

The Respondent Confessed in 2012 To Tampering with 40 witnesses and had them present Suborn Fraudulent testimony at trial, and to initial Federal habeas brief
adversary, from having a trial” *Id.* “A collateral challenge to a judgment obtained by extrinsic fraud is allowed because such fraud perverts the judicial processes and prevents the court or non-defrauding party from discovering the fraud through the regular adversarial process.” *Peet v. Peet*, 16 Va. App. 323, 326-27, 429 S.E.2d 487, 490 (1993). In contrast, “[t]he judgment of a court, procured by *intrinsic fraud*, i.e., by perjury, forged documents, or other incidents of trial related to issues material to the judgment, is voidable by direct attack [only] before the judgment becomes final.” *Id.*

At best, petitioner's claims raise allegations of intrinsic fraud for which he cannot obtain relief pursuant to Code § 8.01-428. Fundamentally, petitioner's current allegations are the types of contentions routinely addressed on direct appeal or in habeas corpus. Any claims for relief made pursuant to Code § 8.01-428 and in particular § 8.01-428(D) therefore should be rejected.

Every allegation not expressly admitted should be taken as denied.

WHEREFORE, the respondent prays that the petitioner's motion be denied and dismissed. Given that petitioner's allegations fails to establish extrinsic fraud his motion is untimely and should be dismissed pursuant to Rule 1:1.

Respectfully submitted,

COMMONWEALTH OF VIRGINIA
Respondent herein

By: *Kathleen Martin, VSB 23555,*
for Leah Darron

F.2d 378, 381 (4th Cir. 1990)); *United States v. Roane*, 378 F.3d 382, 402 (4th Cir. 2004); *Moore v. Quarterman*, 534 F.3d 454, 462 (5th Cir. 2008).

No. 19-6251

IN THE
SUPREME COURT OF THE UNITED STATES


In Re: Adib Eddie Ramez Makdessi, Pro se - PETITIONER

Rule 44 CERTIFICATE IN GOOD FAITH

COME NOW Petitioner, Pro se, and Certify that the grounds are limited to intervening circumstances of substantial or controlling effect and to other substantial grounds not previously presented, and presented in good faith and not for delay.

"IF new evidence proves that constitutional violations have resulted in the conviction of Petitioner who is actually innocent, 'Such that, A FEDERAL COURT'S REFUSAL TO HEAR THE CLAIMS WOULD BE A MISCARRIAGE OF JUSTICE'" quoting Chief Justice in House at 556 and all JUSTICES in House v. Bell, 547 U.S. 518, at 536-37 & 556 (2006)

Respectfully Submitted

 11-7-2019
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