

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

Ali Abdulrahman Ibrahim, Petitioner/ Appellant, v. State of North Dakota, Respondent/ Appellee	Case No.: 09-2021-CV-2341 Supreme Court Case No: 20210335 PETITION FOR REHEARING
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PETITION FOR REHEARING

Petition for Re-hearing on the Judgment entered on the 14th day of April, 2022

North Dakota Supreme Court

/S/ Benjamin C. Pulkrabek
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PETITION FOR REHEARING

[1] COMES NOW the Petitioner/ Appellant Abdulrahman Ibrahim Ali and petitions the court for a rehearing.

JURISDICTION

[2] Petitioner/ Appellant Ali timely petition for rehearing in accordance with N.D.R. App. P. 40.

STATEMENT OF THE ISSUES

[3] **ISSUE I.** Did the trial court err when it entered an Order for Summary Disposition of Application for Post-Conviction Relief?

LAW AND ARGUMENT

[4] In this case Mr. Ali's ability to speak or understand English is very limited and he has been heavily sedated on most occasions since his conviction. The above are good reasons why Mr. Ali wasn't able to timely file his post-conviction petition.

[5] The reason the above question regarding Mr. Ali's mental competency arises is because of the following language in N.D.C.C. § 29-32.1-01(3)(a)(2): "The petitioner establishes that the petitioner establishes that the petitioner suffered from a physical disability or mental disease that precluded timely assertion of the application for relief..."

[6] The only way to determine if Mr. Ali does or does not suffer from physical disability or mental disease that precludes timely assertion of the application for relief is for him to undergo a mental health evaluation.

CONCLUSION

[7] Mr. Ali's Petition for Rehearing should be granted and he should be required to undergo a mental health evaluation.

Dated this 27th day of April 2022

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IN THE SUPREME COURT OF NORTH DAKOTA

Ali Abdulrahman Ibrahim,
Plaintiff and Appellee,
v.
State of North Dakota,
Defendant and Appellant.

Supreme Court File No.
20210335
Cass County District Court No.
09-2021-CV-2341

**CERTIFICATE OF
COMPLIANCE**

[¶1] I certify that this appellant's and complies with the page limit of 38 for the brief set forth in N.D. R. App. P. 32(a)(8)(A). The brief in this matter consists of five (5) pages.

Dated this 27th day of April, 2022.

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IN THE SUPREME COURT OF NORTH DAKOTA

Abdulrahman Ibrahim Ali,
Petitioner and Appellant,
v.
State of North Dakota,
Respondent and Appellee.

Supreme Court File No.
20210335
Cass County District Court No.
09-2021-CV-02341
CERTIFICATE OF SERVICE

[¶1] I certify that a true and correct copy of the following, specifically:

1. Petition for Rehearing
2. Certificate of Compliance
3. Certificate of Service

by electronically serving the same through the North Dakota Supreme Court e-filing system and that e-filing will provide service to the following:

North Dakota Supreme Court
supclerkofcourt@ndcourts.gov

Ryan Youngren
Cass County States Attorney
sa-defense-notices@casscountynd.gov

and by U.S. postal service with proper postage affixed to:

Abdulrahman Ibrahim Ali
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Bismarck, ND 58506-5521
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Dated this 27th day of April 2022.

/s/ Benjamin C. Pulkrabek

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