

# Supreme Court of Florida

FRIDAY, JUNE 26, 2020

CASE NO.: SC20-918

Lower Tribunal No(s):

2D18-5096; 522006CF023073XXXXNO; 522006CF026725XXXXNO

CHRISTOPHER J. RAHIM vs. STATE OF FLORIDA

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Petitioner(s)

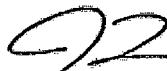
Respondent(s)

This case is hereby dismissed. This Court lacks jurisdiction to review an unelaborated decision from a district court of appeal that is issued without opinion or explanation or that merely cites to an authority that is not a case pending review in, or reversed or quashed by, this Court. See *Wheeler v. State*, No. SC19-1916 (Fla. June 11, 2020); *Wells v. State*, 132 So. 3d 1110 (Fla. 2014); *Jackson v. State*, 926 So. 2d 1262 (Fla. 2006); *Gandy v. State*, 846 So. 2d 1141 (Fla. 2003); *Stallworth v. Moore*, 827 So. 2d 974 (Fla. 2002); *Harrison v. Hyster Co.*, 515 So. 2d 1279 (Fla. 1987); *Dodi Publ'g Co. v. Editorial Am. S.A.*, 385 So. 2d 1369 (Fla. 1980); *Jenkins v. State*, 385 So. 2d 1356 (Fla. 1980).

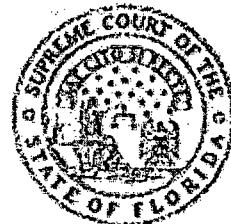
No motion for rehearing or reinstatement will be entertained by the Court.

A True Copy

Test:



John A. Tomasino  
Clerk, Supreme Court



td

Served:

C. SUZANNE BECHARD

CHRISTOPHER J. RAHIM

HON. MARY BETH KUENZEL, CLERK

HON. NANCY MOATE LEY, JUDGE

HON. KEN BURKE, CLERK

APPENDIX 1

pg. 2 of 2

# Supreme Court of Florida

FRIDAY, JULY 17, 2020

CASE NO.: SC20-918

Lower Tribunal No(s):

2D18-5096;

522006CF023073XXXXNO;

522006CF026725XXXXNO

CHRISTOPHER J. RAHIM

vs. STATE OF FLORIDA

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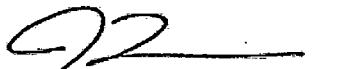
Petitioner(s)

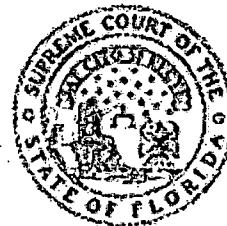
Respondent(s)

Pursuant to this Court's order dated June 26, 2020, the Motion for Rehearing, treated as a Motion for Reinstatement is hereby stricken as unauthorized.

A True Copy

Test:

  
John A. Tomasino  
Clerk, Supreme Court



ks

Served:

C. SUZANNE BECHARD  
CHRISTOPHER J. RAHIM  
HON. MARY BETH KUENZEL, CLERK  
HON. NANCY MOATE LEY, JUDGE  
HON. KEN BURKE, CLERK

APP. 2  
pg. 1 of 2

# Supreme Court of Florida

WEDNESDAY, AUGUST 19, 2020

CASE NO.: SC20-1218

Lower Tribunal No(s).:  
2D20-1986; 522006CF023073XXXXNO

CHRISTOPHER J. RAHIM

vs. STATE OF FLORIDA

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Petitioner(s)

Respondent(s)

This case is hereby dismissed. This Court lacks jurisdiction to review an unelaborated decision from a district court of appeal that is issued without opinion or explanation or that merely cites to an authority that is not a case pending review in, or reversed or quashed by, this Court. *See Wheeler v. State*, No. SC19-1916 (Fla. June 11, 2020); *Wells v. State*, 132 So. 3d 1110 (Fla. 2014); *Jackson v. State*, 926 So. 2d 1262 (Fla. 2006); *Gandy v. State*, 846 So. 2d 1141 (Fla. 2003); *Stallworth v. Moore*, 827 So. 2d 974 (Fla. 2002); *Harrison v. Hyster Co.*, 515 So. 2d 1279 (Fla. 1987); *Dodi Publ'g Co. v. Editorial Am. S.A.*, 385 So. 2d 1369 (Fla. 1980); *Jenkins v. State*, 385 So. 2d 1356 (Fla. 1980).

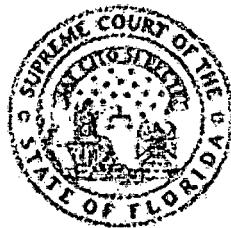
No motion for rehearing or reinstatement will be entertained by the Court.

A True Copy

Test:



John A. Tomasino  
Clerk, Supreme Court



td

Served:

C. SUZANNE BECHARD

CHRISTOPHER J. RAHIM

HON. NANCY MOATE LEY, JUDGE

HON. KEN BURKE, CLERK

HON. MARY BETH KUENZEL, CLERK

APP. 2  
Pg. 2 of 2

# Supreme Court of Florida

THURSDAY, SEPTEMBER 3, 2020

CASE NO.: SC20-1218

Lower Tribunal No(s).:

2D20-1986;  
522006CF023073XXXXNO

CHRISTOPHER J. RAHIM

vs. STATE OF FLORIDA

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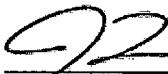
Petitioner(s)

Respondent(s)

Pursuant to this Court's order dated August 19, 2020, the Motion for Rehearing, treated as a Motion for Reinstatement is hereby stricken as unauthorized.

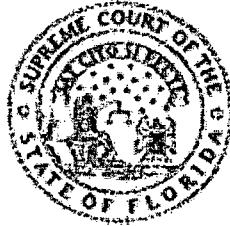
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Test:



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John A. Tomasino  
Clerk, Supreme Court



ks

Served:

C. SUZANNE BECHARD  
CHRISTOPHER J. RAHIM  
HON. NANCY MOATE LEY, JUDGE  
HON. KEN BURKE, CLERK  
HON. MARY BETH KUENZEL, CLERK

APP.3  
pg 1 of 3

# Supreme Court of Florida

TUESDAY, SEPTEMBER 29, 2020

CASE NO.: SC20-1409

Lower Tribunal No(s).:

2D19-3947; 522006CF023073XXXXNO; 522006CF026725XXXXNO

CHRISTOPHER J. RAHAIM

vs. STATE OF FLORIDA

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Petitioner(s)

Respondent(s)

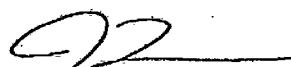
This case is hereby dismissed. This Court lacks jurisdiction to review an unelaborated decision from a district court of appeal that is issued without opinion or explanation or that merely cites to an authority that is not a case pending review in, or reversed or quashed by, this Court. *See Wheeler v. State*, No. SC19-1916 (Fla. June 11, 2020); *Wells v. State*, 132 So. 3d 1110 (Fla. 2014); *Jackson v. State*, 926 So. 2d 1262 (Fla. 2006); *Gandy v. State*, 846 So. 2d 1141 (Fla. 2003); *Stallworth v. Moore*, 827 So. 2d 974 (Fla. 2002); *Harrison v. Hyster Co.*, 515 So. 2d 1279 (Fla. 1987); *Dodi Publ'g Co. v. Editorial Am. S.A.*, 385 So. 2d 1369 (Fla. 1980); *Jenkins v. State*, 385 So. 2d 1356 (Fla. 1980).

No motion for rehearing or reinstatement will be entertained by the Court.

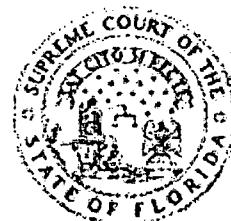
A True Copy

Test:

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John A. Tomasino  
Clerk, Supreme Court



td

Served:

C. SUZANNE BECHARD  
CHRISTOPHER J. RAHAIM  
HON. NANCY MOATE LEY, JUDGE  
HON. KEN BURKE, CLERK  
HON. MARY BETH KUENZEL, CLERK

APP. 3  
pg 2 of 3

# Supreme Court of Florida

TUESDAY, OCTOBER 20, 2020

CASE NO.: SC20-1409

Lower Tribunal No(s):

2D19-3947;

522006CF023073XXXXNO;

522006CF026725XXXXNO

CHRISTOPHER J. RAHAIM

vs. STATE OF FLORIDA

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Petitioner(s)

Respondent(s)

Pursuant to this Court's order dated September 29, 2020, the Motion for Rehearing, treated as a Motion for Reinstatement is hereby stricken as unauthorized.

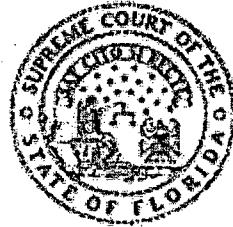
A True Copy

Test:



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John A. Tomasino  
Clerk, Supreme Court



ks

Served:

C. SUZANNE BECHARD  
CHRISTOPHER J. RAHAIM  
HON. NANCY MOATE LEY, JUDGE  
HON. KEN BURKE, CLERK  
HON. MARY BETH KUENZEL, CLERK

APPENDIX 3  
Pg. 3 of 3  
IN THE DISTRICT COURT OF APPEAL OF FLORIDA  
SECOND DISTRICT

CHRISTOPHER J. RAHAIM,

Appellant,

v.

Case No. 2D19-3947

STATE OF FLORIDA,

Appellee.

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**APPELLEE'S SUMMARY RULE 3.800 NOTICE TO COURT**

COMES NOW the APPELLEE, the STATE OF FLORIDA, by and through the undersigned Assistant Attorney General, and gives notice that it does not intend to file a brief in the above-captioned case unless requested to do so by this Court. This appears to be an appeal from the summary denial of post-conviction proceedings as indicated on the "Acknowledgment of New Case" received from this Court.

Respectfully submitted,

ASHLEY MOODY  
ATTORNEY GENERAL

/s/Pamela Cordova Papasov  
PAMELA CORDOVA PAPASOV  
Assistant Attorney General  
Florida Bar No. 1004434  
Concourse Center 4  
3507 E. Frontage Road, Suite 200  
Tampa, Florida 33607-7013  
(813)287-7900  
Fax (813) 281-5500  
CrimAppTPA@myfloridalegal.com  
Pamela.Papasov@myfloridalegal.com

COUNSEL FOR APPELLEE







## Appendix 6

### OFFICE OF THE ATTORNEY GENERAL CRIMINAL APPEALS

ASHLEY MOODY  
ATTORNEY GENERAL  
STATE OF FLORIDA

Concourse Center 4  
3507 E. Frontage Road, Suite 200  
Tampa, FL 33607-7013  
Phone (813) 287-7900  
Fax (813) 281-5500  
*mailto:floridajudicialmail.com*

November 17, 2020

Honorable Scott S. Harris, Clerk  
Supreme Court of the United States  
One First Street, N.E.  
Washington, DC 20543

RE: CASE NAME: Christopher Rahaim v. State of Florida  
Case No. 20-6168

## WAIVER

Dear Mr. Harris:

Respondent, State of Florida, does not intend to file a response to the petition in the above captioned case, unless requested so to do by the Court. This is not a case in which the death penalty has been imposed.

Please enter my appearance as Counsel of Record for all respondents in this case.

Sincerely,

ASHLEY MOODY  
ATTORNEY GENERAL

C. Suzanne Bechard  
Chief - Assistant Attorney General  
Bureau Chief, Tampa Criminal Appeals  
[CarlaSuzanne.Bechard@myfloridalegal.com](mailto:CarlaSuzanne.Bechard@myfloridalegal.com)

/gc

cc: Christopher Rahaim, #R02347, Gulf Correctional Institution, annex,  
8501 Hampton Springs Road, Perry, FL 32348

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, STATE OF FLORIDA**

**CHRISTOPHER RAHAIM,  
Petitioner,**

v.

**Case No.: 06-23073 C.F.A.N.O.**

**STATE OF FLORIDA  
Respondent.**

**MOTION FOR CONTEMPT ORDER TO SHOW CAUSE  
AND FOR RELIEF FROM JUDGEMENT**

Comes now, the Petitioner, Christopher Rahaim, and prays this Court order the State Attorney, Bernie McCabe, to show cause why he should not be held in contempt of court for willfully failing to comply with two court orders for discovery, pursuant to Rule 3.220 Fla.R.Crim.P., Fla. Stat. 119.01 for public records, The Freedom Of Information Act, Title 18 § 3500, Rule 16 (a)(1)(c), Fed.R.Crim.P., Article 1 § 24 of The Florida Constitution and the 6<sup>th</sup> and 14<sup>th</sup> Amendments to the U.S. Constitution, providing due process rights of evidence disclosure.

Over 180 days has passed since this court rendered its order on August 9<sup>th</sup>, 2019, ordering the State to respond to Petitioners Petition for Writ of Mandamus, originally filed as "Motion To Compel Discovery And Unseal Files To Expose Fraud, Connivance And Manifest Injustice." These documents requested must be produced to correct fundamental errors by "Fraud On The Court," despite any incriminating results to their maker. See case: *Conner v. Alderman*, 159 So.2d 890 (Fla. 2d DCA 1964). McCabe will not comply in responding to nor producing documents proving connivance in Petitioners defeat and entitlement of Petitioner to release. Evidence of bad faith litigation, fraud, delay tactics and willful disregard, warranting the severest sanctions, will be outlined in this motion.

### STATEMENT OF FACTS

Bernie McCabe has been knowingly, with willful disregard, concealing exculpatory documents, evidence in his possession and the identities of undercover police and confidential informants, all employed in a premeditated setup against Petitioner. All evidence is exculpatory, impeaching and shows the actual innocence of the Petitioner. The Petitioner was falsely arrested in October of 2006 and has been denied due process from the beginning of this case. Manifest Injustice has occurred through "Fraud On The Court" and false imprisonment. The public records and exculpatory DNA evidence being concealed shows the Petitioner is entitled to relief.

See cases:

1. *Garcia v. State*, 949 So. 2d 784 (Fla. 2006).
2. *Bryan v. State*, 753 So. 2d 1244 (Fla. 2000).
3. *Buenoano v. State*, 708 So. 2d 941 (Fla. 1998).
4. *Campbell v. State*, 593 So. 2d 1148 (Fla. 1<sup>st</sup> DCA 1992).

In *Campbell*, requested discovery was subject to public records laws. Public records requests are civil in nature and invoke substantive due process rights. Petitioner has cited Rule 1.380 Fla.R.Civ.P., "Failure to make discovery," as the applicable rule. The circuit court has argued civil rules do not apply in criminal cases. However, in case *Coblenz v. State*, 855 So. 2d 681 (Fla. 2<sup>nd</sup> DCA 2003), the court recommended defendant file a relief from judgment, pursuant to rule 1.540 (b) Fla.R.Civ.P. This case is on point with this case before the court. In *Coblenz*, a hearing was ordered to be held to determine the merits where a judgment was obtained by fraud. There are several levels of fraud in this case, warranting reversal of judgment, pursuant to Rule 1.540 Fla.R.Civ.P., Fla. Statutes § 59.041, § 924.033 and § 90.104 (1)(3), providing, if excluded evidence affected the substantial rights of a party, resulting in a miscarriage of justice, then reversal of judgment is warranted. This is applied in case: *State v. DiGuilio*, 491 So. 2d 1129

(Fla. 1986) defining the harmless error standard in reversal of judgments, pursuant to Fla. Stat. § 924.033. In case *State v. Glossom*, 462 So.2d 1082 (Fla. 1985) the case was dismissed for governmental misconduct involving concealed exculpatory evidence and confidential informants promised gain. This case is on point in this case of fraud by confidential informant Mary Peck.

The Petitioner has been prejudiced and has presented overwhelming documentation in over 8 motions to this court, containing a list of 111 facts, proofs and elements, with over 94 verifying exhibits, that prove actual innocence, manifest injustice, connivance and conspiracy of the State to conceal evidence. All this prevented Petitioner from a fair trial and true contest of the merits. This "Fraud On The Court" is further evidenced by the following:

1. Detective and Prosecutor never took a written or testimonial sworn statement from the alleged victim, would be material witness, informant Mary Peck. This shows bad faith litigation, violating rule 3.140 (g) Fla.R.Crim.P.. Intent to omit relevant facts, proving fraud, is evidence by this fundamental due process violation. The lack of material eyewitness testimony, with intent to defraud by omission, voids the charging document rendering jurisdiction of the court non-established.

2. Detectives manufactured probable cause for a search warrant and arrest by fraud. The alleged victim claimed falsely she was brought out on Petitioner's boat, was forced into the cabin and sexually assaulted. She claimed Petitioner pulled out of her and ejaculated while moaning. The detectives fraudulently represented that semen was found on the informant's buttocks. S.A.V.E. exam results confirm no semen was found on informant's buttocks, forensics show no fluids found under black lights on any surface in the cabin of the boat. In deposition, taken 5 months later, the informant testifies. This testimony overwhelmingly proves the actual innocence of the Petitioner. There are over 20 discrepancies, prior inconsistent statements and

outright lies that would show, to any reasonable finder of fact, that the informant is a habitual liar with mental illnesses and the Petitioner is actually innocent. This testimony proves accuser was never on Petitioner's boat and sex never occurred.

Now, 5 months after the informant claims the Petitioner pulled out of her and ejaculated while moaning, she testifies she was told about semen being present, not eyewitnessing this non-occurring event. She has no recollection that the Petitioner moaned. (See list of facts: fact number 32 with all listed exhibits). There are over 40 facts, proving overwhelmingly, that the informant was never on Petitioner's boat and sex could not have occurred in the position informant testifies she was in where Petitioner was, "straddling her, her legs closed, Petitioner's legs constricting her legs." (See list of facts: fact numbers 21-32 with all verifying exhibits listed). These facts show actual innocence. The State is covering up proof of false imprisonment.

3. McCabe refuses to produce S.A.V.E. exam document.
4. McCabe refuses to comply with this Court's order rendered on Nov. 21<sup>st</sup>, 2007, compelling supplemental DNA paperwork, showing undercover cops Jerry and Sean, who were employed in a setup, were the donors of the semen found in their informant Mary. Mary at first lied, but then admitted to a sexual relationship with Jerry. (See list of facts: fact numbers 10 and 11 with all verifying exhibits listed).
5. McCabe refuses to produce a copy of the written order, granting supplemental DNA paperwork. The State is claiming no written order was filed with the Clerk and therefore it is not a public record. The law provides oral pronunciation renders an order given and the docket record, showing the granting of defenses motion to compel supplemental DNA paperwork (see exhibit 2) and the transcript of the hearing, where the judge grants this motion, are both

public records, proving a valid order was rendered. The State has removed, with fraudulent intent, this paper order from the court file, in violation of Rule 2.410 Fla.R.Jud.Adm. and Fla. Stats. 838.022, 839.13, 918.13.

The effort of McCabe to conceal this paper order document, shows the exculpatory nature and "Fraud On The Court" doubly, by the impeachability of DNA expert and the concealment of this exonerating evidence, denying the Petitioner due process and acquittal.

6. Petitioner sent 5 requests, before the Court granted, in part, the Motion To Compel. For two years, additionally to the 12 years Petitioner has been falsely imprisoned, Bernie McCabe has shown, by refusal to comply with court orders, that he never intends to produce any documentation of exculpatory evidence, despite the Petitioner sending two money orders for the amount of the states invoice.

7. Bernie McCabe refuses to respond to the Petition For Writ of Mandamus or any allegation of fraud. McCabe refuses to comply with laws, rules and this Court's orders.

8. McCabe refuses to address the issue that he fraudulently represented that the alleged victim was before the Court, using an imposter, denying the Petitioner face to face confrontation, as provided by due process laws of the 6<sup>th</sup> and 14<sup>th</sup> Amendments of the U.S. Constitution and case: *Olden v. Kentucky*, 488 U.S. 227, 231 (1988). Intent to commit "Fraud On The Court" is proven by this fact.

9. Petitioner sent a 6<sup>th</sup> request for documents, pursuant to "The Freedom of Information Act", on August 16<sup>th</sup>, 2019 (see exhibit 95). The State responded, claiming it would send an invoice for the requested documents. (See exhibit 96). On November 27<sup>th</sup>, 2019, after no invoice was provided, the Petitioner sent a 7<sup>th</sup> request for the invoice (see exhibit 97), the State falsely claimed would be provided.

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Pg 6 of 7

10. The State has requested 3 extensions of time to respond to the Petition. The extended time, granted by the Court, expired Dec. 25<sup>th</sup> 2019. Over 60 days has passed and the State has not responded to the Petitioner. Nor has there been any motion filed requesting an extension of time. The State is in contempt of Court.

### CONCLUSION

The State and Bernie McCabe continues, without consequence, to refuse to comply with orders of this Court and produce documents or respond to the Petitioner. The State is in contempt of Court. It appears Bernie McCabe has an indefinite intent to conceal exculpatory documents and will never act lawfully to allow proper disclosure of evidence, denying Petitioner due process. Intent to commit fraud and conceal fraud shows bad faith litigation to delay the release of the Petitioner and avoid a political scandal by exposure of truth in this case. This is a textbook example of malicious prosecution, manifest injustice, and fraud on the court. No evidence has been submitted by the State to refute any assertions of the Petitioner, conceding all alleged violations perpetrated by McCabe are true. There is an insufficiency of evidence to sustain a conviction in this case, warranting a Judgement of Acquittal<sup>1</sup>, pursuant to rule 3.380 (a) Fla.R.Crim.P.. There is overwhelming evidence of Actual Innocence.

Accordingly, the Petitioner requests this Court issue an order for Bernie McCabe and the State to show cause why they should not be held in contempt of court. Petitioner also requests the Court make a provision that any further non-compliance of the order's of the court will result in the severest sanctions, provided by rule 3.220 (n), Fla. Statutes § 59.041, § 924.033, § 90.104 (1)(3) and case laws: *State v. Gillis*, 876 So. 2d 703 (Fla. 3<sup>rd</sup> DCA 2004), *Commonwealth*

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<sup>1</sup> *McBride v. State*, 7 So.3d 1146 (Fla. 2<sup>nd</sup> DCA 2009), *Tibbs v. State*, 397 So.2d 1120 (Fla. 1981) citing: *McArthur v. Nourse*, 369 So.2d 578 (Fla. 1979).

APP 7  
PS 7 of 7

*Federal Savings and Loan v. Tubero*, 569 So. 2d 1271 (Fla. 1990), this being the reversal of judgement, entering a Judgement of Acquittal, and or dismissal of case 06-23073. Petitioner prays this Court finds, in the interests of justice, that this severest sanction is warranted and will execute this court's authority forthwith.

Respectfully Submitted,

Christopher Rahaim

**OATH**

Under penalties of perjury, the Petitioner, Christopher Rahaim, does swear that all facts contained in the foregoing document are true and correct.

Signed: Christopher Rahaim

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing was mailed to the Office of the State Attorney, 14250 49<sup>th</sup> St. North, Clearwater, FL 33762 on this 5<sup>th</sup> day of March, 2020.

Signed: Christopher Rahaim

OUTGOING LEGAL MAIL  
PROVIDED TO TAYLOR C.I. FOR  
MAILING ON

3-5-20-10  
DATE (MAILROOM-MAIN UNIT) OFFICER INT.

APPENDIX 8

PG 10 F8

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, STATE OF FLORIDA**

CHRISTOPHER RAHAIM,  
Petitioner,

v.

Case No.: 06-26725 C.F.A.N.O.

STATE OF FLORIDA  
Respondent.

**MOTION FOR CONTEMPT ORDER TO SHOW CAUSE  
AND FOR RELIEF FROM JUDGEMENT**

COMES NOW, the Petitioner, Christopher Rahaim, and prays this court order the State Attorney, Bernie McCabe, to show cause why he should not be held in contempt of court for willfully failing to comply with this court's order, rendered on August 9<sup>th</sup> 2019, for discovery. Bernie McCabe was ordered to respond to Petitioner's "Motion To Compel Discovery And Unseal Files To Expose Fraud, Connivance And Manifest Injustice," which the court has ordered to be heard as a Writ of Mandamus. This motion was pursuant to rule 3.220 *Fla.R.Crim.P.*, *Fla. Stat.*, 119.01 for public records, The Freedom of Information Act, Title 18 § 3500, rule 16 (a)(1)(c) *Fed.R.Crim.P.*, Article 1 § 24 of the Florida Constitution and the 6<sup>th</sup> and 14<sup>th</sup> Amendments to the U.S. Constitution, providing due process rights of evidence disclosure.

Over 180 days has passed since this court rendered an order on August 9<sup>th</sup> 2019, ordering the State to respond to the Writ of Mandamus. The documents requested and paid for must be produced to correct fundamental errors by "Fraud On The Court," despite any incriminating results to their maker. See case: *Conner v. Alderman*, 159 So. 2d 890 (Fla. 2<sup>nd</sup> DCA 1964). McCabe will not comply in responding or producing documents, proving connivance in Petitioner's defeat and entitlement of Petitioner to release. Evidence of bad faith litigation,

fraud, delay tactics and willful disregard, warranting the severest sanctions, will be outlined in this motion.

### STATEMENT OF FACTS

Bernie McCabe has been knowingly, with willful disregard, concealing exculpatory documents, evidence in his possession and the identities of undercover police and confidential informants, all employed in a premeditated setup against Petitioner. All evidence is exculpatory, impeaching and shows the actual innocence of the Petitioner. The Petitioner was falsely arrested in October of 2006 and has been denied due process from the beginning of this case. Manifest Injustice has occurred through willful "Fraud On The Court" and false imprisonment. The public records, showing complete and total fraud and the non-occurrence of all events alleged by the State, completely show the Petitioner is entitled to relief. See cases:

1. *Garcia v. State*, 949 So. 2d 784 (Fla. 2006).
2. *Bryan v. State*, 753 So. 2d 1244 (Fla. 2000).
3. *Buenoano v. State*, 708 So. 2d 941 (Fla. 1998).
4. *Campbell v. State*, 593 So. 2d 1148 (Fla. 1<sup>st</sup> DCA 1992).

In *Campbell*, requested discovery was subject to public records laws. Public records requests are civil in nature and invoke substantive due process rights. Petitioner has cited and alleges violations of rule 1.380 *Fla.R.Civ.P.*, "Failure To Make Discovery" and rule 3.220 *Fla.R.Crim.P.*, as the applicable rules. The Circuit Court argues civil rules do not apply in criminal cases. However, in *Coblentz v. State*, 855 So. 2d 681 (Fla. 2<sup>nd</sup> DCA 2003), the court recommended defendant file a relief from judgment, pursuant to rule 1.540 (b) *Fla.R.Civ.P.*. This case is on point with this case before the court. In *Coblentz*, a hearing was ordered to be held to determine the merits where a judgment was obtained by fraud.

There are several levels of fraud in this case, warranting reversal of judgment, pursuant to rule 1.540 *Fla.R.Civ.P.*, Fla. Statutes § 59.041, § 924.033 and § 90.104 (1)(3) providing, if

excluded evidence affected the substantial rights of a party, resulting in a Miscarriage of Justice, then reversal of judgment is warranted. This is applied in case: *State v. Diguilio*, 491 So. 2d 1129 (Fla. 1986) defining the harmless error standard for reversal of judgment pursuant to Fla. Stat. § 924.033. Governmental misconduct requires dismissal of case. See case: *State v. Glossom*, 462 So.2d 1082 (Fla. 1985).

The Petitioner has been greatly prejudiced and has presented overwhelming documentation in over 10 motions to this court, containing a list of 111 facts, proofs and elements, with over 94 verifying exhibits, that prove actual innocence, manifest injustice, connivance and conspiracy of sheriff's detectives and prosecutor Bernie McCabe to criminally conceal evidence and true facts.

All this prevented Petitioner from a fair trial, a true contest of the merits and acquittal. This total "Fraud On The Court" is evidenced by the following:

1. Detective and Prosecutor never took any written or testimonial sworn statement from the alleged victim, would be material witness, informant Tracy Purser, who refused to prosecute by signing a waiver of prosecution. This lack of a sworn statement shows bad faith litigation, violating rule 3.140 (g) *Fla.R.Crim.P.* Intent to omit relevant facts, proving fraud, is evidenced by this fundamental due process violation. The lack of material eyewitness testimony, with the intent to defraud by omission, voids the charging document rendering jurisdiction of the court non-established. The informant's sworn statement would reveal a report date of September 19<sup>th</sup>, 2006, not September 17<sup>th</sup>, 2006. This would prove all state's witnesses are testifying falsely to non-existent facts about a non-existent crime and all are impeachable, warranting reversal for fraud.

2. Sheriff's Department detectives falsified reports fraudulently claiming all facts and that this report was filed on September 17<sup>th</sup>, 2006. This violates Fla. Statutes § 838.22 and § 839.13 and shows intentional "Fraud On The Court."

3. Detective Don Wiwi fraudulently testified that the informant-prostitute allegedly remembered the oddly numbered 4 digit street number of a house she has never been to. Her memory would be seriously compromised because she admittedly was high on crack and drunk from drinking all night at a bar (see Supplemental Appendix For Exhibit Proving Fraud, exhibit 35, 36, 89). With this false claim of having an address, detective further proves fraud by testifying he was able to identify two vehicles registered to the Petitioner from this address search of 5989 71<sup>st</sup> St. North and that he obtained a driver's license photo of the Petitioner with an address of 5989 71<sup>st</sup> St. and compiled a photo pack. This never occurred. There is no photo pack and Petitioner's two vehicles and driver's license, as well as court documents, all show Petitioner's address as 6221 N. Dale Mabry Tampa. (See Supplemental Appendix For Exhibits Proving Fraud, exhibits 90-94). This shows intent to defraud and a questionable identification. The detectives initial contact with the Petitioner was Oct. 4, 2006, nearly 3 weeks after this alleged incident. If detectives received a report on Sept. 17<sup>th</sup>, 2006 and had the alleged address, they would have gone immediately or the next morning to this address to preserve witness accounts and evidence. None of these claims by the police outweigh the evidence, proving a setup, initially falsified reports and false prosecution of a non-existent crime. Petitioner has alibi witnesses and video proving innocence.

4. Petitioner paid for the original police report taken on September 19, 2006 by St. Petersburg Police Department, but Bernie McCabe refuses to provide this document and comply with this courts order and contracted fiduciary duty to provide this document. McCabe is

delaying the inevitable exposure of total corruption, criminally concealing true facts and evidence. (See exhibit 28 pgs. 1-6).

5. Petitioner sent, in addition to the 5 requests for discovery, 2 more written requests under "The Freedom of Information Act," because the state documented it's promise to provide an invoice, but even after 6 months refuses to provide any specifically requested documents. (See exhibits 95, 96 and 97 showing 6<sup>th</sup> and 7<sup>th</sup> request and promise of invoice).

6. Sheriff's deputy Joleen Parkins fraudulently testified she arrived at a scene, that never occurred, claiming she arrived just as the St. Petersburg Fire and Rescue Truck was leaving. (See Supplemental Appendix For Exhibit Proving Fraud, exhibit 88).

7. Fire Dept. records custodian Jenna Knippen confirmed to several witnesses that after a diligent search of dispatches, she was unable to find any record of a call of battery on 34<sup>th</sup> St. N. St. Petersburg. Jenna searched diligently, seeking records from Sept. 16<sup>th</sup>, 17<sup>th</sup> and 18<sup>th</sup> 2006 for calls between 2 and 5 a.m. (see exhibits 39, 40).

8. Witnesses calling Fire Department Administration and appearing in person, talking to Diana Moore, were given the run-a-round and prevented from obtaining official records, showing the non-occurrence of this falsely alleged event, pursuant to Fla. Stat. 119.01 for public records requests. Moore refused to allow "in person" records inspection, violating § 119 public records laws.

9. Petitioner sent certified mail, received January 14<sup>th</sup>, 2019 by Suzanne Jamin at Fire Department Administration. (See exhibit 41). This request for dispatch records included a \$10 money order, but was never responded to or the \$10 returned (see exhibit 41 pgs 1 and 2);

10. Jenna Knippen changed her story 6 months later, claiming they found a record of the call. This shows undue influence by the state, witness tampering, and a conspiracy to conceal

the true dispatch records and officially influence public records custodians to commit fraud and or falsify public records, violating Fla. Statutes § 838.22, § 839.13 and § 119.01.

11. FDLE records show no submission of any DNA sample taken from informant Tracy A. Purser. The State Attorney, Bernie McCabe, is concealing evidence of fraud, the impeachability of all state's witnesses and an intent by McCabe to prevent the production of evidence, showing a fraudulent prosecution of a non-existent crime and totally false testimony of non-occurring events. There was no 911 call, no scene, no DNA taken on Sept. 17<sup>th</sup>, 2006. The FDLE refuses to respond to "Requests For Admission" sent pursuant to 1.370 *Fla.R.Civ.Proc.*, conceding no DNA submission.

12. The alleged victim-informant Tracy signed a waiver of prosecution. Bernie McCabe has removed this document from the Court file and refuses to produce it. (See List of Facts: Fact numbers 96-99 with all corresponding exhibits listed).

13. Informant prostitute admitted to giving another date of alleged offense and had no recollection of the Sept. 17<sup>th</sup> date of the alleged offense or day of the week the alleged offense occurred on, until she was told of this date by assistant prosecutor. (See List of Facts: Fact number 100, exhibits 35 and 36).

14. Alibi video from The Hard Rock Hotel is being concealed and was paid for but not provided. Petitioner was in fact 40 miles away from a non-existent crime scene.

15. Bernie McCabe and A.S.A. Michael Marr are concealing the original affidavits of alibi witnesses Peter Wisoff and Gabriel Perez and have tampered with Perez, tricking him into testifying falsely that he was not at the Hotel on Sept. 17<sup>th</sup>, 2006 between 2 and 4 am. (See exhibit 24-27, 37).

16. A response to a complaint filed with The Florida Bar against former A.S.A. Broderick Levert Taylor confirms DNA results were still pending in December 2007. This was over 1 year after DNA was falsely alleged to have been taken, showing detective Ed Judy and DNA expert Kimberly Sutton were impeachable, testifying Petitioner matched a sample that was never taken and no paper documents exist for testing. (See exhibit 44).

17. Bernie McCabe refuses to produce the video of advisory court, where the Petitioner shows consciousness of innocence. Petitioner committed to an alibi defense while yelling "yes" because he believes, after confirming the alleged time and date of offense with the judge, that he can prove his innocence and a setup by the exonerating hotel security video.

#### CONCLUSION

The State and Bernie McCabe continues, without consequence or due process, to comply with orders of this court and produce documents or respond to the Petitioner. It has been 60 days since the States third extension of time expired on December 25<sup>th</sup>, 2019. No fourth extension has been requested. The State is in contempt of court. It appears Bernie McCabe has an indefinite intent to conceal exculpatory documents and will never act lawfully to properly produce evidence, denying the Petitioner due process, acquittal and release. Intent to commit fraud and conceal fraud shows bad faith litigation to delay the release of the Petitioner and avoid a political scandal by exposure of the truth in this case. This is a textbook example of manifest injustice, malicious prosecution and "Fraud On The Court."

No evidence has been submitted by the State, which also refuses to respond, to refute any and all assertions of the Petitioner, conceding all alleged violations, perpetrated by McCabe, are true and correct.

APP. 8  
Pg. 8 of 8

Accordingly, the Petitioner requests this court to issue an order for Bernie McCabe to show cause why he should not be held in contempt of court. Petitioner also requests the court to make a provision that any further non-compliance of this court's order's will result in the severest of sanctions, provided by rule 3.220 (n), *Fla. Statutes* § 59.041, § 924.033, § 90.104 (1)(3) and case laws: *State v. Gillis*, 876 So. 2d 703 (Fla. 3<sup>rd</sup> DCA 2004), *Commonwealth Federal Savings and Loan v. Tubero*, 569 So. 2d 1271 (Fla. 1990), this being reversal of judgment, entering of a "Judgement Of Acquittal", pursuant to Rule 3.380 (a) for insufficiency of evidence<sup>1</sup> and or dismissal of case 06-26725 C.F.A.N.O. Petitioner prays this court finds, in the interests of justice, that this severest sanction is warranted and will execute this courts authority forthwith.

OUTGOING LEGAL MAIL  
PROVIDED TO TAYLOR C.I. FOR  
MAILING ON  
3-5-2021  
DATE (MAILROOM-MAIN UNIT) OFFICER INT.

Respectfully Submitted,

Christopher Rahaim

OATH

Under penalties of perjury, the Petitioner, Christopher Rahaim, does swear that all facts contained in the foregoing document are true and correct.

Signed: Christopher Rahaim

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was mailed to the Office of the State Attorney, 14250 49<sup>th</sup> St. North, Clearwater, FL 33762 on this 5<sup>th</sup> day of March, 2020.

Signed: Christopher Rahaim

<sup>1</sup> *McBride v. State*, 7 So.3d 1146 (Fla. 2<sup>nd</sup> DCA 2009); *Tibbs v. State*, 397 So.2d 1120 (Fla. 1981) citing *McArthur v. Nourse*, 369 So.2d 578 (Fla. 1979).

**CERTIFICATE OF DATE AND SERVICE**

This certifies that a true copy of the foregoing was sent to Respondents, State of Florida Attorney General 350 E. Frontage Rd, Ste. 200 Tampa, FL 33607 and the Inspector General 650 Pennsylvania Avenue N.W. Rm. 5616 Washington, D.C. 20530, on this 9th day of February 2021.

Signed:

Charlene Rai

**CERTIFICATE OF DATE**

Under the penalty of perjury the Petitioner swears that the date is true and correct.

Charlene Rai

Kayla M Cody 2/9/2021

