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No. 20-8187

IN THE
SUPREME COURT OF THE UNITED STATES

CHRISTOPHER L TAKHVAR - Petitioner
(Your Name)

VS.

STATE OF FLORIDA - Respondent(s)

on

PETITION FOR A WRIT OF CERTIORARI

to

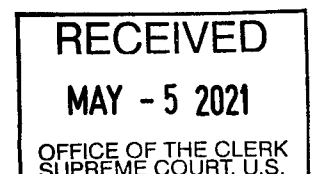
Fifth District Court of Appeal, Florida
(Name of Court that last ruled on merits of your case)

PETITION FOR A WRIT OF CERTIORARI

CHRISTOPHER TAKHVAR
(Your Name)

F.D.O.C. # F60391

BLACKWATER RIVER CORRECTIONAL FACILITY
5914 JEFF ATES ROAD
MILTON, FLORIDA 32583



Questions Presented

1) Since the United States Department of Treasury has defined Virtual Currency as "Property" for Tax purposes. When virtual currency belongs to a citizen of the United States, Does Virtual Currency demand the same "Property" protections as defined in the fourth, fifth and fourteenth amendment of the US Constitution, and would seizure of Virtual Currency without a warrant or Probable cause, and without Due Process of Law constitute a violation of Constitutional rights.

2) Does an invalid/false date in the "Jurat" of a Probable cause arrest affidavit, fail to secure a valid subscription to Oath or Affirmation, and fail to authorize the document to become a Probable cause affidavit by definition as required by Law. Constitute a Due Process of Law violation. In violation of fifth, and fourteenth amendments U.S. Constitution, allowing for Federal review Under 28 USC § 2254.

LIST OF PARTIES

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

☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari to review the judgment below.

OPINIONS BELOW

☐ For cases from **Federal Courts:**

The opinion of the United States Court of Appeals appears at Appendix _____ to the petition and is;

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States District Court appears at Appendix _____ to the petition and is;

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **State Courts:**

The opinion of the highest State Court to review the merits appears at Appendix A to the petition and is;

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the FIFTH DISTRICT Court appears at Appendix A to this petition and is;

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

JURISDICTION

☐ For cases from **Federal Courts:**

The date on which the United States Court of Appeals decided my case was _____, 20__.

- ☐ No petition for rehearing was timely filed in my case.
- ☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix ____.
- ☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U.S.C. §1254(1).

☒ For cases from **State Courts:**

The date on which the highest State Court decided my case was 2-15-21.
A copy of that decision appears at Appendix A.

- ☒ A timely petition for rehearing was thereafter denied on the following date: 3-22-21, a copy of the order denying rehearing appears at Appendix B.
- ☐ An extension of time to file the Petition for a Writ of Certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this court is invoked under 28 U.S.C. §1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Florida § 9250 Oaths Affidavits, and Acknowledgement
Who may take or administer; Requirements

(1) In this STATE -

Oaths Affidavits and Acknowledgements required or authorized under the laws of this State (except oaths to jurors and witnesses in court and such other oaths affidavits and acknowledgements as are required by law to be taken or administered by or before particular officers) may be taken or administered by or before any judge, clerk, or deputy clerk of any court of record within this STATE, including federal courts or before any United STATES Commissioner or any Notary Public within this STATE. The 'Jurat' or certificate of Acknowledgement, shall be authenticated by the signature and official seal of such officer or person taking or administering the same, however when taken before any Judge clerk, or deputy clerk of a court of record, The seal of such court may be affixed as the seal of such officer or person.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United STATES Constitution; Amendment 4 Unreasonable Searches and Seizures.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and No warrants shall issue, but upon probable cause, supported by Oath or Affirmation, and Particularly describing Place to be searched, and the persons or things to be seized.

United STATES Constitution; Amendment 5 Criminal actions Provisions concerning Due process of law and just compensation clauses.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or Naval forces or in the Militia, when in actual service in time of war or public danger. Nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; Nor shall be compelled in any criminal case to be a witness against himself, Nor be deprived of life, liberty, or property, without due process of law, Nor shall private property be taken for public use without just compensation.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED (continued)

United STATES Constitution Amendment 6 Rights of the accused.

In all criminal prosecutions the accused shall enjoy a right to a speedy and Public trial, by an impartial jury of the STATE and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

UNITED STATES CONSTITUTION; Amendment 14

Section 1 [Citizens of the United STATES]

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United STATES and of the STATES wherein they reside. No STATE shall make or enforce any law which shall abridge the privileges or immunities of the citizen of the United STATES. Nor shall any state deprive any person of life, liberty, or property, without due Process of law; Nor deny any person within its jurisdiction the equal protection of the laws.

STATEMENT OF CASE AND FACTS

The following meritorious grounds were raised in the Motion for Post Conviction Relief Fla R Crim P. 3.850, Denied on Dec. 18, 2020 in a Summary Denial.

- A) Denial of Pre-Trial Habeas Corpus; Motion to Dismiss
- B) The document the STATE Alleges to be a Probable cause arrest affidavit, is not an arrest affidavit by definition as required by law.
- C) Evidence Tampering 918, 13 (1)(a)
- D) Evidence collected from the victim residence on June 14, 2018 was in violation of 4th amendment US Constitution.
- E) The STATE has not established all of the statutory elements of Grand Theft/Auto
- F) Judicial bias has compromised the defendants right to due Process, 14th amendment US Constitution
- G) The defendant claims that the STATE commits a Gravis violation by not correcting false testimony by STATE witness, Aaron Levy, a Fourteenth amendment violation US Constitution
- H) Denial of Pre-Trial motion to suppress evidence with grounds of fifth and sixth amendment violations US Constitution to the defendant during Custodial interrogations
- I) Denial of standby counsel during Pre-Trial and during everyday of Trial, and Sentencing

The summary denial was appealed in the Fifth District Court of Appeal Daytona Beach, FL. The 5th DCA issued a Per Curiam Affirm decision on March 23, 2021

STATEMENT OF CASE AND FACTS

The following acts are listed in accord with Fla. R. App. P. 9.141 (d)(4)(f)

The petitioner claims ineffective assistance of appellate counsel for failing to raise a claim or argue on direct appeal the meritoriously preserved issue of the denial of the Pre Trial Habeas-Corpus; Motion to dismiss.

The petitioner claims ineffective assistance of appellate counsel for failing to raise a claim or argue on direct appeal the meritoriously preserved issue of the fundamental error of the document the STATE alleges to be a probable cause arrest affidavit is not an arrest affidavit by definition as required by law.

The petitioner claims ineffective assistance of appellate counsel for failing to raise a claim on direct appeal that the Fourth Amendment violation US Constitution to the Petitioner, of the False Affidavit demands the exclusionary rule of evidence, Tangible and intangible evidence obtained incident to the arrest of the petitioner should of been excluded.

STATEMENT OF CASE AND FACTS

On Aug 15, 2018 the petitioner was arrested on private property by US Marshalls for an outstanding bench warrant issued by the fifth circuit Court of Marion County, FL on June 14, 2018 for Grand Theft /Auto. The arrest was executed in the city of Jefferson TX. The unlawful arrest was meant to surprise, confuse, frighten the petitioner. Brown v Illinois 422 US 590
Six days after the arrest and continuous custody the petitioner was interrogated in Marshall TX. By state agent from FLORIDA, Det. Aaron Levy on Aug 21, 2018.

When the subject switched from Grand Theft to Homicide the petitioner requested the help of counsel stating "I think I need a lawyer" (R-360)
The request for counsel and invoking of sixth amendment US Constitutional right as well as fifth amendment was not honored, and the petitioner repeated his request two minutes later by stating "I probably need to talk to a lawyer" (R 362)

Miranda v Arizona 384 US 436

The petitioner gave into police pressure and eventually made exculpatory statements, which the petitioner later filed a Motion to Suppress evidence (R 68-74) with grounds of fifth and sixth amendment violations US Constitution to the petitioner during custodial interrogations.

The petitioner was interrogated a second time after being transported from TX to FL, after the first court appearance in Marion County, FL on Sept 4, 2018 for the Grand Theft /Auto Bench warrant. (R 20-21)

STATEMENT OF CASE AND FACTS

On Sept 11, 2018 the petitioner was at first appearance for the Second Degree Murder charge (R 27-28) and entered a Plea of Not Guilty.

On Jan 23, 2019 the petitioner filed a request to dismiss counsel. A Hearing was held on Feb 18, 2019 (R 62-64) The petitioner was granted the right to continue Pro-Se (R-67)

On Feb 18, 2019 the petitioner filed an in Court Motion to Suppress Evidence (R 68-74)

A hearing was held for the Motion to Suppress Evidence on April 9, 2019 (R 418-516) In the hearing for the motion to suppress evidence the petitioner requested the help of standby counsel. This was denied. (R-422)

During the motion to suppress evidence hearing the petitioner raised an additional ground of the fourth amendment U.S. Constitution violation of an invalid probable cause arrest affidavit due to a false and invalid date in the "Sworn" (R-428) of the affidavit.

The day before the Motion to Suppress Evidence hearing the petitioner filed a Fla R Crim P. § 907.045 Habeas Corpus; Motion to Dismiss (R 130-134) Filed on April 8, 2019, The trial court denied the Fla R Crim P. § 907.045 Habeas Corpus Motion to Dismiss the day after the petitioner mentioned the filing in the Motion to Suppress Evidence hearing, with the trial court denying the Motion to Dismiss on April 10, 2019, (R 140-141)

The Trial court denied the Pre-Trial Motion to Suppress evidence on April 12, 2019 (R-142)

STATEMENT OF CASE AND FACTS

The Petitioner was in Hand Cuffs and leg shackles in the first court appearance on Sept. 4, 2018. The Petitioner asked for help of a lawyer before the start of the second custodial interrogation in Marion County, FL. On Sept. 4, 2018, This right was denied by (R-429) the same STATE Agent Aaron Levy, who interrogated the petitioner in the first custodial interrogation, in Marshall, TX on Aug 21, 2018.

During his trip to TX the STATE AGENT Aaron Levy interviewed the Petitioner's Mother. This was before interviewing the petitioner. Aaron Levy demanded that the petitioner's Mother turn over the defendant's Laptop, Cellphone (T-379) she informed him that the items requested were not at her home. Aaron Levy made a second trip to meet the petitioner's mother at her storage unit to seize the petitioner's Laptop, Cellphone, wallet without probable cause and without a warrant (T 384-385) Wong Sun v. US 371 US 471. At the time of the unlawful seizure of the Laptop Computer, The petitioner had 5 million Maviwowie ERC20 tokens on the computer (T-57). The detective Aaron Levy knew of virtual currency "Bitcoin", (T-382) and that the petitioner had virtual currency due to a business card seized from STATE witness Michael Izzo (T 158-161) This card was received by STATE AGENTS before the petitioner's arrest. STATE AGENT Aaron Levy specifically asked the petitioner about "Virtual Currency" "Crypto Currency" (T-380) in TX interviews after already seizing the petitioner's Laptop.

STATEMENT OF CASE AND FACTS

On March 28, 2019 the state filed amended information to combine Grand Theft/Auto (cont'd) with Second Degree Murder (cont'd) in case # 18CF003532AX

On April 16, 2018 the Trial Court proceeded to Jury Trial for case # 18CF003532AX in the Fifth Circuit Court in Marion County, Florida.

The Petitioner was prejudiced by the STATE being allowed to use in its case in chief evidence that was direct fruit of multiple constitutional violations. *Brown v Illinois* 422 US 590

Wong Sun v United States 371 US 471

Leon v United States 468 US 897

The Petitioner was also prejudiced in trial by the Trial Judges biased statements and actions. The Petitioner's Fourteenth amendment right of Due Process of Law was violated by the Judicial Bias. The Petitioner requested a copy of trial transcripts during trial and the trial judge denied this right (T-164) Transcripts are necessary to impeach a witness with an inconsistent statement.

The Petitioner also requested special jury instructions for Grand Theft/Auto when permission was given. *Jones v STATE of Florida* 666 So2d 960 (T-636)

The trial judge shows his extreme bias when he denied both meritorious Pre-Trial Motions. The trial judge also allows the prosecution to continue to make comments to the jury that was his opinion as to the guilt of the accused and mischaracterizes

STATEMENT OF CASE AND FACTS

Evidence (T 673-674) even though the record does not support the statements. (T-692) The Petitioner objected twice to the multiple comments during closing argument, and the Judge overruled the objection, failed to correct the statements made by the prosecutor, and stated to the Jury "you know what it is".

The Petitioner was greatly prejudiced by the actions of the trial judge and the statements of the prosecution during closing argument which (T 697-698) improperly shifted the burden of proof onto the petitioner.

The Petitioner was found guilty on April 18, 2019.

The Petitioner was sentenced on May 23, 2019, with the Trial Judge again stating biased comments during sentencing. (R 444-445)

The petitioner timely filed a Notice of Appeal.

The petitioner's direct appeal was denied on Aug 11, 2020 with the mandate issued on Sept 4, 2020 Case # SD19-1250 Per Curiam Affirm.

The petitioner filed a Fla. RAPP.P. (d) 9.141(d) Habeas Corpus; Ineffective assistance of Appellate counsel. The Habeas Corpus was denied without reaching the merits of the claims and without a written opinion on Feb 15, 2021 Case # SD20-2306 Motion for Rehearing, Motion for written opinion Motion for Rehearing En Banc denied on March 22, 2021. The petitioner filed a Notice to Invoke Discretionary Jurisdiction for the Florida Supreme Court.

The Notice to Invoke discretionary jurisdiction for the Florida Supreme Court was dismissed without reaching the merits of the claims on April 8, 2021 case No # SC21-520

STATEMENT OF CASE AND FACTS

The United States treasury Department has Defined "Virtual Currency" as "Property" for Tax purposes, in the Internal Revenue Service IRS Tax Notice 2014-21 (Sec 4, A-1)

REASONS FOR GRANTING THE PETITION

The petition for writ of Certiorari should be granted for the following reasons;

The First reason for granting the writ of certiorari is to clarify a forth amendment issue so fundamentally deficient that it compromises the entire judicial process (An invalid date in the "Jurat") and to establish clear judicial guidelines for securing probable cause, and the deprivation of liberty which takes place once a STATE has exercised its right to criminal process, and commits a citizen to arrest, resulting in a deprivation of liberty, but failing to meet the requirements of the forth Amendment of the U.S. Constitution to include probable cause and a valid Subscription to Oath or Affirmation to such allegations.

The next reason for granting the writ of Certiorari is to set a precedent for STATE Courts that continue to deny a Citizen of the United States their right to Due Process of law a fourteenth amendment U.S. Constitution violation. By denial of meritorious Pre-Trial motions (Motion to Dismiss, Motion to suppress Evidence) and then continuing to trial. Denial of Objections by overruling and allowing evidence in Trial used by the STATE in its case in chief, which was direct fruit of Constitutional violations, which prejudiced the petitioner, and used to secure a conviction.

By continued denial of Post Conviction Motions and Petitions, without ever reaching the merits of the claims, without a written opinion

The STATE has denied the petitioner his

REASONS FOR GRANTING THE PETITION

Right to Due Process of Law.

It is also equally important for this court to grant Certiorari, to review this case which is so prejudicially flawed that it lacks all indicia for a conviction, and to establish clear guidelines for Constitutional protection of virtual currency and virtual assets that belong to a citizen of the United States.

Since the United States Supreme Court has already set precedent in regards to the fourth amendment United STATES Constitution and the Judicial application of claims brought against the state in ;

Mapp V OHIO 367 US 643

Wong Sun V United States 371 US 471

Leon V United States 468 US 897

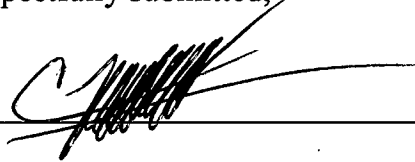
Brown V Illinois 422 US 590

CONCLUSION

This Petition for a Writ of Certiorari should be granted.

Respectfully submitted,

/s/

A handwritten signature in black ink, appearing to be "C. [unclear]", written over a horizontal line.

Date: April 23, 2021