

No. 21-43

Supreme Court, U.S.
FILED

JUL - 1 2021

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

MOE M. AL-DOLEMY — PETITIONER
(Your Name)

VS.

STATE OF MICHIGAN — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Court Of Appeals for the State of Michigan
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MOE M. AL-DOLEMY 488728
(Your Name)

10274 Boyer Rd. DRF-E
(Address)

Carson City, MI. 48811
(City, State, Zip Code)

989-584-3941 Prison Warden's Office
(Phone Number)

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QUESTION(S) PRESENTED

Did the Michigan Court of Appeals commit reversible error through issuing a opinion affirming Petitioner's conviction where the opinion is contradicted by the record?

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER	
BOBBY v. DIXON, 566 US 23 2011	BREADTH OF PETITION	
BOUSLEY v. US, 523 US 614 1998	"	"
COLEMAN v. THOMPSON, 501 US 722 1991	"	"
MURRAY v. CARRIER, 477 US 478 1985	"	"

STATUTES AND RULES

OTHER

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:

RELATED CASES

Peo. of Michigan v. Moe M. AL-DOLEMY, 17-H-0064-FY
43rd District Court, Hazel Park, Michigan Judge Goedert

Peo. of Michigan v. Moe N. AL-DOLEMY, 17-261887-FC
6th Judicial Circuit Court, Oakland County, Michigan
Hon. Dan P. O'Brien, Presiding

Peo. of Michigan v. Moe M. AL-DOLEMY, 344447 MI. Apps
Court that decided merits on 6/11/2020 AFFIRMED conviction

Peo. of Michigan v. Moe M. AL-DOLEMY, 161662
Michigan Supreme Court DENIED Certiorari 4/27/2021

STATE OF MICHIGAN v. Hadeel Jaffar KHALASAWI,
16-001422-FH 16th Judicial Circuit Court, Macomb County,
Michigan Sentence date: 12/20/2017 Hon. Edward Servitto

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INDEX TO APPENDICES

APPENDIX A	Michigan Court Of Appeals 344447 6/11/2020 16-pages
APPENDIX B	Michigan Supreme Court 161662 4/27/2021 1-page
APPENDIX C	Hasan Salman Qualified ID: 13845 MI. Court Administrator Certification
APPENDIX D	STATE OF MICHIGAN v. KHALASAWI, 16-1422-FH Register Of Actions 11-pages Sentencing Transcript 12/20/2017 10-pages Plea Disposition 11/15/2017
APPENDIX E	Internet Search 7/26/2019 of Khalasawi Face-Book Affidavit Of Robert Birach 23 Sept. 2019 2-pages filed in MI. Appls Ct. 344447
APPENDIX F	Testimony of Hasan Salman, 17-261887-FC 5/10/2018 Providing the Court w/State Court Certification Vol. VII Peo. v. AL-DOLEMY, Hon. Dan P. O'Brien

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 A 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 Michigan Supreme Court court appears at Appendix B 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 4/27/2021.
A copy of that decision appears at Appendix B.

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

U.S. Const. Amend. V Due Process of Law;

U.S. Const. Amend. XIV (1) Due Process of Law;

Michigan Constitution, 1963 Art. 1 Sect. 20;

STATEMENT OF THE CASE

On June 11, 2020 the Michigan Court Of Appeals AFFIRMED the Petitioner's jury trial conviction in 17-261887-FC. It is attached as APPENDIX -A- 16-pages.

This decision contains three (3) significant errors which contradict the transcripts and certified Court records.

This Petitioner, In Pro se and the State Court Administrator notified the Appellate Court and Michigan Supreme Court of these errors. The State Court Administrator filed Official Notice with the Court(s) attaching documentation.

The Appeals Court refused review citing the matter was before the Michigan Supreme Court. On April 27, 2021 the Supreme Court DENIED Petitioner's application for review. It is attached as APPENDIX -B- 1-page.

The Petitioner now seeks redress in this United States Supreme Court.

The Petitioner is a U.S. Citizen being denied Equal Protection and Due Process of Law by the State of Michigan.

REASONS FOR GRANTING THE PETITION

The State Court committed three (3) critical errors in reaching a decision on the appeal of right. These errors caused a Constitutional violation resulting in a actually innocent man being held in prison. But for these errors the Petitioner would have been given a new trial.

ERROR 1: Appendix -A- page 3, para. 1 states, ..."neither translator had been court certified..." this error caused the Court to give equal weight to the testimony of Hasan Salman a defense witness and the State witness who in fact was not properly certified by the State Court Administrator Office.

Hasan Salman testified, APPENDIX -F- and provided his State Court Certification, APPENDIX -C- . This same documentation was provided to the Appeals Court and Michigan Supreme Court by the State Court Administrator during the direct appeal process upon the request of this Petitioner.

ERROR 2: APPENDIX -A- page 8-¹⁶ states, ..."plaintiff represents Khalasawi was already ordered to be deported by a immigration court and was appealing the decision..."

The Petitioner's APPENDIX -D- and -E- are court records which plainly show Khalasawi was not under a deportation order when he testified in the criminal matter.

ERROR 3: APPENDIX -A- page 12-13 states, ..."The Defendant assumes the rescheduling was a benefit of Khalasawi as received as a part of a plea agreement..."

The Petitioner's APPENDIX -D- and -E- are definitive evidence of postponing the jury trial due to the cooperation agreement.

These errors are significant and clearly a fundamental error in the appeal of right review process. The Petitioner remains incarcerated, wrongly affirmed for reasons unsupported by the lower court record.

The State Appeals Court and Supreme Court have been given proper notice and opportunity to correct these errors resulting in a manifest miscarriage of justice.

The Petitioner, a U.S. Citizen now seeks redress in this United States Supreme Court.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

not applicable

Date: 7-1-2021