

**No. 21-6800**

***In The Supreme Court of the United States***

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**ABDULKHALIQ MURSHID**

***PETITIONER,***

***V.***

***STATE OF MISSISSIPPI***

***RESPONDENT***

*On Petition for A Writ of Certiorari to The United States Supreme court*

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***PETITION FOR REHEARING***

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**IN THE SUPREME COURT OF UNITED STATES****No. 15-674**

Abdulkhalil Mohammed Murshid.,

*PETITIONER*

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v.

STATE OF Mississippi

*Respondent***ON WRIT OF CERTIORARI TO THE SUPREME COURT  
OF UNITED STATES**  

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### Petition for Rehearing

Petitioner Abdulkhaliq Murshid respectfully moves this Court for an order (1) vacating its denial of the petition for a writ of certiorari, entered on February 22, 2022, (2) granting the petition, (3) Reversing the case (4) Remanding it to Lauderdale County circuit court for further proceedings. As grounds for this motion, petitioner states the following:

Pursuant to Rule 44 of this Court, the petitioner, hereby respectfully petitions for rehearing of this case before a full nine-Member Court.

This case involves a challenge of the 4<sup>th</sup> amendment to the United State constitution where the Mississippi Bureau of Narcotics (MBN) and Attorney General office violated the petitioner's 4<sup>th</sup> Amendment which applicable to the

states through 14<sup>th</sup> Amendment. Both agencies came to the store “**Grey Cloud Tobacco**” without a search warrant after checking the legality of the products by the Mississippi bureau of Narcotics.

The agency came and checked the products to make sure it was legal or did not contain any illegal substances. They approved the selling of such product but after few weeks raided the said store. When they raided the store, they searched the store without search warrant and then they went to get the search and seizure warrant. They searched the whole store without consent. The trial court and the supreme court of Mississippi both erred when they considered the search was justified under **the Plain View Doctrine**. The agents went behind the cash register without consent and searched the whole store even the petitioner’s office.

- 1- This case also involves an ineffective assistance of counsel where the counsel failed to call the witnesses like the officers who came to the store to take the samples and. Also, the counsel failed to subpoena the store clerks who witnessed the presence of the narcotics agents when they appeared to the store to take the samples. This by itself constitutes trapping as in *Sorrells v. U.S.*, 287 U.S. 435 (1932)

2- Furthermore, the counsel failed to subpoena the videos which shows the head of the county sheriff stating that the sale of said product is legal in Lauderdale County. The ineffective counsel assistance contributed to the conviction of the petitioner. And if the counsel subpoenaed the witnesses the case will be dismissed. Look at *Strickland v. Washington* 466 U.S 668 (1984).

3- This case involves as well involves the violation of the compulsory clause of the 6<sup>th</sup> Amendment which is applicable to the states through the 14<sup>th</sup> Amendment. The trial court decided to stop the petitioner to present evidences by saying it won't play any videos to the jury including the video that exposed the head of the county sheriff or the narcotics agents. The supreme court ruled in *Washington v. Tex.*, 388 U.S 14(1967) that the major case relying directly to on the 6<sup>th</sup> Amendment. It also ruled in *U.S v. Valenzuela-Bernal* 458 U.S 858 (1982) that a due process obligation of the prosecutor not preclude defense access to potential witnesses and under limited circumstances, to assist the defense in finding such witnesses.

4- This case also involves the importance of the justice over conviction. The remarks of the prosecutor to the jury prejudiced the petitioner. The prosecutor's

remarks were made after the testimony of the petitioner's wife. When the petitioner's wife finished testifying, the prosecutor said "you came here to acquit him that was it" and then turned to the jury and said "convict, he is a drug dealer"

This remark indicated that the prosecutor was looking for conviction not justice which is a violation of the petitioner's due Process Clause guaranteed in the 5<sup>th</sup> Amendment. The United States supreme court stated in Berger v. U.S 295 U.S 78 (1935) that the prosecutor is subject to the due process limitations. Here, the remarks are inflammatory and prejudicial which prejudiced the petitioner.

- 5- As well, this case involves the supremacy of the federal law. State of Mississippi violated the petitioner's federal right by charging him the whole weight of the herbal incense including the weight of the bags and the non-banned chemicals like the herb.

## Conclusion

- This Court's decision in *Sorrells v.S.*, 287 U.S 435 (1932), *Strickland v. Washington* 466 U.S 668 (1984), *Washington v.Tex.*, 388 U.S 14 (1967), and *Berger v. U.S* 295 U.S 78 (1935) overruled the En banc decision that had affirmed the petitioner's conviction. The legal arguments presented in the petition for a writ of certiorari in this case and those decided in said cases are identical. The petitioner therefore respectfully asks this Court to reconsider its order denying his petition and instead, grant the petition, reverse conviction, and remand his case to Mississippi supreme court for further proceedings in light of those cases.

This the march the 10<sup>th</sup> ,2022

Respectfully submitted

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**Certificate of pro'se plaintiff**

As a pro'se e petitioner, I hereby certify that this petition for rehearing is presented in good faith and not for delay and is restricted to the grounds specified in Rule 44.2.

\_\_\_\_/s/\_\_\_\_\_Petitioner