Docket No. 20-497

IN THE SUPREME COURT OF THE UNITED STATES

JAMAL A. AZEEZ Petitioner	vs	STATE OF WEST VIRGINIA Respondent

ON APETITION FOR WRIT OF CERTIORARI
TO THE WEST VIRGINIA SUPREME COURT OF APPEALS

PETITION FOR REHEARING

AZEEZ BELIEVES THAT EVEN THOUGH THIS COURT IS PREDOMINANTLY CONSERVATIVE, HE STILL HAS A CHANGE TO PROVE HE IS FACTUALLY INNOCENT, ESPECIALLY IF THIS PLEADING *IS REVIEWED* BY JUSTICES CLARENCE THOMAS AND BRETT KAVANAUGH—WHO WERE BOTH FALSELY ACCUSED OF SEXUAL ASSAULT. AN *EN BANC* REVIEW IS NONETHELESS REQUESTED.

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GROUNDS FOR REHEARING

The *Purpose Of* This Pleading Is To Adequately Present New Claims, In Bold Letters, Showing That:

(a) In Addition To Prosecutorial And Police (Criminal) Misconduct, **Judicial Conspiracy** To Convict, And To Keep The Conviction Affirmed, Are Also Responsible For Petitioner's Failure To Prevail In His *Pro Se* Appeals.

(b) Respondent's Dispositive Rulings Repeatedly **Ignored Newly Discovered Evidences** That Indisputably Prove Petitioner's Actual Innocence, And **Disregarded** *Brady, Strickland, and Batson* Decisions Of This Court And Other Appellate Courts.

(c) Application Of The **Change Of Law** Under *Mcquiggin v. Perkins (569 U.S. 383, 2013)* Which **Provides A Gateway** To Overcome Any Procedural Bar Such As AEDPA That Previously Barred Review Of Cases Regarding Proven *'Factual Innocence'*...**Will End Systemic Injustice** The Respondent Inflicted. Throughout The History of This Case

(d) Petitioner States That Since His Facts Were *"Fairly Presented"* As Required In *Haines V. Kerner* Proving That He Was **Wrongfully Arrested, Indicted, Convicted, And Denied Relief**, This Court Must Grant Writ Of Certiorari.

(e) With Such Cumulative And Sufficient Effects, And Knowing That **Eight (8) *Brady* Evidences Deliberately Withheld,** Including A Solid *Alibi* Scientific Report Which Create *'Exceptional Circumstance'*, This Court Should GRANT Certiorari.

ARGUMENTS.

1. Petitioner argues that he was criminally[1] arrested and indicted for a crime he did not commit, and deliberately discriminated during jury selection.

The issue of False Arrest and Wrongful Indictment---and the corresponding gross Prosecutorial and Police Misconduct in this case that deemed "Harmful Error" regarding the *Batson* claim which reached national attention and was published by The Associate Press (See Appendix M)---**were repeatedly ignored by the evasive Respondent and has not been settled**. Petitioner's *pro se* papers were met with prejudicism and systemic injustice by Judge Hutchison who took over the appeals after the death of the trial Judge Thomas Canterbury. Both left an indelible stain of biasness and conspiracy after they learned that Petitioner was 'illegal in the country': as rumored by prosecutor Bruce Lazenby.

2. Azeez argues that Judge Canterbury conspired with the Respondent to earn the conviction.

(a) He refused Azeez's request to allow a former (sane) patient to testify knowing that she denied a previous sex allegation (*"Jamal was fooling around with a patient"*) found on an *anonymous note* left on the Human Resource Manager's desk.

(b) He ignored Azeez's Motion to have the woman undergo Psychiatric Evaluation for competency---fully cognizant that she was "mentally retarded"---*and* allowed Lazenby to introduce her with coached testimony and to invoke jury sympathy. Motion still pending review.

(c) When Lazenby revealed, for the first time at bench conference, the negative CIB report, Judge Canterbury did not ensure that the jury was aware of the result; and at no time in the record the jury was told that the entire rape kit was negative; and more importantly, there's absolutely no record of the alleged *"stipulation of the result"*.

[1] See Appendix 1 (Complaint/Warrant for Arrest)

(d) During *voir dire* examination, when Prosecutor Lazenby struck the only black/colored juror based on alleged arrest history, Judge *Canterbury did not ask for verification to legitimize the strike---knowing* the Clerk would not have had a person with previous arrest record selected for jury duty. Judge Canterbury conduct also supports **racial injustice.**

(e) After reviewing the acid phosphatase results that scientifically determined the woman had sexual intercourse at a time Petitioner was not even around the hospital scene, Judge Canterbury deliberately initiated a conference in his chambers and **suggested** that the acid phosphatase be "***omitted***"---while he admitted the result of "Sperm Cells" that were conducted from the **same** swab as the acid phosphatase. The jury heard and saw Dead Sperm Cells Slides Cytology report, but not the Acid Phosphatase report.

(f) He refused to reverse the conviction when Dr. Slack concluded during Omnibus Evidentiary Hearing that the woman ***did not engaged*** in recent sexual intercourse; and all findings ***"non-remarkable...normal"*** even after several letters from Petitioner's habeas lawyer (Mr. Cleckley[2]) demanding a ruling, until Cleckley, *being impatient, forcefully* authored a *Dismissal Order* without Petitioner's consent----.a huge mistake.

3. Azeez argues that the appellate judge conspired with the Respondent to sustain the conviction.

(a) After discovering many exculpatory evidences via several FOIA requests to the Clerk's Office; some of which were responsible for

[2] Mr. Cleckley strongly believed he would have gotten better result in the WV Supreme Court where he was appointed by Governor Caperton. Unfortunately, he had to step down from the case and gave it to an ill-informed, inexperienced student attorney (Paul Cranston) he was interning. The case was met with more prejudice by Chief Justice Workman who is a staunch advocate for women's rights. She earned the majority by proxy---an Administrative Order requiring the two judges (not Justices) "sitting on temporary assignment must concur with the Chief Justice". In her 3-2 opinion, Justice Workman erroneously wrote, *"Dr. Rasheed testified that sperm cells were found on slides prepared from the vaginal swab; however, the doctor* ***could not*** *testify, based on the tests conducted, when exactly intercourse occurred with the victim".* Workman did NOT know Judge Canterbury "omitted" this part of Dr. Rasheed's deposition from the record.

the reversal of the Failure to Appear conviction, Petitioner filed a "criminal complaint" with several law enforcement agencies. It was intercepted by Hutchison who interpreted it as a 'civil suit" and told Petitioner at the conclusion of a hearing, ***"I am warning you.... Do not come back to this court looking for documents or filing complaints.... only a citizen can file complaints...a prisoner cannot file a criminal complaint..."***

(b) Hutchison punitively and retaliatorily applied the principles of PLRA and ***"revoke 50 % of all good-time credit"*** earned in the instant case although Petitioner had already discharged the 10-year sentence. Luckily, the Commissioner of Corrections concluded that such rulings were erroneous and in violation of PLRA, or else, Petitioner would have had to spend an additional five (5) years behind bars for filing the criminal complaint (regarding his conviction; not on conditions of confinement) against Hutchison's fellow law enforcement officials in his court.

(c) In his ruling on the first and ONLY Petition Motion for Production of Grand Jury Minutes, Hutchison considered it "***"res judicata.....and an attempt to go on a fishing trip..... trying to re-plow fields***" when exposure outweighs any secrecy.

(d) A **Motion to Preserve Slides to Conduct DNA Analyses** was denied. Due to stain and preservatives added to the slides, Petitioner's request employing RFLP method was rejected.

(e) As Petitioner's FOIA requests were considered a "nuisance", Hutchison sent letters to the warden of the prison and indicated that such conduct demonstrates Petitioner's ***"failure to rehabilitate"***. As the Senior Paralegal of the prison, Petitioner **always** used a logo (Scales of Justice ⚖ (as seen on the cover page of this pleading) on his court documents, including the last FOIA request to the Hutchison's court. Suddenly, Petitioner was issued a Disciplinary Violation by prison official for using[3] the logo, fired from his job, sentenced to 30 days solitary confinement, transferred to Regional Jail, and had all of his ACTIVE legal files (3 boxes) sent to his home in New York at his expense, while prison regulations require storage of such files until solitary confinement is completed.

[3] . Petitioner has always used the scales of justice on his pleadings but was never prohibited or punished for doing so until his last FOIA request to the Clerk of (Hutchison's) Court.

(f) During a court hearing, Petitioner begged Hutchison for permission to have the handcuff removed for accessing his court *papers he brought* from the prison. Hutchison, bluntly replied, ***"No. You cannot".*** The prison guard was *'shocked'* the way the Judge treated Petitioner. Azeez DNA request was denied.

(g) After Federal Judge (Robert Maxwell NDWV) reversed the Failure to Appear conviction. Petitioner file a Motion to have the charges *dismissed*. During a hearing *on Petitioner's Civil* Rights law suit for compensation for Unjust Imprisonment, Hutchison told Petitioner, ***"The conviction was not reversed. You just got out of Jail".*** How did Azeez got out? Broke out? Escape??

4. Under *Mcquiggin v. Perkins*, 569 US (2013), the (RBG) Court provides a "*gateway*" for review a case regarding '*actual innocence*' as Petitioner's, to overcome all procedural bars cited by the Respondent. Such change in law is ground for relief

In light of the Court's concern to protect the right to do DNA contained *in U.S v. Sczubelek*, 402 F.3d 175, DNA Technology Act (HR 3214): a federal statute which *gives right* to DNA petition in support of claim of **innocence,** the court stated, *"In sum, we hold that, for purposes of applying the rule announced in Lindh, a case does not become ending until an actual application for habeas corpus relief is filed in federal court. Because Respondent's federal habeas corpus application was not filed until after AEDPA effective date that application is subject to AEDPA amendments. Accordingly, we reverse the (Circuit) judgment".* Conclusively, like the Respondent, federal Judge Haber was erroneous to deny Petitioner's Motion to Conduct DNA by allowing the AEDPA **law** to prevail over **facts proving factual innocence, let alone, a wrongful conviction.** Note: Petitioner's first attempt to do DNA during direct appeal was denied because PCR technology was not available in 1991 on *"cells stained by preservatives"* (by hospital authorities). ***"At some point in the judicial process, even a person convicted of heinous crimes deserves a rigorous and complete***

analysis of his constitutional claims. If no state court provides such analysis, this task falls to the federal courts." (*Bell v. Jarvis* 236 F.3d at 186. 4th Cir. 2000).

5. **Relief should be granted because the state's decisions were 'legally and factually unreasonable" since founded upon grossly inaccurate information.**

Historically, every response to Petitioner's pleadings contains excerpts from the opinion[4] authored by ex-Chief Justice Margaret Workman, who is still on the bench, a well-known strong advocate of women's and children's rights. She was the only **Justice** who voted against Petitioner to earn the 3-2 majority. How? By Administrative Law, she automatically acquired the votes of two county court **Judges** who sat on **'temporary assignments', to gain the majority**. Her rendition of the facts was rather selective, partial, misleading; and contrary to the newly discovered evidences. Good laws come from only good facts; not vice-versa. Petitioner hereby submits pertinent facts that were omitted from her opinion; and based on newly discovered Brady materials, her **opinions are significantly faulty**.

(a) While it is true that Ms. Fox 'heard noise' coming for the victim's (Ms. Corker) room, the record is clear that the 'moaning and groaning' was a result from continuous 'pains' the patient was experiencing after she 'ran away from a man named Ted'...who caused her 'to have pains' and made her 'pregnant'. (Medical records hidden from trial) The room was not 'dark' as one nurse testified. Ms. Fox (Nurse Supervisor) testified that 'there was enough light...you could see in the room.... there were other lights coming in the room'. When Petitioner walked in the dark room, he turned on the over-head lights but Ms. Corker complained the lights 'were painful' to her eyes which was the reason Petitioner turned them back off and depended on side lights and bath room to complete his doctored-scheduled phlebotomy.

[4] Azeez v Mangum, 465 SE 2nd 163 (1995), Newly discovered evidences should make this case obsolete.

(b) It is true that Petitioner was 'trying to get some blood'. That is because it was 'ordered by a doctor to be drawn at that specific time', and there were twelve other patients' blood scheduled to be drawn simultaneously. (Medical records hidden from trial). The reason Ms. Corker's 'gown was pulled up to her waist, and her pajama pants were untied and slid down to her hip line' was because that was the only way to do a 'femoral stick'; that is exposing and puncturing the femoral vein in her groin. Petitioner had performed many such complication-free procedures, even in the Emergency Room as a Medical Intern when the veins on a patient's arm (as Ms. Corker's) were unsuitable or difficult to palpate; and especially when the need for blood is urgent. Undoubtedly, Ms. Corker's mistook Petitioner's fingers in her groin as a 'wingding': a coached word she used. She never told the jury what she meant by wingding. The jury was left to speculate it meant a penis.

(c) Expectedly, the opinion did not mention what Ms. Fox heard when she entered the room with Ms. Phillips who testified incriminatingly and untruthfully that Ms. Corker was yelling, "He stuck his wingding in me.... don't let him hurt me again". In square contrast, the record (T.T page 218) is clear that Ms. Fox stated, *"She (Ms. Corker)* ***didn't say anything ...I did not hear anything she said.... No, I don't recall her making any statement like 'He stuck his wingding in me'".***

(d) Nurse Geisiking testified, "I **thought** I saw what **looked like** sperm on the pubic hair". Although such statement was objectionable, misleading and prejudicial, the record (hidden from trial) established that Ms. Corker had a chronic **'vaginal discharge'**, a foul-smelling infection noticeable when Petitioner entered the room. Even the E.R. physician (Dr. Slack) wrote in his (exculpatory) findings that Ms. Corker had **'dried-up' vaginal discharge—as** ***"normal—non-remarkable"*** which tested **negative for sperm** by the West Virginia State Crime Lab. Petitioner was severely prejudiced since he was unable to obtain that exculpatory report and expert witness (CIB forensic serologist) to discredit Ms. Philips' swab and slides below.

(e) While it is untrue that Ms. Phillips obtained a vaginal swab on 'her own initiative', it is also **illegal and violative** to do so since it should have been done by a personnel **authorized and qualified to perform such forensic task**. Petitioner reiterates here for the record that Ms. Phillips, **before** she collected the swab, **called** Ms. Corker's physician (Dr. Hassan) for permission to do so. The record is clear that Dr. Hassan **refused** her, and specifically directed Ms. Corker *"be taken to the Emergency Room for examination'*. Amazingly, on the Lab Collection slip (Evidence submitted by the prosecution), Ms. Phillips wrote Dr. Hassan's name as the "Ordering Physician" when Dr. Hassan **never** ordered a swab sample. Conclusively, Ms. Phillips deliberately disobeyed Dr. Hassan directives, and deliberately **violated Patients Bill of Right** by obtaining the swab from someone without the awareness of anyone. Hence, Ms. Phillips (who hated Petitioner for untold reasons, one being a **scab** when Petitioner crossed a picketed line during a labor strike and took a job in the lab where three of Mr. Phillips' friends worked and walked off from) **obtained a swab from an unknown source as proven by the acid phosphatase test.**

(f) Justice Workman claimed that Dr. Rasheed (Pathologist) 'conducted analysis' on the swab. This is also faulty fact-finding. The record is clear Dr. Rasheed testified that she when *'walked in the hospital the next morning'* she *was 'given two slides'*...**not the swab**. She only looked (microscopically) at slides and identified sperms cells, as pre-written on a Cytology Report she signed. Later during her deposition, she contradicted herself and said she *'made the slides'*. It was deceitfully and deliberately done to cover up the mishandling of forensic specimen by unqualified hospital staff. She realized that such forensic specimen should have been collected, procedurally stored, and analyzed by her. Chain of custody is a major issue in this case that was not fully developed because hospital authorities refused inspection of policies regarding collection, storage, handling, transportation, analysis, custody, etc of Forensic Specimens. Unequivocally, **Dr. Rasheed did not conduct any**

analysis on the swab. The acid phosphatase test was done by an independent lab, and Lazenby deliberately withheld the analyzer.

(g) Justice Workman also stated, Dr. Rasheed *'could not testify based on the tests conducted exactly when sexual intercourse occurred;'* which constitutes the most egregious error in her findings. The record is conspicuously clear that Dr. Rasheed made a determination based upon the acid phosphatase amount (2270) demonstrating *'sexual intercourse occurred between five or six hours before the swab was collected.'* This evidence (report) and her deposition testimony were "omitted" by Judge Canterbury who conspiratorially suggested to go to his chambers (away from the jury). Judge Canterbury knew that the result exculpated the Petitioner since it was established that Petitioner was **not around the scene** during those times. The record is clear that Petitioner attempted his phlebotomy chore approximately 15 minutes before the swab was collected; again, permissively by an unauthorized nurse, Conclusively, the **acid phosphatase determination, is *Brady* and *alibi* material that exculpates Petitioner.** Additionally, the opinion did not mention that Ms. Corker told an all-white jury, after she looked directly at Petitioner during trial and said, *"I never saw him before...**I don't remember anything that happened to me".***

(h) On the matter surrounding the CIB newly-discovered rape kit negative report, the Respondent claimed that the *'stipulation was read to the jury'*. This is purely false. Petitioner never heard, never consulted, never agreed and never *"entered into stipulation"* as allegedly offered by prosecutor (Lazenby)---whose intention was to **avoid** the effect of a Police Officer (Serologist Fred Zain) from the CIB Lab to come to trial, with the actual report, with the entire Malicious Market Rape kit contents (containing analyzed blood samples, vaginal and rectal **swab and slides**, hair samples, pajamas, etc.) to testify on behalf of the Petitioner. Mere mentioning the 'negative result' by a prosecutor was not considered evidence as instructed by the judge, as it was also weightless compared to actual the CIB Lab **report**, the analyzed rape kit

contents, and **testimony** of an expert forensic scientist. Note here that a 'CIB Representative'; like Dr. Slack and Don Lilly (Evidence Officer)[5] was listed on the Prosecution Witness List; all of whom did not show up, or rather, were not called by the prosecutor or defense counsel. Secondly, conversation regarding the rape kit matter was held at bench conference **requested by the prosecutor** where he told the judge, *"Your Honor, **I believe** the stipulation would be that there were some types of examination made in Charleston and there were negative results'.* (TT page 381). How did he know the results were "negative"? This was the **first time** Petitioner and his Public Defender lawyer were made aware of the 'negative' results. How could it be a stipulation when it was **unheard of**, when **no hearing** was conducted prior to trial, when it was **never agreed upon**, or allowed to be entered? Furthermore, when trial Judge asked, ***"Does the jury understand that the parties have stipulated that this evidence that was sent to the CIB Lab and the result of the test performed was negative?***", neither defense counsel nor the prosecutor answered. Justice Workman was unequivocally wrong to state, *"Petitioner got the benefit of the stipulation"*. And if that is true, why the guilty verdict?

(i) When trial Judge heard that the rape kit was negative (for the first time at bench), he **conspiratorially** and quickly called for the 'next witness' thus preventing further examination of the Arresting Officer (Cedric Robertson) by telling him, *"You may go Cedric"*. Recusing Cedric Robertson was harmful to defense since it was known that Mr. Robertson (perjuriously) swore in his Warrant For Arrest, *"Laboratory testes including a rake kit examination were conducted on the patient and the results were **'positive'** for sexual intercourse"*. (Appendix A). Clarification was needed, but sadly, defense counsel did not remember the content of the Arrest Complaint. Those sworn statements; which squarely contradicted the true and actual results, amounted

[5] The Prosecutor told the trial Judge, "I *never received the (CIB) report*". That was deliberate fraud because nine (10) years after conviction Petitioner acquired a statement through a civil action. Don Lilly, the Evidence Officer declared, *"The results (report dated March 19, 1987) were sent to the prosecuting attorney"*. This irrefutable Brady issue was never considered by the Respondent.

to a viable claim of '**false arrest**' the Respondent repeatedly ignored. It is also relevant to state here that habeas corpus counsel (Kristen L. Keller) who represented the Respondents at W.V. Supreme Court level during oral arguments told the court that the '***victim's underwear was found on the floor***'. Clearly, this also is prosecutorial misconduct of the highest nature because not only Ms. Corker's underwear was never mentioned during the trial, Ms. Corker did **not** have any underwear on, and the record is clear on this matter.

It is extremely important to note also that the Rake Kit was in the Beckley City Police Department Locker Room **unanalyzed** (waiting to be sent to Charleston CIB Lab for testing) when Officer Robertson obtained the Warrant and arrested the Petitioner using criminal perjuries. It now becomes clear that Petitioner's conviction was predicated upon harmful lies throughout the entire case; at the hospital, during arrest, during indictment, during deposition of Dr. Rasheed, during pre-trial discoveries, and especially at trial.

Now that this Supreme Court is supplied with all of the facts, the constitutional claims (*Brady, Strickland, Franks, Bagley, Batson*) this pleading indeed states several claims upon which relief can be granted. Since Petitioner had made a reasonable attempt to do DNA in 1991; even before commencing habeas appeal, but was unsuccessful due to poor advancement in DNA technology; then stringently and indefatigably pursued other legal claims as they became available, Petitioner therefore has demonstrated a substantial showing that the matter can be constitutionally entertained by this Court by invoking several federal provisions that allowed hundreds of inmates to prove their innocence despite the constraints and burden under A.E.D.P.A.

Petitioner does not need to elaborate on his *Strickland* claim the fact that he had only **one** witness, his fiancé, at trial. The same for his *Brady* claim knowing that 4 expert witnesses and 4 exculpatory reports did not make it to trial; one such report (acid phosphatase) provides an iron-clad ***alibi*** defense.

UNANSWERED QUESTIONS[6]

1. **Why were the entire contents of the rape kit that was *expertly* obtained by a qualified doctor, and scientifically analyzed by the police crime lab tested totally *negative*, while the unlawfully obtained swab collected by an unqualified nurse with rejected permission to do so, tested by hospital authorities and yielded *partially positive*?**

2. **Did the Arresting Officer commit perjury when he swore under oath before the Magistrate that the untested *rape* kit results were '*positive*' for sexual intercourse?**

3. **Did the Arresting Officer also willfully commit perjury when he swore under oath that the ER doctor Slack's *examination* report was also '*positive*' *for* sexual intercourse knowing that the actual report he obtained proved totally opposite?**

4. **Did the Arresting Officer committed perjury when he testified before the grand jury that both the rape kit and Dr. Slack's ER examination for rape were both positive for sexual intercourse?**

5. **In addition to Ineffective Assistance of Counsel, does Petitioner present a solid claim of Gross Prosecutorial Misconduct for concealing the rape kit and ER examination reports (both known to be existed) and also, for deliberately failing to call ER Doctor and the rape kit Serologist as seen in his Witness List?**

6. **Was Petitioner deprived of another critical *Brady* and *Alibi* evidence when the Judge omitted the acid phosphatase results?**

[6] If this Court requires the Respondent to file a response or answer any of the following questions, the answer will be YES to all. Undeniably so because there is no logical or alternative explanation to support otherwise.

7. **Did the trial Judge acted unfairly and prejudicially to allow introduction of the sperm cells results, but omit *the acid phosphatase* result knowing *that both* came from the same swab?**

8. **Knowing that Petitioner is colored, was it gross and intentional misconduct when the Prosecutor struck *the only colored* juror from the *panel knowing* the reason for doing so was unsupported and clearly false?**

9. **Do the above questions, and dozens more that could be raised herein, support a case of exceptional circumstance *not* only for review *and oral argument*, but also to grant relief, as aided by the Appendices?**

CONCLUSION AND RELIEF

Azeez believes this Court should be convinced that although his (1987) conviction occurred some nine (9) years prior to the enactment of the 1996 A.E.D.P.A. and SORA. All timely requirements were **satisfied** by continuous filing of numerous post-conviction pleadings----which include two successive habeas[7], DNA request, and many collateral pleadings such as civil actions, mandamuses: one of which the Respondent's pleaded with the State's highest court to have the case remanded after the first scientific exculpatory evidence (CIB Rape Kit report concealed) was revealed by the FBI eight (8) years after conviction---**he is entitled to relief.** Additionally, knowing the Respondent issued a Mandate, as was wrongfully done by the court of conviction, Petitioner will forever be barred from returning to the Respondent's courts for any relief even though **SORA (Megan) laws permit him to do so.**

Systemic injustice will go uncorrected if this Court adopt constitutionally impermissible findings of the Respondent; especially when

[7] By then, the Court was flooded with appeals, and unwillingly, did not reopen the case or revisit its published opinions, in Azeez v. Mangum, 463 SE 2nd Ed. 1995. Unfortunately, all pro se successive petitions were denied.

actual innocence is a claim and factually proven. This court needs to take a hard look at Petitioner's hardships surviving being colored, and more so, the systemic injustice being a Muslim and a foreigner with criminal record exposed to law enforcement thus making it easy to ignore and violate his constitutional civil rights.

This case has equal magnitude as a capital case and should be given equal attention since Petitioner might as well **be dead** knowing he will have to register –with law enforcement--as a 'violent sex offender' for the rest of his natural life wherever he wishes to live, notifying police, schools, jobs (if ever an employer is willing to hire a sex offender), neighbors and community organizations, making it difficult to survive. Many lives were lost **retaliatorily** because people have been, and are being, treated by law enforcement wrongfully and unfairly. Petitioner seeks to end this injustice legally, his last resort. Petitioner filed a Criminal Complaint [8] with the FBI and is still waiting for an answer. **Black and Brown Lives Matter.**

Finally, this Court should uphold the legacy of the late Justice Ruth Bader Ginsburg who shaped modern American life with progressive opinions by saying, *"Real change, enduring change, happens one at a time"*. She proved over and over again that race-and-sex-based discrimination harms not just women, but men and families. Inmate *Perkins, supra,* convinced this Court that he was factually innocent. Like *Perkins,* Azeez should reap the same benefits of this Court's decision, putting politics aside, and allow him to regain the status of a free, decent, accomplished, and respected citizen he once was.

WHEREFORE, the Court should grant this Rehearing Petition.

Respectfully submitted,

----------, (BS, MT, MD, 2Lt US Army, NYPD)

[8] See next page. The actual complaint consists of 31 pages **filed since June 2020**. No response.

To: **The FBI. Charleston, West Virginia**
(As directed by the DOJ)

VERIFIED CRIMINAL COMPLAINT
Rule 4.1(a) Federal Rules of Criminal Procedure
Crime Victims' Rights Act of 1984 and 2004

JAMAL A. AZEEZ,
Complainant
v.

CEDRIC ROBERTSON (Police)
BRUCE K. LAZENBY (Prosecutor)
LARRY FRAIL (Prosecutor)
KRISTEN L. KELLER (Prosecutor)
DAVID COOK (Police)
JOHN HUTCHISON (Judge)
Defendants (Raleigh County Officials)

CLAIMS

18 U.S. Code Chapter 13 - CIVIL RIGHTS
§ 241 - Conspiracy against rights to punish
§ 242 - Deprivation of rights under color of law
§ 243 - Exclusion of jurors on account of race or color
18 U.S. Code Chapter 19 – CONSPIRACY (RICO)
§ 371 - Conspiracy to commit offense
18 U.S. Code Chapter 73 - OBSTRUCTION OF JUSTICE
§ 1503 - Influencing or injuring officer or juror generally
§ 1510 - Obstruction of criminal investigations
§ 1511 - Obstruction of State or local law enforcement
§ 1512 - Tampering with a witness, victim, or records
18 U.S. Code Chapter 79 - PERJURY[9]
§ 1621 - Perjury generally
§ 1622 - Subornation of perjury
§ 1623 – False declarations before grand jury or court

[9] WV authorities know that if they reverse this conviction, they own Petitioner a **life-time compensation as a doctor** who was prevented from practicing medicine since 1987----which is the **POLITICAL** force to ignore their wrongdoings and place it behind a back-burner since it is pursued *pro se*. Michael Flynn lied to the FBI and got convicted. **Why not Cedric Robertson *et al*?** Also, like Petitioner, Isaac Wright Jr., who was wrongfully convicted (and just freed himself pro se after 7 years of unjust incarceration) is running to be the mayor of New York City. **Why not this pro se Petitioner**? A small and poor state like West Virginia will never do that for a pro se litigant.

CERTIFICATE OF COUNSEL

I, Jamal A. Azeez, Petitioner in the foregoing pleading, hereby certify that this petition for rehearing is presented in good faith and not for delay, and that it is restricted to the grounds; one of which support 'exceptional circumstance' being **factually innocent,** as specified in Supreme Court Rule 44.2.

Respectfully submitted,

CERTIFICATE OF SERVICE

I, Jamal A. Azeez, Petitioner in the foregoing pleading, hereby certify that Lindsey S. See (Counsel for Respondent) was served via email on this date: December 12th, 2020, with an exact copy.

Respectfully submitted,

VERIFICATION OF COUNSEL

I, Jamal A. Azeez, Petitioner of the foregoing pleading, verify under penalty of perjury, that the statements and supporting Appendices are true and correct to the best of my knowledge.

Respectfully submitted,
