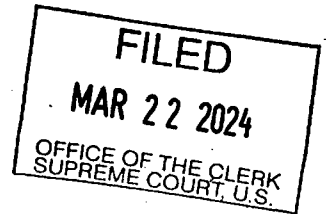


23 - 7076
No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

Jose R. Villavicencio _____ — PETITIONER
(Your Name)

vs.

Myron N. Terlecky _____ — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jose R. Villaviencio _____
(Your Name)

1664 Parsons Avenue _____
(Address)

Columbus OH 43207 _____
(City, State, Zip Code)

614 902 7725 _____
(Phone Number)

QUESTION(S) PRESENTED

Is an error in the drafting of a land contract something that the court can ignore even as the validity of that land contract is central to the case.

Does the belated discovery only after filer goes pro se means that the evidence is not admissible even though a copy of the land contract was introduced from the start

Given the Ohio Revised Code 2329.66 (A)(10)(g) that permits the exemption of parts of the IRA should another part be drafted in error, is the Bankruptcy court, which should show bias behalf of the bankruptcy filer, justified in dissolving the entire IRA.

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:

RELATED CASES

Villavicencio's original bankruptcy filing May 1, 2019 (Chapter 7) 19-52861

Villavicencio v Terlecky United States District Court for the Southern District of
Ohio, Case No. 22 CV 00918

Villavicencio v Terlecky United States Court of Appeals for the Sixth Circuit
Case No 23-3154

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION.....	6

INDEX TO APPENDICES

APPENDIX A	ORC 2329.66 (A)(10)(g)
APPENDIX B	In re Bauman, No 11 B 32418, 2014 WL 816407 (Bankr., N.D. Ill., March 4 2014
APPENDIX C	Brief of Terlecky, Case 23-3154, Document 16, PACER
APPENDIX D	Opinion and Order, US District Court Case No. 2:22-cv-0918
APPENDIX E	Order, United States Court of Appeals for the sixth Circuit 23-3154
APPENDIX F	Land Contract for 3339 Daglow Road

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals 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 United States district court appears at Appendix B 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**: N/A

The opinion of the highest state court to review the merits 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 _____ 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.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was DECEMBER 26, 2023.

☒ 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**: N/A

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied 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. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

ORC 2329.66(A)(10)(g) - A persons's interest in any plan, program, instrument or device described in divisions (A)(10)(a) to ((e) of this section shall be considered an exempt interest even if the plan, program, instrument or device in question due to an error made in good faith, failed to satisfy any criteria applicable to that plan, program, instrument or divide under the 'Internal Revenue Code of 1986: 100 Stat. 2085, 26 U.S.C. 1, as amended

STATEMENT OF THE CASE

The land contract was invalid: as such, the violation of the rules governing SEP-IRA's should be considered moot at this point. The copy of the land contract being admitted into evidence from the very start means that there is no new evidence brought before the courts of appeal. That it was argued for the first time in the Circuit Court should at least behoove the court to address this issue, which it never did.

The Bauman case is valuable: it however is not relevant in this case. Jose Villavicencio went out of his way to seek professional help: this in itself contradicts the appeal courts' contention that Jose was guilty of indifference, ineptitude and blissful ignorance. Thus, the burden of proof shifting to Jose should not have been allowed.

ORC 2329.66 (A)(10)(g) applies to this case. Nine parts out of 10 remain valid for the IRA, and should be exempt. Bauman had his SEP-IRA denied because of a violation - there were no other parts to the IRA but the part that was denied.

REASONS FOR GRANTING PETITION

The central issue of an invalid land contract was never addressed by the courts of appeals. If the contract is invalid, then the violation of the IRA rules becomes moot.

Be that as it may, the Ohio Revised Code has the prescience to protect its people and their retirement accounts from inadvertent errors on drafting the IRA. The fact that ORC 2329.66 (A)(10)(g) was not known to the bankruptcy court and has not been applied to a known case does not negate its importance to the people of this state. To limit this to inadvertent clerical error is an interpretation that I objected to. Shifting the burden of proof on the ground of 'blissful ignorance' negates the truth that the filer, Jose, went out of his way to seek professional help that unfortunately turns out to be a bad one.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jose Villavicencio

Date: March 21, 2024