

21-5262

ORIGINAL

IN THE

FILED

JUL 20 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

SUPREME COURT OF THE UNITED STATES

In Re: Adib Ramez Makdassi, Prose — PETITIONER
(Your Name)

vs.

— RESPONDENT(S)

ON PETITION FOR A WRIT OF HABEAS TO

Fourth Circuit Court of Appeals

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Adib Ramez Makdassi, #1187926

(Your Name)

Red Onion State prison

(Address)

10800 H. Jack Rose Highway, P.O. Box 970

Pound, VA 24279

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

(i)

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:

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STATUTES AND RULES

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF **HABEAS**

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 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 is unpublished.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 United States district 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 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits 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 is unpublished.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 _____ 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 is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was May 25, 2021.

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: July 6, 2021, and a copy of the order denying rehearing appears at Appendix C.

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 _____. A copy of that decision appears at Appendix _____.

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

Sixth Amendment Constitutional Violations

Fourteenth Amendment Constitutional Violations

STATEMENT OF THE CASE

Ground 1. Proves that initial Federal habeas Claims 1 (B) (ix) of ineffective Racist trial counsel for failing to object to introduction of RACIAL Fraudulent e-mail as (com. EX. 61) attached, was dismissed [without conducting any merit determination] and deprived this petitioner of his Congressional right to one Full round of Federal habeas review and dismissed Rule 60 (b) (6) in violation of this Supreme Court ruling in BUCK, 137 S.Ct. at 778, that: "Conviction obtained by Racial Factor is in fact Extraordinary 60 (b) (6) motion that must be granted"

After trial ended, Racist trial counsel bragged to Petitioner while in the holding cell:

"I did not object to the Fraudulent Racial e-mail (com. EX. 61) introduced to the Jury that says 'you are Lebanese Arab who takes Lebanese terrorists to dinner, and Learning to Fly Plains in Oklahoma' to make sure the Jury convicted your SAND NIGGER ASS"^①

The Front cover of this e-mail says "Please read it is only two and half pages" the Racist prosecution introduced 5 pages, which makes it so obvious that they added 2 1/2 extra pages Fabricated, Fraudulent, RACIAL^① and prejudicial material to the Jury, and they made (15) copies for each one of the Jury to take and read, in the Jury's room and come back when they are done.

"OKay, and I'm going to show you what is Commonwealth EX. 61"
(Tr. March 10, 2006, P. 1140)

^① "Relying on Race to impose a criminal sanction 'poisons public confidence' in the judicial process, it thus [injures not just the defendant] but 'the Law as an institution, ... the community at large, and the democratic ideal reflected in the process of our courts' BUCK, Id. at 778.

After the Jurors returned from reading this RACIAL, Fraudulent & prejudicial e-mail (com. Ex. 61), they all were looking at petitioner like they wanted to kill him for the next 6 days of trial, and one of the Jurors yelled:

"I will Kill this F-ing Arab"

Trial attorney told Petitioner that its someone from the back of courtroom, when Petitioner knew its one of the Jurors & nothing was done about it and swept under the rug, and trial Judge told court reporter to strike that from the records.

Then, Racist prosecution made Racial Fraudulent closing argument to keep the Jury Prejudiced and angry, that:

"He said in here that he has to take Lebanese terrorists to dinner and spends \$300.00 on them" (Tr. March 15, 2006, P. 1662)

Petitioner told Racist trial attorney so many times that he should object to this Fraudulent e-mail (com. EX. 61) because he never seen this 5 pages e-mail and never wrote this Racial e-mail and never said he takes Lebanese terrorists to dinner, and never said he is learning to Fly Plains in Oklahoma as the Fabricated Racial & prejudicial e-mail says and introduced as (com. EX. 61). Trial attorney kept saying its to late, I cannot object.

Petitioner's Family are all Christians Living in the U.S., and Petitioner has been messianic Jewish for over 35 years, therefore, it is IMPOSSIBLE to be close to any terrorists without being murdered & beheaded, Obviously!

For this RACIAL, Fabricated & prejudicial e-mail to be introduced as (com. EX. 61) that says Petitioner is a "Lebanese Arab" & "he takes Lebanese terrorists to dinner" & "he is learning to Fly Plains at Oklahoma" is very prejudicial, Fraudulent & "Racial Factor Conviction" according to U.S. Supreme Court in Buck, id at 778.

Ground 2. Proves that initial Federal habeas claims 1(B) of ineffective Racist trial counsel was dismissed [without conducting any merit determination] and deprived this petitioner of his congressional right to one full round of Federal habeas review and dismissed rule 60 (b)(6) in violation of this Supreme Court ruling in Buck, 137 S. Ct. at 778, that: "Conviction obtained by Racial Factor is in fact Extraordinary 60(b)(6) motion that must be granted!"

After defendant was convicted of 2 counts murder & sentenced on March 16, 2006, trial attorney Reed came to defendant's holding cell before he was taken to jail, and attorney Reed showed defendant all the [Impeaching evidence he intentionally withheld from the trial (Pet. 7,8,12,13 & 888) attached, and attorney Reed bragged:

"I intentionally withheld all this Impeaching evidence because it would have impeached 10 witnesses and changed the outcome of the trial,
'I was never going to let a **SAND NIGGER ARAB** like you walk free,
this is why I didn't subpoena any of your witnesses'" attorney Reed bragged, then he walked away with his smelly alcohol breath.

This impeaching evidence (Pet. 7,8,12,13 & 888) proves that petitioner's wife Elise did in fact reported complaints of sexual harassments, sexual assaults & rape to four witnesses and to the Police also: (1) To psychologist Anne Hunter (Pet. 7); (2) To U.S. Navy Captain Paul Haws (Pet. 12); (3) To attorney Josephine Clay & Jack Ferebee (Pet. 8); (4) Pet. 888 proves that the Police received (Pet. 1 & 2) the videotape and Affidavit from Elise in the mail as a [Complaints of sexual harassments, sexual assaults & rape] against Quincy Brown who raped & murdered Elise, and the Police lied and said no they never received any complaints from Elise. See also (Pet. 1 & 2) attached. This is why Pet. 1 & 2 were not allowed at trial, because trial counsel withheld Pet. 888 proving the Police received Pet. 1 & 2 & lied about not receiving any complaints from Elise.

During the trial, while 10 witnesses committed perjury that:

"Elise never complained of sexual harassments", Tr. 295, 333, 352-53, 362, 376, 382-83, 391, 436, 463-64.

Defendant Kept asking trial attorney so many times to introduce the impeaching material Facts which previous attorney Miller had showed Defendant they had, and to impeach all 10 witnesses, above, who committed perjury, Racist counsel Kept Lying that there are no impeaching evidence to introduce and impeach the above witnesses.

Even when Petitioner was being denied to testify about Elise made complaints of sexual harassments & rape by trial Judge who [Specifically asked For this Impeaching material Facts], when attorney Reed made Petitioner a Liar to the Jury by intentionally withholding all this impeaching material Facts (Pet. 7, 8, 12, 13 & 888) even when the Judge asked:

Trial Judge: "She (Elise) allegedly made complaints of rape, we haven't had any evidence to show that she mad it" (Tr. 1432)

Attorney Reed & prosecution, both, did not disclose this evidence to the Judge when he had specifically asked them For this evidence, Obviously proving conspiracy!

Petitioner was intentionally denied effective cross-examination by RACIST trial attorney, ⁽²⁾ "which would be constitutional violation of the FIRST-MAGNITUDE and no amount of want of prejudice would cure it" U.S. v. Cronic, Id. at 659.

U.S. v. Cronic, 466 U.S. 648 at 659 (1984)

② "Similarly, if counsel entirely fails to subject the prosecution's case to meaningful adversarial testing, then there has been a denial of Sixth Amendment rights that makes the adversary process itself presumptively unreliable, no specific showing of prejudice was required in Davis v. Alaska, 415 U.S. 308, at 318 (1974) because Petitioner had been 'denied the right of effective cross-examination' which 'would be Constitutional Violation of the FIRST-MAGNITUDE and no amount of showing of want of Prejudice would cure it'" Id. at 318.

REASONS FOR GRANTING THE PETITION

According to U.S. Supreme Court in Buck v. Davis, 137 S.Ct. 759 at 778 (2017)

"Conviction obtained by RACIAL Factor is in fact Extraordinary 60(b)(6) Motion that must be granted" Buck, *Id.* at 778.

Both, Racist trial attorney and Racist prosecution conspired and introduced a RACIAL Fraudulent prejudicial e-mail to the Jury as (com. EX.61) attached, that says Petitioner is :

"Lebanese Arab"^③, and

"He takes Lebanese terrorists to dinner"^③, and

"He is Learning how to Fly planes at Oklahoma"

After the Jurors returned From reading this RACIAL^③ Fraudulent prejudicial e-mail, they all were Looking at Petitioner Like they wanted to Kill him For the next 6 days of trial, and one of the Jurors yelled:

"I will Kill this F-ing Arab"^③

Then, Racist prosecution made Racial closing argument to keep the Jury prejudiced and angry, that :

"He said in here that he has to take Lebanese terrorists to dinner and spends \$300.00 on them" (Tr. March 15, 2006, P. 1662)

See more on page 4 & 5 Ground 1

③ "Relying on Race to impose a criminal sanction 'poisons public confidence' in the judicial process, it thus [injures Not just the defendant], but 'the Law as an institution', . . . the community at large, and the democratic ideal reflected in the processes of our courts" Buck, *Id.* at 778.

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

In Re: Adib Ramez Makdessi, Pro se - PETITIONER

Rule 20.1 and 20.4 For Extraordinary writ of Habeas

Rule 20.1 : This petition will be in the aid of the court's appellate jurisdiction that exceptional circumstances warrant the exercise of this court's discretionary powers, because adequate relief cannot be obtained in any other form or from any other court, because :

Rule 20.4 : The Lower Federal courts deprived this petitioner of his initial Federal habeas review by dismissing claims 1(B) of ineffective trial counsel [without conducting any merit determination] and dismissed Rule 60(b)(6) and abused discretion in violation of Supreme Court ruling in Buck v. Davis, 137 S.Ct. 759 at 778 (2017) : "Conviction obtained by RACIAL Factor is inFact Extraordinary 60(b)(6) motion that must be granted" Buck, at 778. When drunk Racist trial attorney bragged to petitioner in the holding cell after the trial ended, that :

"I did not object to the Fraudulent Racist e-mail (com. EX. 61) introduced to the Jury that says 'you are Lebanese Arab who takes Lebanese terrorists to dinner, and Learning to Fly plains at OKlahoma' to make sure the Jury Convicted your SAND NIGGER ASS"

According to this Honorable Supreme Court ruling: "This Conviction obtained by Racial Factor is inFact Extraordinary writ that must be granted" Buck, at 778.

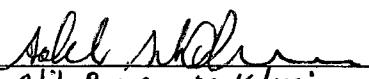
Respectfully submitted

Adib Ramez Makdessi July 18, 2021
Adib Ramez Makdessi, #1187926

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,


Adib Ramez Makdassi

Date: July 18, 2021