

ORIGINAL

22-5777
No.

FILED

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

In Re: Adib Eddie Ramez Makdessi, Pro se - PETITIONER

ON PETITION FOR EXTRAORDINARY WRIT OF HABEAS

Adib Eddie Ramez Makdessi, #1187926
VADOC Centralized Mail Distribution Center
3521 Woods Way
State Farm, VA 23160

QUESTIONS PRESENTED

And this Petitioner cannot get his day in court

Please, can I get my day in court.

(i)

LIST OF PARTIES

All parties appear in the caption of the case on the cover page

(ii)

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APPENDIX B	opinion by district court denying Rule 60(b)(6) and order

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBERS

Buck v. Davis, 137 s.ct. 759 (2017) - - - - - 4,5,6,87

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF HABEAS

Petitioner respectfully prays that a writ of Habeas issue because the Lower Federal Courts refused to issue authorization for habeas and refused an Extraordinary Rule 60(b)(6) in violation of this U.S. Supreme Court ruling in BUCK V. DAVIS, 137 S.Ct. 759 (2017)

OPINIONS BELOW

For cases from Federal Courts:

Opinion of the United States Court of Appeals appears at Appendix A
denving §2244

is unpublished

Opinion of the United States district court appears at Appendix B to
the petition and is

is unpublished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 United States Court of Appeals on the following date _____, and a copy of the order denying rehearing appears at Appendix _____

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Equal Protection Clause (convicted & sentenced by tainted jury & injected race)

6th & 14th Amendment For complete denial of trial attorney & misconduct

6th & 14th Amendment For Prosecution & trial Judge deliberate misconduct

STATEMENT OF THE CASE

The evidence and attached transcripts proves that trial attorney, prosecution and trial Judge conspired in a scheme and [acknowledged that the Jury is tainted] by [injected race-based Suborn False allegations] Just to avoid a mistrial, when trial Judge "never implemented the solution to the problem with the Jury" as they deceived defendant that they would in the attached transcripts. (Tr. 1426-27) attached.

Injected race-based Suborn False allegations:

- 1- "Defendant, He is a native of Lebanon" (Tr. 40) attached
- 2- "Defendant returned to Lebanon^① nine months after May of 1996" (Tr. 135) attached
- 3- "Defendant was in [Lebanese Army]^①, he told me [at twelve years old]" (Tr. 1130) attached
- 4- "One parent was Syrian and one was Lebanese" (Tr. 1139) attached
- 5- "Defendant said, he was born in Lebanon, Beirut" (Tr. 1141) attached
- 6- "He said in here that he has to take [Lebanese^① terrorists] to dinner and spends \$300.00 on them" (Tr. 1662) attached

After prosecution witness Nancy Perry's suborn perjury [injected race-based False allegations] in #3 above, one male juror yelled [six days] before trial concluded:

"I will Kill this Lebanese terrorist"

Defective attorney refused to object & said no one knows who yelled.

After Makdassi's continued complaining with defective trial attorney for four days demanding to object to injected race & tainted Jury and ask for mistrial for the tainted juror who yelled, Finally, trial Judge, prosecution & defective attorney went on the records and [acknowledged that the Jury is tainted] by [injected race-based Suborn False allegations] and trial Judge said on the records:

"The solution to the problem with the Jury ^① will be implemented"
(Tr. 1426-27) attached

① "The state acknowledged [as it must], that introducing [race or ethnicity] as evidence of criminality can prejudice a defendant" Buck, *Id.* at 777

As it turned out, the dismissal of the male Juror & Jury instruction was never implemented as defective attorney, Prosecution & trial Judge schemed & deceived on the records, only to avoid a mistrial defendant demanded from trial counsel.

This case is much more serious than Buck v. Davis, because not only the injected race has suborn perjury of False allegations about defendant being in Lebanese Army at twelve years old and as a "christian", defendant taking Lebanese terrorists to dinner in #3 & #6 above on page 4, but also, after trial Judge had [ack]nowledged that the [Jury is tainted]⁽²⁾ by [injected race-based False allegations], defective attorney deceived defendant that the male Juror identity was discovered after investigation by trial Judge and his dismissal from the Jury and Jury instruction "not to consider injected race-based False allegation" was implemented by the Judge, ... as it turned out, and according to attached transcripts, the male Juror was never dismissed, and Jury instruction was never implemented as defective attorney deceived defendant by saying it was implemented in the Judge's chamber, transcripts proves that [15 Jurors] were picked (Tr. 99) attached, and they stayed the same to the end of the trial where, [3 Jurors] were excused because they cannot deliberate with the 12 Jurors (Tr. 17d2) attached, and [12 Jurors] deliberated (Tr. 1736-37-38) attached

(2) "Relying on race to impose (a conviction) and criminal sanction injured not just the defendant, but the law as an institution, --- the community at large, and democratic ideal reflected in the process of our courts"
Buck, *Id.* at 778

The above evidence and attached transcripts proves that Prosecution, trial Counsel & trial Judge conspired in a [sch]eme of Fraud Upon the U.S. Constitution, because after they all [ack]nowledged in the attached transcripts that the [Jury is tainted] by [injected race-based Suborn False allegations]^(④), they deceived defendant and committed misconduct, because, "the solution to the problem with the Jury was 'never' implemented", and they "Relied on injected race to impose a criminal conviction & sanction; injured not just the defendant, but the Law as an institution,--- the community at Large, and democratic ideal reflected in the process of our courts" BUCK, *Id.* at 778,

Serious Miscarriage of Justice

Proving that this petitioner is wrongly convicted, sentenced & imprisoned by a tainted Jury & injected race-based Suborn False allegations in Violations of Equal Protection Clause & denied 6th Amendment by having a very defective trial attorney and Prosecution & trial Judge misconduct in Violation of 6th & 14th Amend. Constitution.

And defective trial attorney "never objected" to any of the injected race or to tainted Jury !

(③) "It was an error to deny a prisoner his six Amendment claim where he demonstrated ineffective assistance when his attorney failed to object to the injected of race into the trial" BUCK, *Id.* at 759

(④) "Racial clasification are categorically [im]permissible under the Equal Protection Clause" BUCK, *Id.* at. 784

REASONS FOR GRANTING THE PETITION

The above evidence & attached transcripts proves that trial counsel, prosecution and trial Judge [acK]nowledged that the [Jury is tainted] by [injected race-based Suborn False allegations] and deliberately Failed to implement the solution to the problem with the Jury as the Judge ruled he would, because they deliberately "Relied on race to impose a criminal conviction & sanction, injuring not just the defendant, but the Law as an institution, --- the community at Large, and democratic ideal reflected in the process of our courts." BUCK, *Id.* at 778;

Proving that petitioner is wrongly convicted, sentenced & imprisoned by a [tainted Jury] and [injected race-based Suborn False allegations] in violations of Equal Protection Clause. BUCK, *Id.* at. 784

And defective trial counsel never objected to any of the injected race or to tainted Jury in violation of 6th Amendment constitution, denying of effective counsel at trial, according to BUCK, *Id.* at 759.

No. _____

IN THE
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In Re: Adib Eddie Ramez Makdessi, Pro se - PETITIONER

RULE 20.1 & 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:

Rule 20.4: The Fourth Circuit denied Petitioner's motion under §2244 to File a second and successive Extraordinary claims, and the Federal District court denied Rule 60(b)(6) by Claiming in opinion that Petitioner's many injected race are not as serious as Buck v. Davis, and not Extraordinary, when the evidence & transcripts presented in this Petition Proves that Prosecution, trial counsel & trial Judge conspired in a [sch]eme of Fraud upon the U.S. Constitution, because after they all [ack]nowledged in the transcripts that the [Jury is tainted] by [injected race-based Suborn False allegations], they deceived defendant and committed misconduct, because "the solution to the problem with the Jury was 'never' implemented" as trial Judge ruled he will implement, and they deliberately "Relied on injected race to impose this criminal conviction & sanction, injured not just this defendant, but the Law as an institution, -- the community at large, and democratic ideal reflected in the process of our courts" BUCK, *Id.* at 778.

Grave Miscarriage of Justice, proving that this petitioner is wrongly convicted, sentenced & imprisoned by an [ack]nowledged tainted Jury & injected race-based

Suborn False allegations in Violations of Equal Protection Clause;

And defective trial attorney never objected to any of the many injected race in violation of 6th amendment.

Grave Miscarriage of Justice in Violation of BUCK V. DAVIS, 137 S.Ct. 759 (2017)

Respectfully submitted
Eduardo Nunez Sept. 23, 2022
Adib Eddie Ramez Makdessi, #1187926

CONCLUSION

According to BUCK v. DAVIS, this Extraordinary writ of Habeas should be granted.

Respectfully submitted,

Frank Klem

Date 9-23-2022