

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

SA'AD EL-AMIN,

Plaintiff,

v.

Case No. 3:12CV538

COMMONWEALTH OF VIRGINIA, et al.,

Defendants.

**MEMORANDUM IN SUPPORT OF MOTION TO ADD ADDITIONAL
EXHIBIT TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

The Plaintiff, Sa'ad El-Amin, pro se, has moved the Court to add an additional exhibit to his Motion for Summary Judgment. The requested exhibit, which is been marked as Exhibit 12, and which is attached hereto, or excerpts from the State of the Union address made by Governor McDonnell, a defendant herein, to the Virginia General Assembly on January 9, 2013.

Among the comments made by Governor McDonnell, the following:

While we have significantly improved and fast-tracked the restoration of civil rights process, it's still an executive process. As a nation that believes in redemption and second chances, we must provide a clear path for willing individuals to be productive members of society once they have served their sentences and paid their fines and restitution.

It is time for Virginia to join most of the other states and make the restoration of civil rights an automatic process for nonviolent offenders.

(Emphasis Added)

Plaintiff contends that these comments are both relevant to and dispositive of Count IV of the Complaint, which alleges that disenfranchisement in Virginia, a violates the the Eighth Amendment's evolving standards of decency that mark the progress of a maturing society as articulated by the Supreme Court in *Trop v. Dulles*, 356 U.S. 86, 99, 78 S.Ct. 590, 2 L.Ed.2d 630

(1958). (Holding that the forfeiture of citizenship (denationalization) of a native born American, causing him to become stateless because of his conviction by court-martial for wartime desertion violates the 8th Amendment).

McDonnell's above quote is a clear admission that Virginia's life-time disenfranchisement for conviction of a felony, without automatic restoration is out of step and archaic with other states. Because McDonnell is the Commonwealth's chief executive officer, and his comments were made to the Commonwealth's lawmaking body, they are both relevant and as previously stated, dispositive of the claims set forth in Count IV.

Plaintiff could not have included this exhibit until now because the comments were not made until very recently.

WHEREFORE, El-Amin respectfully requests that this Court grant the motion.

Respectfully submitted,

SA'AD EL-AMIN

_____/s/_____

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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of January 2013, I mailed the foregoing Memorandum to the Clerk of Court, Spottswood W. Robinson III and Robert R. Merhige, Jr., Federal Courthouse, 701 East Broad Street, Richmond, VA 23219 and emailed a copy to E. Duncan Getchell, Jr., Esquire, State Solicitor General of Virginia, Office of the Attorney

General, Attorney for the Commonwealth of Virginia, Governor McDonnell and Secretary of State Kelly to, Office of the Attorney General, 900 East Main Street Richmond, Virginia 23219 dgetchell @oag.state.va.us. and to John Tarley, Jr., Esquire, Adjunct Professor of Law, William and Mary Law School TARLEY ROBINSON, PLC, 4808 Courthouse Street, Suite 102 Williamsburg, VA 23188, JTarley@TarleyRobinson.com

_____/s/_____