

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**

ABU-ALI ABDUR'RAHMAN)	
(formerly known as James Lee Jones))	
)	
)	DAVIDSON COUNTY CRIMINAL
)	
vs.)	NO. M1988-00026-SC-DPE-PD
)	
)	
STATE OF TENNESSEE)	

Filed by the Clerk's Office January 17, 2002 (jsr)

ABU-ALI ABDUR'RAHMAN'S MOTION FOR RECONSIDERATION

Petitioner Abu-Ali Abdur'Rahman, by and through counsel, moves the Court to reconsider its denial of Petitioner's motion for certificate of commutation and other relief and its setting of an execution date.

The Court's Order was issued January 15, 2002. On the morning of the same day, Petitioner filed with this Court the entire federal district court evidentiary record in Petitioner's case. The nature and merits of Petitioner's case cannot be fully and accurately understood without a complete review of this record.

The federal district court record just filed with this Court has virtually no resemblance to the record of the original trial that this Court reviewed on the direct appeal from the trial. Furthermore,

on state post-conviction, the opportunity afforded to counsel to develop the record was very limited, and the record that was developed on state post-conviction is also very incomplete. The federal district court record, on the other hand, demonstrates that due to prosecutorial misconduct and ineffective assistance of counsel, the original trial was a farce and mockery. The trial jury did not hear the true facts relevant to Petitioner's motive, involvement in the commission of the offense, his mental state, any of his life history or mitigating evidence.

Only one judge has heard all of the evidence, federal district court Judge Campbell, and he ruled that Petitioner's death sentence should be vacated. (Even then, for procedural reasons Judge Campbell did not consider the claims of prosecutorial misconduct.) Petitioner submits that on the appeal to the Sixth Circuit, the two members of the panel majority never reviewed the entire evidentiary record when they voted to reverse Judge Campbell's ruling on an issue that was never raised by the state and that was therefore never briefed or argued by the parties. The panel majority's opinion certainly does not reflect a review of or familiarity with the entire record.

Petitioner should not be executed where the only judge who has heard all of the evidence in the case ruled that Petitioner never received a fair trial and that the death sentence should be vacated. Petitioner therefore requests this Court to review the entire evidentiary record in this case before making any final determinations regarding Petitioner's execution.

Respectfully submitted,

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Counsel for Mr. Abdur'Rahman

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by hand delivery and first class mail, postage prepaid, upon Gordon W. Smith, Esq. of the Office of the Tennessee Attorney General, 500 Charlotte Avenue, Nashville, TN 37202-0207, on this the ____ day of _____, 2002.

Bradley A. MacLean

DESIGNATION OF ATTORNEY OF RECORD
FOR MR. ABDUR'RAHMAN

Mr. Abdur'Rahman designates the following attorneys of record:

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