

# Petition for Rehearing

for denied Petition for a writ of Certiorari

Package of 15 pages

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for the Case No. 20-6477

Hamid Reza Ardaneh

v.

Massachusetts, et al.

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PRO-SE

By Hamid Reza Ardaneh

Date 04,05,2021

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Hamid Reza Ardaneh

Bridgewater State Hospital

20 Administration Road

Bridgewater MA 02324

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Clerk of the

Supreme Court of the U.S.

One First Street, N.E.

Washington, D.C. 20543

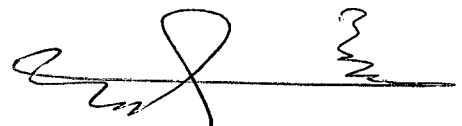
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This Petition for Rehearing is presented in good faith and not for delay.  
Signed pursuant to 28 USC 1746 under penalty of perjury under the laws of  
the United States of America that the foregoing is true and correct.

Date 04,05,2021 Respectfully Submitted

PRO-SE

By Hamid Reza Ardaneh



## Statement of facts

The Alleged victim my Iranian wife of 18 years and my son are Jewish but I am not Jewish. The United States by plot and trick gave visa Refugee for me and my family and we absolutely legal came to the United States on 10,01,2015 and then my wife's U.S. Jewish family offered me money and support from the U.S. Government if I be Jewish but I did not accept to change my Religion and be Jewish and then offered to my wife for American Jewish rich husband and Support from the U.S. Government and whole U.S. Jewish family and better life and she accept to making false crime keep me for whole life in jail or to deported me because the U.S. Government taking my son from me and making Jewish husband for my wife.

On 6,10,2016 the Alleged victim Sanaz Siyonit and her family Jacob Babai, David Merfeld and Bonnie Friedman Stole all my money, On 6,17,2016 the Alleged victim Filed Allegedly False Restraining order hearing date was on 6,29,2016, police brought me to a Hotel I was not arrested. On 6,19,2016 the Alleged victim sent text messages for the 5 counts of the Intimidation of witness by threatened and 5 counts of the Bribing the Defendant First by \$1000, then \$3000, then \$7000 and lastly \$15000, also said paid \$1000 and bought the airline ticket for me, I not must go to the Court and must leave the U.S.A. Immediately or I will be arrested, Jailed and deported if I am not accept the Bribes. Also can see in the video on 6,19,2016 at 7 to 8 PM Jacob, David and Bonnie meet me at the lobby Cambridge police station and under review of camera counted \$7000 in cash and gave me the airline ticket stating if I am go to the airport I will get this \$7000 in the airport, at 7:45 PM I am Refused to take the Bribes from Jewish

people and Refused to sell my family and Refused to leave the U.S.A. and cancelled the airline ticket, 30 minutes after at 8:22 PM the Alleged victim filed Allegedly false police reports for false charges on 6,2,2016 for 17 days before. On 6,20,2016 the Alleged victim sent voicemails to my sister and Stated I wanted to give him \$7000 plus \$1000 for his flight yesterday but he did not accept. The Commonwealth one day after I am Refused to take the Bribes and to sell my family on 6,20,2016 Allegedly Unconstitutional and absolutely illegal arrested and Jailed me, ignoring my evidences of the video, the text messages, the voicemails and the copy of the airline ticket, my statement and my Brief, and without Rights to Counsel and any Constitutional Rights by Allegedly false Grand Jury minutes making false Indictments for me. On 8,2,2017 after fired 4<sup>th</sup> fake Defense Counsel I am Requested to Represent my self to use my evidences and Brief for prove my innocence and Mafia syste in the Massachusetts making falsely incompetent for stand trial by Allegedly false evaluations making false mental illness and forcing me to take false Psych medications and is 5 years deprived of life and liberty for me and whole Country, State and Federal Courts denied my Requested for "a Justice" because ignoring facts proved by evidences and hiding actual crimes to protecting 4 guilty American Jewish people and by Discrimination against Iranian innocence. If you have Justice in the United States I am deserve the Supreme Court of the U.S. granted my petition and give me chance to file my Brief and my evidences. Also other evidence I have 253 American employees of the Bridgewater State Hospital of Doctors and nurses and all Staff signed for supporting of facts and proved I am not dangerous, not mentally ill and I am always Respectful to everybody but the Mafia want keep me for whole life in the Hospital.

### List and Reasons of all errors and abuses

1. Discriminated Allegedly unconstitutional without any prove and absolutely illegal arrested the Defendant.
2. Discriminated Allegedly unconstitutional without any prove and absolutely illegal by false Judgment Jailed the Defendant.
3. Allegedly false police reports.
4. By Allegedly unconstitutional false grand jury without any prove making false indictments for the Defendant.
5. The grand jury failed to hear any evidence of criminal activity by the Defendant.
6. The district attorney failed to present the exculpatory Informations and the Defendant's exculpatory material evidences to the grand jury.
7. There is no rights to counsel under the Sixth Amendment to the U.S. Constitution. The Commonwealth of Massachusetts using my attorneys for making false guilty for the false crimes not for Defense me. All Attorneys on purpose only harm me. The United States by this trick forcing me to fire attorneys and wants falsely said if he refuse to take medications he fired attorneys he is mentally ill and cannot work with attorneys. So the United States using my attorneys for making fake and false mental illness for me and forcing me to take false psych medications not for Defense me also by this trick making falsely incompetent for stand trial and deprived of life and liberty for actual innocence Iranian legal refugee the Defendant because there is no any evidence for the trial to make him guilty. So the United States using my attorneys for making fake and false mental illness or false guilty or falsely incompetent for stand trial and keep me for whole life in jail or hospital because hiding actual crimes for protecting actual guilty American Jewish rich people that why all attorneys refusing to use my

statement, my PRO-SE Brief, my exculpatory material evidences and my witnesses, refusing for investigation in my false case and refusing for file a complaint against the Alleged victim and her family for the intimidating and the bribing the Defendant because they are American Jewish Rich. The United States using fake defense counsels for injustice, hiding crimes to protecting guilty and against actual innocence and using attorneys for deprived of all fundamental and all Constitutional rights for the defendant not for defense him. If the Commonwealth pay for counsels all counsels only working for the Commonwealth not for me that why is fake rights to counsel.

8. The Courts making false excuse of competency for deprived the defendant of rights to proceed PRO-SE, also ignoring PRO-SE motions to discharge counsel and for the appointment of new loyal and effective assistance of counsel and refusing to hear all PRO-SE motions and violated all Constitutional rights for the defendant.
9. I have the rationale as well as the factual understanding of the proceeding against me, I am not mentally ill and not dangerous, so absolutely I am competent for stand trial but the Commonwealth only by allegedly unconstitutional false evaluations and reports without any evidence for prove by absolutely false judgments making falsely dangerous to other and likelihood of serious harm for making falsely incompetent for stand trial for me.
10. There is no true rights for independent evaluation because I cannot choice my own doctor and there is no rights to true evaluations because the Commonwealth only using liar doctors and all evaluators without any evidence for prove of any mental illness absolutely illegal only using my false criminal charges and my false police reports and ignored I am actual innocence, did not any crime, did not fight and not harm anyone in whole my life but by order from U.S. Government all liar doctors without any prove falsely call me mentally ill and dangerous to others.

11. There is no rights for true translation by certified interpreter. I am a legal refugee English is my second langue and my English is not perfect so is necessary to true translation but the Commonwealth of Massachusetts using interpreters for false translations to hiding facts and making false guilty for me in the false criminal and mental cases.
12. The Courts violating my rights to use my witnesses. I have two witnesses for proved of the Alleged victim and her family the intimidating and the bribing the defendant 30minutes before filed false police reports. I have the witness who is the first psychiatrist and was not liar reported I am not mentally ill, not must take any psych medication and he does not know why I am in the hospital. Also I have 308 witnesses of inside the hospital and 253 American employee of the Bridgewater State Hospital signed for supporting of facts and proved I Hamid Reza Ardaneh am not dangerous, I did not anything wrong, I am always respectful to everybody, I am not mentally ill and not criminal but the Commonwealth ignoring all witnesses and I have no rights to use any of the witnesses because all Judges hiding facts for making false mental illness, falsely incompetent or false guilty for me to hiding crimes for protecting guilty American Jewish people.
13. There is not rights to discovery because the Commonwealth did not present any evidence of criminal activity by the defendant, did not present any evidence or any reason for illegal arrested and jailed the defendant, did not present any evidence for keeping him in a mental hospital or for falsely incompetent, did not present any evidence for prove of any mental illness or dangerous to others or likelihood of serious harm or for forcing him to take false psych medications. Also is 5 years the Commonwealth of Massachusetts, all Courts, all Judges, all clerk, the district attorneys, non-loyal and ineffective fake defense counsels not accept, ignoring and refusing to file my statement of facts and exculpatory informations , my PRO-SE Brief and my exculpatory material evidences and refusing for investigations for the false cases and false

charges because hiding actual crimes for protecting guilty the alleged victim and her family because they are American Jewish Rich and making false crimes to jailed for whole life actual innocence Iranian legal refugee the defendant or to deport him because he is not Jewish but his Iranian wife of 18 years and his son are Jewish and the United States taking his not from him and making American Jewish husband for his wife.

14. The Commonwealth of Massachusetts and all Judges of the Brockton District Court always violated all my Constitutional rights, no rights for independent evaluation, no rights to counsel, no rights to discovery, no rights to use my witnesses, no rights to true translation by certified interpreter, no rights to use my exculpatory material evidences and no rights to represent myself, on purpose making absolutely unfair trial for forcing me to protest for injustice and by this trick making falsely reason of mental illness and kick me out the Court room because they know I have enough evidence can defense myself and to win false case and like that by trick hiding facts and only by allegedly unconstitutional false evaluations and false testify without any evidence for prove of any mental illness or any dangerous to others or any likelihood of serious harm making false judgments for falsely incompetent for stand trial, one more year deprived of life and liberty in the hospital, punishment for actual innocence and forcing to take false psych medications for not mentally ill to kill my brain because I am so smart.

15. The Commonwealth by falsely incompetent for stand trial and false mental illness deprived me of self-representation and by punishments of deprived of life and liberty in the hospital and forcing to take false psych medications wants to forcing me to accept non loyal, ineffective and fake defense counsels for not using my evidences to make me guilty for false crimes and jailed me for whole life because hiding crimes for protecting guilty the alleged victim and her family because they are American Jewish Rich that why every time I am fired my attorney forcing me to take more false psych medications and my treatment team stated I must accept

non loyal and ineffective fake defense counsels, I must forget and not use my exculpatory material evidences in the Courts.

16. The Commonwealth using mental and physical torture, attack physically and mentally for forcing me to fight or to do crime because wants making false mental illness or dangerous to others for me.
17. I Hamid Reza Ardaneh have no any record, did not broken any law, did not any crime, did not fight, did not touch, did not harm anyone in whole my life, I am not mentally ill, not dangerous and not criminal and I am always respectful to everybody that why the Commonwealth of Massachusetts have no any evidence for prove of illegal arrested and jail me, illegal keeping me in the mental hospital, falsely call me Incompetent for stand trial and illegal forcing me to take false psych medications and that why the United States refusing to investigations for my claims and the false cases.
18. The defendant have the exculpatory material evidences of the video of the alleged victim's family 30 minutes before the police reports under review of the camera at lobby of the Cambridge police station counted cash of \$7000 and gave the airline ticket to the defendant for the intimidating and the bribing the defendant, translated of the voicemails and the text messages left by the alleged victim on 17 days after false crimes and before filed the false police reports 5 counts of the intimidating and 5 counts of the bribing the defendant, copy of the airline ticket and investigation of the airline ticket proved the alleged victim and her family the intimidating and the bribing the defendant before filed the police reports and 17 days after false crimes, 308 witnesses and 253 American employee of the Bridgewater state hospital signed for supporting of facts and proved I Hamid Reza Ardaneh am not dangerous, I did not anything wrong, I am always respectful to everybody, I am not mentally ill and not criminal, 3



reports of the first psychiatrist stated I am not mentally ill. I not must take any psych medication and he does not know why I am in the hospital.

19. The alleged victim sent a letter and new pictures for the defendant in the jail. DoC in the jail Billerica stole all evidences from the defendant because the Commonwealth wants to destroyed all his evidences but the defendant's family have and save all his evidences and sent for him again but the Commonwealth destroyed the pictures and the video evidences.
20. I am fired 7 mental Health and 7 criminal defense counsels because there is no any result and all attorneys on purpose only harm me. The Commonwealth of Massachusetts by fake defense counsels deprived me of all my fundamental rights and violating Amendment 1, 5, 6 and 14 to the U.S. Constitution, Article 1, 10, 11, 12 and 29 to the Massachusetts Declaration of rights, my civil rights and surely my human rights.
21. If you review all this errors and abuses, my PRO-SE Brief, my exculpatory material evidences, my PRO-SE motions to discharge counsel and for the appointment of new loyal and effective assistance of counsel and my PRO-SE motion to dismiss and to consider the Commonwealth have no any evidence clearly can understand whole criminal and mental Health cases and all my charges are false and plot from the U.S Government to jailed me for whole life or to deported me or to kill me because taking my family from me and give to Jewish people and hiding crimes for protecting guilty American Jewish people.
22. I do not have any challenge for competency, I have challenge only for prevent of discrimination and injustice, I do not have any rights in the United States, for all this errors and abuses call injustice and I am only requested "A Justice" in the United States.
23. *In this 5 years so many time I am sent by Certified mail my Brief and my evidences for the District Attorney and Clerk of the Middlesex Superior Court but they always ignored and never entry in the Case.*

### Sixth Amendment and Article 12 to the Mass. Constitution

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 below that of a competent causing this Defendant 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 Defendant asked him to do the outcome of process would be different. The Defendant brought to the attention of multiple counsels, as well as judges that exculpatory evidence to include video of the Alleged victims' family counting cash of \$ 7,000 bribe in the lobby of the Cambridge Police Station 30 minutes before the Alleged victim (his wife) filed the Police report. The gross and unacceptable failure of counsels 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.

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 5 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 Alleged 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 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.

### Article 11 to the Mass. Constitution

The Defendant claims he 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 Defendant to the attention of several Judges that his lawyers were not pursuing a litany of exculpatory evidence to include video of the Alleged victim's family counting cash of \$ 7,000 in the lobby of the Cambridge Cambridge Police station 30 minutes before the Alleged victim filed a Police Reports. As well as the messages of the intimidations and the bribes directly in the Defendant'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 Defendant 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.

### Article 29 to the Mass. Constitution

The Defendant claims his rights under Article 29 are being impinged based upon extra-judicial source of their natural district the Defendant's national origin of being Iranian as well as a language barrier this impermissible Consideration is having a discriminatory affect up the Defendant's 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 Defendant's 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 the Defendant's guaranteed Fifth, 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 Defendant's 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.

### Potential Prejudice

The potential prejudice to Hamid caused by ineffective assistance 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 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 Hamid's proceedings.

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).

*Signed pursuant to 28 USC 1746 under penalty of perjury under the laws of the United States of America that the foregoing all paragraph of this Petition for Rehearing is true and correct.*

*Date 04,05,2021 Respectfully Submitted*  
*PRO-SE By Hamid Reza Ardaneh*

