The Alabama Constitution is not advisory.

Neither political prominence nor federal office exempts a candidate from compliance with express constitutional requirements.

The People of Alabama possess a compelling interest in knowing whether candidates seeking the State's highest executive office satisfy the qualifications mandated by law.

A limited evidentiary determination serves the public interest.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully demands that this Court:

1. SET a prompt threshold evidentiary hearing (By Zoom Call) regarding Defendant Tommy Tuberville's constitutional eligibility and residency qualifications;
2. ORDER production of sworn affidavits and supporting documentary evidence concerning residency via email to allow pertinent questions to be addressed;
3. PRESERVE the integrity of the electoral process pending judicial determination by "staying" the conduct of the Republican Party Election of Governor process until following confirmation Tommy Tuberville is an eligible candidate; and
4. GRANT such other and further relief as this Court deems just and proper.

Respectfully submitted,

Jerry D. Roberson (ROB010)

306 N. Dickson St.

Tuscumbia, AL 35674

jerry@jdtlaw.org

256-275-2889

CERTIFICATE OF SERVICE

We certify that this filing has been served upon the following Defendants by email and the Alafile system on this the 15th day of May 2026.

Tommy Tuberville
tubervilleforsenate@gmail.com

GOD'S LAW TEAM
unitedhumanitylife@gmail.com
850-544-4774

Alabama Republican Party (ALGOP)
Balch & Bingham LLP
David K. Bowsher
(dbowsher@balch.com)
Thomas R. DeBray
(tdebray@balch.com)