

# ORIGINAL

22-5118

FILED

JUN 14 2022

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE  
U.S. Supreme Court

BEJAN DAVID ETEMAD

*Petitioner,*

v.

STATE OF NORTH DAKOTA

*Respondent,*

On Writ of Certiorari to the  
North Dakota Supreme Court

## PETITION FOR A WRIT OF CERTIORARI

BEJAN DAVID ETEMAD  
1925 1<sup>st</sup> Ave. #B402  
Seattle, WA 98101  
(206) 441-3551

RECEIVED  
JUL 18 2022  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

RECEIVED  
JUN 13 2022  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

## **QUESTIONS PRESENTED**

- 1) Can North Dakota Supreme Court abrogate their own rules? Specifically Rule 24 (*see appendix page 5*).
- 2) Does the United States Supreme Court have jurisdiction over North Dakota's appellate court rules to insure they are followed?

## **PARTIES TO THE PROCEEDINGS**

Ashlei Anne Neufeld  
GF Ass. State's Attorney  
P.O. Box 5607  
Grand Forks, ND 58206-5607  
E-Service: [sasupportstaff@gfcounty.org](mailto:sasupportstaff@gfcounty.org)

## **DIRECTLY RELATED PROCEEDINGS**

- 1) North Dakota Supreme Court Docket No. 20210343  
(2022 ND 81)
- 2) Grand Forks District Court Docket No. 18-2021-CV-00903

## TABLE OF CONTENTS

QUESTIONS PRESENTED .....	i
PARTIES TO THE PROCEEDING.....	ii
DIRECTLY RELATED PROCEEDINGS .....	ii
TABLE OF AUTHORITIES .....	iii
INTRODUCTION .....	1
STATEMENT OF THE CASE .....	1
REMEDY SOUGHT .....	2
REASONS FOR GRANTING THE PETITION .....	2
CONCLUSION.....	2

## TABLE OF AUTHORITIES

### STATE:

N.D.App.P.24.....	1
-------------------	---

### FEDERAL:

"The Constitution of the United States" Amendment 5.....	2
---	---

## **INTRODUCTION**

Rule 24 is a North Dakota appellate court procedure that allows the indigent defendant to argue reason(s) for appeal that the court appointed attorney failed or refused to do so. *See appendix.*

In this instant case Rule 24 was completely ignored. ETEMAD's petition was timely filed and correctly formatted and contained substantive law for review. The petition was discounted and no ruling was made.

## **JURIDSTICTION**

On May 10, 2021 ETEMAD applied for post-conviction relief in Grand Forks District Court. It was docketed under Case #18-2021-CV-00901. It was DENIED. ETEMAD timely filed an appeal. It was docketed under Case #20210343. The lower court's ruling was AFFIRMED on April 14, 2022 and the petition for rehearing was DENIED on April 29, 2022. *See appendix.*

## **STATEMENT OF THE CASE**

ETEMAD's attorney filed the appeal based on the record from the district court evidentiary hearing and ruling. This was AFFIRMED in the ruling.

ETEMAD, personally, filed a brief outlining his arguments that was not covered by the court appointed council. ETEMAD's petition conformed to all current rules for format and substance.

**The North Dakota Supreme Court took judicial notice that they are not required to read it.**

This seems arbitrary and is in direct violation of the *Fourth Amendment outlined in the Bill of Rights addendum to the United States Constitution.*

#### **REMEDY SOUGHT**

Order the North Dakota Supreme Court to review and opine on ETEMAD's brief even if to say "Its substance has no material value or was improperly docketed."

#### **REASONS FOR GRANTING THE PETITION**

ETEMAD has no other remedy.

#### **CONCLUSION**

For the foregoing reasons, this Court should grant the Petition for Writ of Certiorari.

Respectively submitted,  
/s/ david etemad  
June 6, 2022

---

Bejan David Etemad  
1925 1st Ave. #B402  
Seattle, WA 98101  
(206) 441-3551