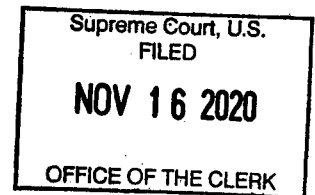


No. **20-6477**

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



Hamid Reza Ardaneh — PETITIONER
(Your Name)

vs.

Massachusetts, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Full Supreme Judicial Court for the Commonwealth of Massachusetts
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Hamid Reza Ardaneh
(Your Name)

20 Administration Road
(Address)

Bridgewater MA 02324
(City, State, Zip Code)

508 279 4500
(Phone Number)

QUESTIONS PRESENTED

- 1) If the petitioner cannot enforce his equality of Rights in lower state Courts Based on Discrimination toward his nationality of being Iranian, then why the Supreme Courts refusing to take Jurisdiction of the case when Clearly the lower state Courts ~~can~~ Can no longer merits statutory and Constitutional mandates Due to intense Discrimination Based on the impermissible Consideration of race Sex, Language, Religion and National Origin?
- 2) Why Bribing, Intimidation of Witnesses and making False Police Reports are not crimes for the Jewish people in the U.S.A.?
- 3) Why is 5 years Commonwealth hiding crimes to protecting guilty Jewish people and deprived of life and liberty for Innocence?
- 4) Why Commonwealth stole my evidences in jail and try anything to destroy my evidences?
- 5) Why Commonwealth 2 years without Criminal Defense Counsel keep me in a mental Hospital?
- 6) What evidence the Commonwealth have for prove of Allegedly Unconstitutional false Criminal and Mental health charges?
- 7) What evidence the Commonwealth have for prove of Likelyhood of serious harm and dangerous to others for deprived of life and liberty for me and forcing me to take false Psych Medications?
- 8) Is that true Judges in the U.S.A. making false Judgment by order from U.S. Jewish Mafia, not Based on evidences, law and the U.S. Constitution?
- 9) Why Commonwealth is 5 years ignoring crimes of the Alleged victim for Bribing to the Defendant 30 minutes before making Allegedly false police Reports?
- 10) Why Commonwealth using dangerous prisoners for attack mentally and physically to me for forcing to do fight or crime?
- 11) Why Commonwealth of Massachusetts violating my Constitutional Rights Amendment 1, 5, 6, 8 and 14?
- 12) Why Commonwealth violating all Article of the United Nations Universal Declaration of Human Rights 1948?

- 13) Why Commonwealth arrested Innocence and Protecting guilty?
- 14) Why Commonwealth is 5 years using fake Defense Counsel not for protecting defendant, for hiding crimes to protecting guilty the Alleged victim and her family because they are Jewish?
- 15) A Justice means to me protecting life and liberty for actual Innocence, arrest guilty, not hiding crimes to protecting guilty, not making false crimes for Innocence, not deprived of life and liberty for Innocence, not forcing to take false Psych medication not attack and not torture!, so what is means A Justice to you?
- 16) If I have no right to recorded my voice for true evaluations, no right to use Witness, no right to true translations, no right to Counsel, no freedom of Speech, no right to use my evidences, no right to complaint from the Alleged victim, so what is my right for Defense, my Constitutional and fundamental Rights?
- 17) Why Massachusetts using G.L.c.123 §8(b) of state laws and violating the U.S. Constitution 14 Amendment Rights to Refuse medication, falsely said I cannot make decision for my treatment and forcing me to take false Psych medications?
- 18) If is not Important Sex, Language, Religion, National Origin, money and support in Courts in the U.S.A. so why is not Justice for actual Innocence Iranian legal Refugee and all Courts Refused to against guilty American Jewish Rich people?
- 19) 305 witnesses, 250 staff of the Hospital signed for supporting of facts and proved I am not dangerous and I am always Respectful to everybody, why Judge without any prove call me dangerous to others and forcing me to take false Psych medications?
- 20) Why is not freedom of Religion for me in the U.S.A.?
- 21) I am a legal Refugee status, the Court call me incompetent for stand trial by excuse not know Court process sent me to the hospital, why Commonwealth making false Mental illness, deprived of life and liberty for Innocence?
- 22) I am 42 years old, 20 years I was married man, I do not have any record, did not any crime, did not fight and did not harm anyone in whole my life, so why I am in a jail?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

✓ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX SUPERIOR COURT

GRAND JURY OF MIDDLESEX

DISTRICT ATTORNEY CEARA MAHONEY

BROCKTON DISTRICT COURT

SUPERINTENDENT OF BRIDGEWATER STATE HOSPITAL

DOCTOR SARA LANIADO

HEATHER STROUD

ERIN REGAN

JAMES DEBLOIS

ABDULLAH ALJOBORI

INTERPRETER ALI TALEBINEJAD

INTERPRETER JASMIN PAKIZEGI

SANAZ SIYONIT

JACOB BABAI

DAVID MERFELD

BONNIE FRIEDMAN

SUPERINTENDENT OF JAIL BILLERICA

CAMBRIDGE DISTRICT COURT

CAMBRIDGE FAMILY COURT

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is

- ☐ reported at _____; or,
☒ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the Supreme Judicial court appears at Appendix C to the petition and is

- ☐ reported at _____; or,
☒ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was 10/23/2020.
A copy of that decision appears at Appendix C.

☒ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Mass. Const. Article 1

Mass. Const. Article 10

Mass. Const. Article 11

Mass. Const. Article 12

Mass. Const. Article 29

U.S. Const. Amendment 1

U.S. Const. Amendment 5

U.S. Const. Amendment 6

U.S. Const. Amendment 14

G.L.c. 211 § 3

28 U.S.C. 1331

28 U.S.C. 1343 (a)

28 U.S.C. 1443 (1)

42 U.S.C. 2000a

42 U.S.C. 1983

42 U.S.C. 1985

STATEMENT OF FACTS FOR THE CASE

1. I Hamid Reza Ardaneh making this Exculpatory Information and statement of facts pursuant to Mass. R. Crim.P.14 (a)(1)(A)(iii), Brady v. Maryland, 373 U.S. 83 (1963), United States v. Agurs, 427 U.S. 97 (1976), United States v. Bagley, 473 U.S. 667 (1985), Kyles v. Whitley, 514 U.S. 419 (1995), Commonwealth v. Ellison, 376 Mass. 1 (1978), and Commonwealth v. Tucceri, 412 Mass. 401 (1992).

2. I Hamid Reza Ardaneh begin duly sworn state:

3. On 06/12/1978 without choice I was born in the Iran.

4. On 1998 Sanaz Siyonit was my Jewish girlfriend in the Iran.

5. On 07/13/2000 I married Sanaz Siyonit she was Jewish and I did not believe for any religion. On this date Sanaz Siyonit by her choice and without any force change from Jewish to Muslim religion, she stated do not like be Jewish anymore and refused to leave Iran and go to the Israel together her parent.

6. On 06/26/2001 was born my son Sanaz Siyonit was Muslim and I did not believe for any religion.

7. 20 years only I was working, my wife Sanaz Siyonit had always joy and never working in the Iran.

8. On 10/01/2015 my wife Sanaz Siyonit and my son and I by using my money and using visa refugee absolutely legal came to the United States.
9. On 06/10/2016 Sanaz Siyonit and her family Jacob Babai, David Merfeld and Bonnie Friedman stole \$ 20,000 my money.
10. On 6/17/2016 a false restraining order was filed allegedly unconstitutional against me by my wife of 20 years the alleged victim Sanaz Siyonit, hearing date was on 6/29/2016 in the Cambridge District Court, police brought me to a Hotel in Cambridge I was not arrested.
11. On 6/19/2016 the alleged victim (my wife) in complete disregard of restraining order begins a series of messages and voicemail communications with the petitioner's sister stated the petitioner not must go to the Court and must leave the country or she will have him deported. (See Exhibits)
12. On 6/19/2016 the alleged victims (my wife) sent the text messages begin a series of bribes. First \$1000 then \$3000 then \$7000 lastly \$15000, also said bought the airline ticket for the petitioner and he must leave the U.S.A. or he will be arrested. "Police are waiting." (See Exhibits)
13. On 6/19/2016 at 3 PM the alleged victims Uncle Jacob Babai and two Jewish Family members David Merfeld, Bonnie Friedman contacted the petitioner and request a meeting.
14. The petitioner Hamid Agrees to meet only if done at the Police Station in Cambridge.
15. On 6/19/2016 at 7 to 8 PM can see in video camera in Cambridge Police Station and half an hour before made the false police reports. Jacob and Bonnie and David met with the petitioners at the lobby Police Station and counted \$7000 in cash and give him the airline ticket stating if the petitioner goes to the Airport he will get this \$7000.
16. Jacob stated if the petitioner didn't go he would be arrested jailed and deported. (See Exhibit)

17. On 6/19/2016 at 7:45 PM the petitioner says no I won't take the money I canceled the Airline Ticket. "I will never leave the United States" and "I will go to court." refused to leave the U.S.A., refused to take the bribe from the alleged victim and her family.

18. On 6/19/2016 at 8:22 PM 30 minutes after the petitioner refused to \$7000 cash bribe and refused to leave the U.S.A., the petitioners wife (Alleged victim) goes to the Belmont Police Station and files false police reports and false charges of rape allegedly against the petitioner. the alleged victim Sanaz Siyonit bought the airline ticket for the petitioner, by using bribe and intimidation want to force him to leave the U.S.A., she making false reports to the police, she said Hamid have the airline ticket wanted to leave the United States and go back to the Iran. Based on this false statement the Belmont police arrested the petitioner the next day.

19. On 6/19/2016 at 10:15 PM the flight to Iran was scheduled to leave the Boston. The petitioner cancelled the airline ticket at 9:30 PM.

20. On 6/19/2016 at 10:45 PM the petitioner sent a text message to Jacob Babai to tell him cancelled the airline ticket prior to the flight and the money from the airline ticket was refunded to Jacob Babai's account from the airline ticket was purchased.

21. On 6/19/2016 at 11 PM Jacob Babai replied to the petitioner the text message said "Ok thank you".

22. On 6/20/2016 also the alleged victim Sanaz Siyonit sent voicemails to petitioner's sister, she said Hamid refused to take the \$ 7000 in cash, refused to leave the United States she will put him in jail and deport him. The exculpatory voicemail evidence is proof of innocence for Hamid and is proof of bribing, intimidating of witnesses and making the false police reports by alleged victim Sanaz Siyonit and her family Jacob Babai, David Merfeld and Bonnie Friedman.

23. On 6/20/2016 one day after the petitioner refused to leave the United States, refused to take the bribe from the alleged victim, by plot from the U.S. Jewish family and the U.S. Government, the police without

any crime based on the false police reports arrested the petitioner because was close to time for taking the Green Card for the petitioner.

24. On 6/22/2016 the Petitioner was arraigned on the current charges of raping his wife of 20 years. The judge in the Cambridge District Court, allegedly unconstitutional and only by using the false police reports against the petitioner, Judgment for \$ 100,000 cash bail and send him Jail Billerica, DOC in the Jail Billerica for 14 months using hard mental and physical torture for the petitioner and by using any plot, trick and torture forcing him to Muslim Religion.

25. The petitioner explained to defense counsel McGown those 30 minutes prior to the Police report, Petitioner was at the Cambridge Police Station and his wife's (alleged victim) family was counting cash under review of the camera to bribe him with the Airline ticket and \$7000 in cash to leave the U.S.A.

26. CPCS McGowan stated to the petitioner that the defendant must wait and we will get the video. Yet 3-4 months later CPCS McGowan never motioned to preserve evidence.

27. The petitioner also explains to CPCS McGowan he possesses multiple messages from the alleged victim (who is his wife) clearly showing intimidation and threats of deportation if the petitioner does not accept the bribe of \$15,000. (Also a voicemail from the alleged victim can explain).

28. The petitioner explains to CPCS Attorney the Airline ticket and the counting of cash at the Police Station was explained to Police officers yet they withheld this exculpatory material.

29. On 8/18/2016 the District Attorney Ceara Mahoney by using only the alleged victim Sanaz Siyonit making false statement to the Grand Jury, allegedly unconstitutional against which resulted in 8 false charges for the petitioner, there was no proof only a false verbal statement from the alleged victim Sanaz Siyonit (my wife of 20 years) without any evidence, no mark, no picture, no medical paper, no witness, the alleged victim after lie happened not call Police, not go to Hospital, she said in Grand Jury minute go to work for her job. The first attorney Caroline McGowan gave the petitioner 26 pages allegedly

unconstitutional the Grand Jury minute and told him the District Attorney Ceara Mahoney only is able to use the alleged victim Sanaz Siyonit as witness and only is able to use the false Grand Jury minute as evidence, cannot use anything more in the case, no evidence and no witness for proof of 8 false charges for against not guilty the petitioner.

30. In open court the petitioner after 11 months of ineffective counsel, asks Judge to discharge counsel. The Petitioner explained to Judge the CPCS McGowan is not pursuing exculpatory evidence.

31. Judge asks CPCS McGowan the video, voicemail, text messages and the Airline ticket are evidence?

32. CPCS McGowan stated it was not evidence in a willful misrepresentation and disregard of the truth.

33. Second CPCS counsel did nothing to pursue exculpatory evidence and refused to use the statement.

34. Third Attorney would not even look at the Petitioners' text messages, voicemail and video now placed in his possession, refused to use exculpatory evidence and did nothing for defend the petitioner. In one year 3 defense counsels did not file anything in the case, no motion, no evidence and no statement, nothing for defend the petitioner.

35. On 5/4/17 the Petitioner showed in open court a letter and pictures of his wife (the alleged victim) mailed and send for the petitioner in Jail in violation of restraining order but the defense Attorney grabbed his hand and stated "You cannot use this evidence in court."

36. on 5/6/2017 DOC in the jail Billerica stole all evidence from the petitioner and falsely said destroyed, the petitioner for protest to the government for stole and destroy his evidence and using hard torture for him in the Jail, for 22 days did not eat any food, he lose 35 pounds weight and was close to die but the government does not care about his life, ignored his protest, never give back his evidences and continued hard torture for him in the Jail Billerica.

37. The United States and Commonwealth of Massachusetts using power of Government for destroy all evidence, falsely said destroyed pictures and video evidence because want to protect the alleged victim Sanaz Siyonit and her family Jacob Babai, David Merfeld and Bonnie Friedman because they are Jewish.

38. Shortly after the petitioner in open court explained to judge his evidence was stole at the jail and his attorney would not assist. Judge assigned to new counsel.

39. Fourth CPCS Attorney Daniel Flaherty stated to the petitioner the messages to include voicemail. Messages bribes, counting cash at Police Station (30 minutes before Police report), is not exculpatory material favorable to the accused.

40. On 8/2/2017 the Petitioner in open court fired counsel and interpreter and presented 5 motions:

- a) Motion to dismiss interpreter Talebinejad and CPCS Daniel Flaherty with request to represent himself.
- b) Motion to produce video evidence at Cambridge Police Station.
- c) Motion to dismiss charges.
- d) Motion to a speedy trial.
- e) Motion to complaint from the alleged victim Sanaz Siyonit and her family Jacob Babai, David Merfeld and Bonnie Friedman.

41. Trial Judge asked the petitioner why he wanted to dismiss CPCS Flaherty.

42. The petitioner responded he does not want to use my evidence; he made false statements and refuses to confrontation against the alleged victim and her family.

43. The Judge stated "Do you have money to hire an attorney." This is the 4th attorney if you fire him you have to pay money for an attorney.

44. The petitioner stated he does not have money and does not want any more attorneys because no attorney wants to use my evidence. I want to represent myself, use my evidence and prove my innocence.

45. The Judge stated “ no you cannot represent yourself. ” You must go to Bridgewater State Hospital for 20 day evaluation, refused to dismiss fake defense counsel and interpreter, and ignored voice from the petitioner (no freedom of speech) and all pro-se motions, refused to file the exculpatory evidences.

46. A 15(a) took place at the court in which the petitioner should court evaluator his evidence.

47. The court initiated process under 15(b); despite all petitioners evidence in hand, under pretext to silence the accused in Bridgewater State Hospital. Judicial Power abused to be oppressive.

48. On 8/22/2017 the petitioner again in open court attempted to present his exculpatory evidence to the Judge in which his attorney CPCS Daniel Flaherty refused to use.

49. On 8/29/2017 Dr. Jessica Surrent of Correct Care Solutions falsely stated under oath Hamid has an order for medication and refused to take it. (Was not any order for medication).

50. Medical records clearly reflect the order never existed for medications for 9 months (SEE EXHIBIT).

51. Dr. did swear falsely in open court and falsely testified that Hamid was paranoid and did not know court process.

52. Recent staff at Bridgewater Dr. Robert Portney, who is also staff of MGH and McLean Hospitals and faculty of Harvard Medical School, reported “I have seen no evidence for any Psych Pathology but I remain concerned that he is not given adequate representation due to the language barrier and his natural distrust of a foreign land. However he has always been pleasant and cooperative with me.” “I can order no psych medication at this time as I have no idea what I would be treating.” (SEE EXHIBIT)

53. The petitioner is erroneously deprived his liberty under G.L.c. 123 section 15(b) without his constitutional guarantee to “fair procedure.”

54. The petitioner is a student of law, files in the Middlesex Superior Court of the motion to discharge counsel and appointment of new counsel, declaration in support of Motion and certificate of service to:

- (1) District attorney Ceara Mahoney
 - (2) Clerk of Middlesex Superior Criminal Court
 - (3) Trial Judge of Docket#1681CR00418
 - (4) Chief Justice trial Court Paula Carey
- Service was made on 2/6/2018. (SEE EXHIBIT)

55. The petitioner was never given “fair hearing” on the motion under Article 12 and the Sixth and Fourteenth Amendments, again ignored motion and refused to discharge counsel and interpreter.

56. On 1/5/2018 and 3/9/2018 the petitioner filed a complaint with Board Bar of overseers on CPCS Flaherty. (But remember Hamid does not understand Court Process)

57. Flaherty has not communicated with the petitioner for 20 months.

58. The present lawyer Daniel Flaherty failed to pursue exculpatory evidence in possession of defendants’ brother, to include exculpatory voicemail and messages but refused to file in the case.

59. Counsel Flaherty stated in open court the alleged victim wanted to help defendant by offering \$7,000 and bought the airline ticket for him.

60. This outrageously non loyal assistance of counsel is “shocking” to the principle of the Sixth amendment Jurisprudence to not use exculpatory evidence of the bribe and intimidation instead labeling as “help.”

61. The petitioner filed motion to discharge counsel and fired Daniel Flaherty in open Court on 08/02/2017 but the Middlesex superior Court Allowed motion to discharge counsel on 04/04/2019 and after 2 years without Criminal Defense Counsel keeping the petitioner in a mental Hospital appointed a new defense counsel for the petitioner.

62. Debra Dewitt is fifth fake defense counsel Hamid filed a motion to discharge counsel and fired her.

63. The petitioner fired 10 fake defense counsels, 5 Criminal and 5 Mental Health defense counsel.

64. On 3/15/2018 the Cambridge Family Court without Rights to Defense Counsel, without rights for spilt money, does not call petitioner for the Court, without rights for defense self, without any Rights Judgment divorce for Sanaz Siyonit and by injustice take my wife from me.

65. On 6/30/2018 the Cambridge District Court for the false restraining order allegedly unconstitutional against me of false charge without evidence, without rights to discovery, without rights to defense counsel, without rights to true translation, without rights to defense self, ignored my exculpatory evidence for proof of my innocence and proof of violating the restraining order with bribing and intimidating of witnesses by the alleged victim and her family, without any Rights for alone Iranian Refugee by absolutely injustice, prejudice and discrimination Judgment permanent order and take my son from me forever. That is prove my claims are true for against the U.S. Government about taking my family wants make fake crime and to deport me because I am not Jewish but my Iranian wife and my son are Jewish.

66. On 05/09/2018 the Brockton District Court without any fundamental and Constitutional Rights, without Defense making false Judgment, incompetent for stand trial, one year commitment in the BSH and Rodgers order forcing to take false Psych medications by Reason Likelihood of serious harm without prove.

67. On 05/09/2019 Expire the Court order and the petitioner refused to take false Psych medications.

68. After 7 months Refused medications from 10/02/2019 to 12/02/2019, 275 witnesses, 220 American Employee, 83 American Men and 137 American Women of Staff of the Bridgewater State Hospital signed for Supporting of facts and proved I Hamid Reza Ardaneh am not dangerous, I did not anything Wrong and always I am Respectful to Everybody.

69. On 12/11/2019 the Court ignored 275 witnesses and Exculpatory Material Evidences, without any fundamental and Constitutional Rights, again without defense myself, using allegedly false evaluation

and testify, without prove call me dangerous to others, making false judgment for one more year commitment to BSH, incompetent for stand trial and again false Rodgers order forcing me to take dangerous false Psych Medications.

70. The Commonwealth cannot make a final Jury Trial for the Allegedly Unconstitutional false Criminal charges that why by Abusive Process, without fundamental and Constitutional Rights making Allegedly Unconstitutional false mental health case, on 05/09/2018 and 12/11/2019 making false Judgment without any prove call me dangerous to others, incompetent for stand trial, deprived of life and liberty for Actual Innocence and forcing me to take dangerous false Psych Medications.

71. In the Commonwealth of Massachusetts a defendant if found competent to stand trial if he has sufficient present ability to consult with his lawyer with a reasonable understanding, and if he has the rationale as well as the factual understanding of the proceedings against him. See Commonwealth v. Ernest L.Vailes, 360 Mass. 522 (1971).

72. Involuntarily committed patients have substantive Constitutional rights to Refuse Medications. The state cannot ignore due process and simply seize a person and Administer drugs to him without his consent. Procedural due process requires the state to prove that the institutionalization of a patient is Required by Reason of his being danger to himself or others or property if he is not so confined. See John E. Rennie v. Ann Klein, 653 F. 2d 836, 1981 U.S. App. Lexis 11589.

73. My Exculpatory Material Evidences proving I am actual innocence, I am not dangerous, I am not mentally ill, the alleged victim and her family are guilty. Also my legal work and my PRO-SE Supreme Court Case proving I am competent for Stand Trial, see Hamid R. Ardaneh v. Massachusetts, et al., 139 S. Ct. 2662, 204 L. Ed. 2d 301, 2019 U.S. Lexis 3600, and I have Rights to Represent myself too, see Faretta v. California 422 U.S. 806 (1975).

74. Commonwealth of Massachusetts using the allegedly unconstitutional false Criminal and Mental Health Cases and is 4 years deprived of life and liberty for actual innocence the petitioner, using

punishment, torture and attack mentally and physically because hiding crimes of Bribing, Intimidating of Witnesses and making false police reports to protecting guilty the alleged victim Sanaz Siyonit and her Jewish family Jacob Babai, David Merfeld, and Bonnie Friedman. Also making false crimes to deport the petitioner because the U.S. Jewish Family making Jewish husband for his wife and taking his son from him.

75. Clearly video evidence of the alleged victims' family counting \$ 7,000 cash inside the police station and bribing the defendant 30 minutes before the Police reports is material in which goes to credibility of the accuser as well as culpability. As culpability and state of mind and other material evidence in the form of voicemail left by the alleged victim stating "Hamid refused to take the \$ 7,000 cash, refused to leave the United States now I will put him in jail and deport him." Also other material evidence in the form of text messages from the alleged victim bribing the defendant first by \$ 1000, then \$ 3000, then \$ 7000 and lastly \$ 15000 and stating bought the airline ticket for the defendant, he must leave the United States or I will put him in Jail and deport him. Also the defendant has copy of the airline ticket for prove of Intimidating of witnesses and Bribing by the alleged victim and her family. All material evidences are prove of crimes by the alleged victim and her Jewish family after the restraining order and before the police report bribing and intimidating for defendant and are prove of the police reports and all charges for the petitioner are false and making by the alleged victim after the defendant refused to take the bribe. Such exculpable material not only supported Hamids' case it showed actual innocence. Also other material evidence in the form of 275 witnesses, 220 American Employee, 83 American Men and 137 American Women of Staff of the Bridgewater State Hospital signed for supporting of facts and proved I Hamid Reza Ardaneh am not dangerous, I did not anything wrong and Always I am Respectful to everybody. That not only proved Hamid have no Mental illness, not need any treatment, not need to use False Medication, also proved Hamid is not dangerous, not Criminal and he is Respectful to Americans Women too.

76. The Supreme Court has recognized that the Sixth Amendment right to a counsel exists, and is needed, in order to protect the fundamental right to a fair trial. The Constitution guarantees a fair trial through the Due Process Clauses, but it defines the basic elements of fair trial largely through the several provisions of the Sixth Amendment; including the Counsel Clause. *Strickland v. Washington*, 466 U.S. 668 at 685. “Thus, a fair trial is one in which evidence subject to adversarial testing is presented to an impartial tribunal for resolution of issues defined in advance of the proceeding. The right to counsel plays a crucial role in the adversarial system embodied in the Sixth Amendment, since access to counsel’s skill and knowledge is necessary to accord defendants the ‘ample opportunity to meet the case of the prosecution.’” Here this prima-facie pleading alleges a substantial and serious deficiency measurably below that of a competent causing this Plaintiff a severe prejudice as a matter of law, the trial record affirmatively demonstrates beyond any doubt that if counsel had done each of the things the Plaintiff asked him to do the outcome of process would be different. The Plaintiff brought to the attention of multiple counsels, as well as judges that exculpatory evidence to include video of the victims’ family counting cash of \$ 7,000 bribe in the lobby of the Cambridge Police Station 30 minutes before the victim (his wife) filed the Police report. The gross and unacceptable failure of counsel’s to pursue this legal matter and trusted to counsel has resulted in an outrageous prejudice and has impaired the Anglo-American adversarial system to produce a just result. The Sixth Amendment recognizes the right to the assistance of counsel because it envisions counsel’s playing a role that is critical to the ability of the adversarial system to produce just results. An accused is entitled to be assisted by an attorney, whether retained or appointed, who plays the role necessary to ensure that the trial is fair.

77. For that reason, the Court has recognized that “the right to counsel is the right to the effective assistance of counsel.” If the Court for more than ⁴ years only keeping name of counsels in the case without any result that is not rights to counsel for Hamid. Here counsel’s performance was so deficient and their errors were so serious that counsel was not functioning as the “counsel” guaranteed the defendant by Sixth Amendment. Counsels’ errors in the case at bar are so serious has to deprive the

defendant a video evidence in which would have cast serious doubt on credibility of the victim. The error has deprived the defendant of a fair trial and it is clear that counsel has failed in their duty to bring bear such skill knowledge as well as loyalty as to render the trial a reliable adversarial testing process as guaranteed by the Sixth Amendment. Here without doubt to the lost video evidence would have supported the Plaintiffs' case see Commonwealth v. Williams, 455 Mass. 706, 718, 919 N.E. 2d 685 (2010). This court then must "way the materiality of the evidence and the potential prejudice to the defendant as well as the culpability of his CPCS attorneys who failed to pursue the legal matter and entrusted to counsels.

78. Plaintiff claims the defendant have violated his rights under Article 11 of the Massachusetts Declaration of Rights. Art. 11 of our Declaration of Rights guarantees to every citizen the right to "obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws," and without having to file a lawsuit. Here the Plaintiff brought to the attention of several judges that his lawyers were not pursuing a litany of exculpatory evidence to include video of victims' family counting cash of \$ 7,000 in the lobby of the Cambridge Police station 30 minutes before the victim filed a Police Report. as well as messages of intimidation and bribes directly in Plaintiff's hands in open court. Yet judges failed to take any inquiry into the fairness of these proceedings or effectiveness of counsels' representation. That has reduced these proceedings to a sham. this plaintiff under Art. 11 should not have to purchase his guaranteed trial rights by filing this Prima-Facie case of retaliation. Article 11 already provides these rights under the State Constitution. To have to use the First Amendment petition clause to enforce these rights is "grave unfairness" and has brought the judiciary into disrepute.

79. Plaintiff claims his rights under Article 29 are being impinged based upon extra-judicial source of their natural district of the Plaintiffs' national origin of being Iranian as well as a language barrier this impermissible consideration is having a discriminatory affect up the Plaintiffs' Rights under Article 29 of Massachusetts Declaration of Rights. The Judges' outward expression of partiality and willful disregard of Law during deliberative process in motions to discharge counsel out of severe personal animosity but –

for cause discrimination toward national origin has affected reasonable judgment and has manifest of bias and prejudice. Such bias and prejudice in the plaintiffs' proceedings have impaired the fairness of the proceeding and have now brought the judiciary into disrepute. See S.J.C. Rule 3:09, Canon 3(b)(5), as appearing in 440 Mass. At 1312, Commentary to B 3B(5). There is no question this prima-facie pleading poses a serious dispute concerning the administration of justice now requiring injunctive relief in the case at bar there has been partial interpretation of the laws as well as a willful disregard for Plaintiffs' guaranteed Sixth and Fourteenth Amendment trial rights effective assistance of counsel and compulsory process. Commonwealth v. Rogers clearly the S.J.C. made clear motions to discharge counsel requires action yet the lower courts have completely ignored the Plaintiffs' substantive assertions that CPCS attorneys' are totally denying assistance this prima-facie pleading has alleged sufficient facts, except it as true to state a claim of relief under Article 29 of the Massachusetts Declaration of Rights. Require an injunctive relief.

80. On 8-2-2017 the Petitioner after several months of studying law presented to the court 5 motions. Motion for speedy trial (2) Motion to discharge interpreter and counsel and for self-representation (3) Motion to produce video evidence at the Cambridge Police Station (4) Motion to dismiss charges and (5) Motion to Complaint from the alleged victim Sanaz Siyonit and her family Jacob Babai, David Merfeld and Bonnie Friedman. The judges' in addressing only discharge of counsel basically told Hamid if he didn't have the money to pay for another counsel he would have to represent himself. Hamid gladly stated to the judge "I don't want any more of your attorneys'." "I want to represent myself and use my own evidence and prove my innocence." To this 15(a) process was initiated for an ulterior or illegitimate purpose, resulting in damage. Millennium Equity Holdings, LLC v. Mahlowitz, 456 Mass. 627, 636, 925 N.E. 2d 513(2010). Here a 15(a) process laws initiated by the trial judge and his own non-loyal CPCS counsel, to accomplish the oppressive silencing of a reasonable intelligent accused seeking and demanding pursuit of silencing Hamid in pursuit of Police Station video was to hide the prosecutors breach of duty in automatic discovery. Mass. R. Crim. P. 14(a)(1)(A)(iii), as amended, 444 Mass. 1501

(2005), and which would have cast the prosecutor into the role of an Architect of proceeding that does not comport with standards of justice....” Brady, 373 U.S. at 87. Hamid was sent to Bridgewater State Hospital on now a 15(b). Upon completion of 15(b) Correct Care Recovery Solutions Jessica Surretts falsely testified under oath Hamid was not taking his medication he was paranoid and cannot work with attorneys’ yet there was never an order of medication. Hamid was committed for 6 months as being incompetent to stand trial resulting in damage, in the form of judicial oppression, to silence the accused and prevent him from pursuit of liberty.

81. The potential prejudice to Hamid caused by ineffective assistance of counsel is off the charts. They falsely said that the lost video evidence cannot be replaced. Counsels’ failure to hold the prosecutor accountable to Brady order is a substantial departure from acceptable standards and prevailing norms of practice as reflected in American Bar Association standards, e.g. ABA standards for criminal justice 4-1.1 to 4-8.6 (2d ed. 1980). Recently the S.J.C. ruled on May 8, 2018 CPCS & other v. Attorney General, S.J.C.-12471 “Rule 14 broadly defines exculpatory evidence as any facts of an exculpatory nature.” The S.J.C. further ruled that Mass.R.Crim.P. should include Brady checklist. Consistent with this opinion CPCS attorney failed to pursue exculpatory material showing “actual innocence” causing a severe prejudice. The trial Judges’ refusal to allow Hamid a voice to be heard in his own criminal prosecution as well as outward expressions of partiality and willful disregard of Law has brought the judiciary into disrepute and has impaired the fairness of Hamids’ proceedings.

82. Closing pursuant to its general superintendence powers under G.L.c. 211 section 3, the single justice of the Supreme Judicial Court has the authority to take any action necessary in the furtherance of justice, the regular execution of the laws, and the improvement of the administration of justice for Hamid in Middlesex Superior Court. Commonwealth v O'Brien, 432 Mass. 578, 583-84(2000).

Memorandum of law for the case

Requested to Dismiss Alleged Grand Jury indictment numbers 1681CR00418 pursuant to Mass. R. Crim. P13 and Commonwealth v. MacCarthy, 385 Mass 160(1982) and Commonwealth v. O'Dell, 392 Mass 445 (1984) and United States v. Williams, 504 U.S. 36 (1992) So the trial Judge must Allowed Motion to Dismiss pursuant to Barry v. Commonwealth, 390 Mass 285 (1983) and Commonwealth v. Lasher, 428 Mass 202 (1998) and Commonwealth v. Grant, 418 Mass 76 (1994) and Commonwealth v. DelVerde, 398 Mass 288 (1986).

In Commonwealth v. O'Dell, 392 Mass 445 (1984) the Supreme Judicial Court affirmed the Dismissal of an indictment concluding that the integrity of the Grand Jury proceeding was impaired by an unfair and misleading presentation to the Grand Jury. The Court found that the withholding of a portion of the Defendant's statement distorted the portion that was repeated to the Grand Jury in a way "that so seriously tainted the presentation to that body that the indictment should not have been allowed to stand." Id. at 477. The Court was satisfied that the integrity of the Grand Jury proceeding was impaired and that the indictment must be Dismissed.

The Grand Jury has the dual function of determining whether there is probable cause to believe a crime has been committed and of protecting citizens against unfounded criminal prosecutions. Lataille v. District Court of E. Hampden, 366 Mass. 525, 531 (1974). So when a fair presentation does not occur, both functions of the Grand Jury are usurped.

The necessary breadth of the investigative power of a Grand Jury has long been recognized. United states v. Calandra, 414 U.S. 338 342-346 (1974). A Grand Jury function "is not fully carried out until every available clue has been run down and all witnesses Examined in every proper way to find if a crime has been committed." Commonwealth v. Saya, 14 Mass. App. Ct. 509 (1982). And it is only after the Grand Jury has examined the evidence that a determination of whether the proceeding will result in an indictment can be made. Id. at 515.

Because the ancient and public function and role of the Grand Jury is as an investigative body, Matter of Pappas, 358 Mass. 604 (1971), when the prosecution stifles this role such that the cumulative effect is to usurp on of the Grand Jury functions, then there can be no doubt that the integrity of the Grad Jury has been impaired and indictment must be Dismissed.

because the Commonwealth's actions were willful in that the Commonwealth proactively disrupted and stopped the investigation and instructed the witness not to answer, the Commonwealth should also be precluded from seeking to reindict. See Commonwealth v. Salman, 387 Mass. 160 (1982), and Commonwealth v. Manning, 373 Mass.438 (1977).

Role of the Grand Jury-Generally

The issuance of a lawful indictment is a condition precedent to a defendant being compelled to answer for, and endure expense, public obloquy and anxiety which a trial upon an indictment necessitates. In this Commonwealth, the Grand Jury performs the important task of determining whether there is probable cause to indict the accused. This process serves as a shield against unfounded criminal prosecutions. Commonwealth v. McCleod, 394 Mass. 727, 733 (1985). Also in Commonwealth v. McCarthy, 385 Mass. 160, 163 n. 6 (1982), the Supreme Judicial Court reiterated the importance of these traditional functions in maintaining the integrity of Grand Jury proceedings:

"The Right of an individual citizen to be secure from an open and public accusation of crime and from trouble, expense and anxiety of public trial before probable cause is established by the presentment and indictment of a Grand Jury in case of high offenses, is justly regarded as one of the Securities to the innocent against hasty, malicious and oppressive public prosecutions....."

This time honored passage by Chief Justice Shaw, Jones v. Robbins, 8 Gray (74 Mass.) 329, 344 (1857) demonstrates the protections of the Rights of the accused which stem primarily from the due process guarantees of the Fourteenth Amendment to the U.S. Constitution and Article XII of Massachusetts Declaration of Rights.

It is the Constitutional prerogative of the Grand Jury to act as an informing and accusing body. Commonwealth v. Geagan, 339 Mass. 487, 497 (1959), Cert. den. 361 U.S.895 (1959). The Grand Jury has the dual function of determining whether there is probable cause to believe a crime has been committed and of protecting Citizens against unfounded criminal prosecution. Lataille v. District Court of E. Hampden, 366 Mass. 525, 531 (1974).

In recognition of this crucial role, it has been established that "at the very least" the Grand Jury must hear sufficient evidence to establish both the identity of the accused and probable cause to believe the accused committed the charged offense.

Commonwealth v. McCarthy, 385 Mass. at 163. A Grand Jury finding of probable cause is necessary if indictments are to fulfill their traditional function as an effective protection " against unfounded criminal prosecutions." Lataille v. District Court of E. Hampden, 366 Mass. 525, 531 (1974). furthermore, the standard of probable cause requires a greater quantum of legally competent evidence than probable cause to arrest. Myers v. Commonwealth, 363 Mass. 843, 849 (1973).

The Grand Jury can only properly exercise its dual function, establishing probable cause, while protecting Citizens from false accusations of crimes, through evidentiary procedures consistent with the Constitutional Guarantees of Article XII. Thus, an indictment must be Dismissed if not supported by probable cause. Commonwealth v. McCarthy, 385 Mass. 160 (1982).

Here, the District Attorney failed to present video evidence of the Alleged victim's family counting \$ 7000 cash inside the Cambridge police station, Intimidating and Bribing the Defendant, 30 minutes before making false police reports the Defendant refused to take the Bribe from the Alleged Victim is Material in which goes to credibility of the accuser as well as culpability. As culpability and state of mind and other Exculpatory Material evidence not given to the Grand Jury involved a voicemail left by the Alleged victim stating "Hamid refused to take the \$ 7000 cash and refused to leave the U.S.A. now I will put him in Jail and deport him." There was other exculpatory material evidences in the form of text messages left by the Alleged victim Bribing

the Defendant, first by \$ 1000, then \$ 3000, then \$ 7000 and lastly \$ 15000, stating bought the airline ticket for the Defendant to leave the U.S.A. immediatly. Other exculpatory material evidence is copy of the airline ticket proved the Alleged victim intimidating and Bribing to the Defendant. Also other exculpatory material evidences in the form of signature of 305 witnesses, 250 American employee, 90 American Men and 160 American Women of staff of the Bridgewater state Hospital signed for supporting of facts and proved the Defendant Hamid R. Ardaneh is not dangerous, did not anything wrong and he is always Respectful to everybody.

Accordingly Exculpatory information was not presented to the Grand Jury, so there was insufficient probable cause to believe that the defendant committed any of the offenses he is charged with.

WHEREFORE, Defendant moves this Honorable Court to Dismiss all indictments with prejudice.

Signed pursuant to 28 U S C 1746 under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

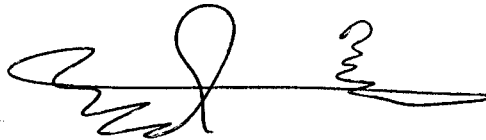
Date 10/10/2020

PRO-SE

Respectfully Submitted

Hamid Reza Ardaneh

By Hamid Reza Ardaneh

A handwritten signature in black ink, appearing to read 'Hamid Reza Ardaneh', with a stylized flourish at the end.

شماره 747479



رويشه دفتر گيت

اداره مترجمين رتي

فاتمه مشهادي خليل، مترجم رسمي زبان انگليسي، گروه گشايه اخباري اسلامي، شماره پرونده 1042 تهران، امير، خيابان ملت، پست ايميل: f.mashhadikhalil@gmail.com، شماره تلفن: 75423111، 75423111
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Exhibit 3 11, 5, 2019

Hamid Reza Ardaneh

Official Translation from Persian

Translated by Fatemeh Mashhadikhalil

Date of translate: 11/04/2019

Translated voice messages and text messages from Sanaz Siyonit (alleged victim) to Mitra Ardaneh (defendant's sister). Defendant is Hamidreza Ardaneh in Middlesex Superior Court Case No. 1681CR00418

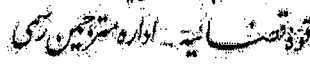
Voice message sent by Sanaz Siyonit to Mitra Ardaneh: The way he wants to go to Iran has nothing to do with me. I wanted to give him seven thousand dollars plus a thousand dollars for his flight yesterday, but he didn't accept. Now even if he dies I'll not give him a single cent.

Text message sent by Sanaz Siyonit to Mitra Ardaneh: the police forces him to leave the house, he doesn't have the right to get near Amir and I.

Text message sent by Mitra Ardaneh to Sanaz Siyonit: Where is he now?

Text message sent by Sanaz Siyonit to Mitra Ardaneh: We got him a hotel last night. I packed all his stuff so that my uncle gives it to him. We have court date in two weeks. The flight tickets will be bought for him. They'll give him a thousand dollars. If he doesn't want to go back to Iran tell him to go to Europe where his friends are.

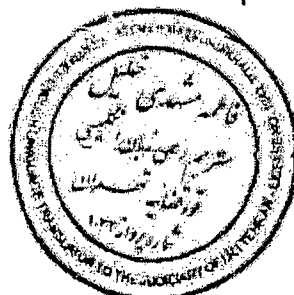




فاطمہ بنت محمد بنی حنظل، سار جرم و زمین را حق القلمین فوق التامید چیدری لاجبی ابرین دنا
 (روزه) ۱۵۴۲ هجری ازین عیدالکرام بر روی تسلیت آفریدی و وقت شاهی خیمه افراشته
 بادی ۳۹ طرعه اول طبق 7542(11)

Fatemeh Marashidizadeh, Certified English Translator by the
 Judiciary License No. 1042 Address: No. 148, 1st floor,
 adjacent to Shahr Bank, Zafar St., Tehran Iran Tel.: +98(21)
 7542(11)

Text message sent by Sanaz Siyonit to Mitra Ardaneh: If he accepts I'll give him one thousand dollars from my own stupid wage.



25

Reasons for Granting the Petition

This Case proved Mafia are dangerous for the U.S.A. and most Judges, Attorneys and Doctors working for Mafia.

Mafia forcing people to do crimes for business with Courts, Jails and Hospitals and for this business deprived of life and liberty for people that why are so many Courts, Jails and Hospitals in the United States but original business are making Psych medications and mafia need making customer for Psych medications, so need to making mental illness for people that why in Jails using hard torture for making mental illness.

If torture does not work by excuse of competency for stand trial sending people to Hospitals. After 23 hour a day keep people in cell and using hard mental and physical torture in Jails giving more freedom, more food and good time for prisoners in Hospitals and by this trick forcing to prisoners for choice Hospitals and using false medications or if some one do not choice be mentally ill mafia using Hospitals and Doctors for making false psychiatric evaluations and false reports making false medical record and by false Judgment forcing to take false medications because Mafia making money with sell Psych medications.

I Hamid Reza Ardaneh am a legal Refugee status also I have Social Security Number. I am actual innocence and requested "A JUSTICE" so the petition for a writ of Certiorari should be Granted.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Hamid Reza Ardaneh

Date: 14 November 2020

11, 14, 2020