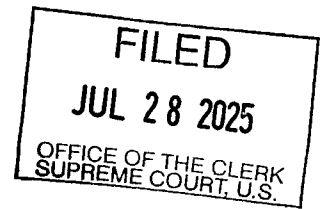


No. 25-6215



IN THE
SUPREME COURT OF THE UNITED STATES

CHRISTOPHER TAKHVAR — PETITIONER
(Your Name)

VS.

STATE OF FLORIDA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of FLORIDA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

CHRISTOPHER TAKHVAR DC# F60341
(Your Name)
Sarasota Correctional Institution Annex
5850 East Milton Road
(Address)

Milton, FL 32583
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

Does a false and invalid date in the "Jurat" of a probable cause arrest affidavit fail to secure a valid declaration of Oath, and fail to certify the document to become an arrest affidavit as required by law?

and

Does a state trial court violate the fourth and fourteenth amendment, Due Process, and Equal Protection clause U.S. Constitution, when it acknowledges the date in the "Jurat" of an alleged arrest affidavit is false and invalid, then continues with the administration of Justice and adjudicating and sentencing a defendant on the criminal charge raised in the affidavit.

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

CHRISTOPHER TAKHVAR V STATE OF FLORIDA
FLORIDA SUPREME COURT SL25-737
Judgment entered on 7-9-2025

CHRISTOPHER TAKHVAR V STATE OF FLORIDA
5th CIRCUIT Marion County, FL case No 18CF-3532
Judgment entered on 5-23-2019

CHRISTOPHER TAKHVAR V STATE OF FLORIDA
5th District Court of Appeal SD19-1221
Judgment entered on 5-10-2019

CHRISTOPHER TAKHVAR V STATE OF FLORIDA
FLORIDA SUPREME COURT SL19-981
Judgment entered on 6-14-2019

CHRISTOPHER TAKHVAR V STATE OF FLORIDA
5TH District Court of Appeal SD19-1250
Judgment entered on 8-11-2020

CHRISTOPHER TAKHVAR V STATE OF FLORIDA
5TH District Court of Appeal SD20-2304
Judgment entered on 2-15-2021

CHRISTOPHER TAKHVAR V STATE OF FLORIDA
FLORIDA SUPREME COURT SC21-520
Judgment entered on 4-8-2021

CHRISTOPHER TAKHVAR V STATE OF FLORIDA
SUPREME COURT OF THE UNITED STATES No:20-8187
Judgment entered on 10-4-2021

CHRISTOPHER TAKHVAR V STATE OF FLORIDA
5TH District Court of Appeal SD21-0034
Judgment entered on 4-21-2021

CHRISTOPHER TAKHVAR V STATE OF FLORIDA
FLORIDA SUPREME COURT SC21-729
Judgment entered on 5-18-2021

CHRISTOPHER TAKHVAR V SECRETARY DEPARTMENT OF CORR., et al
US District Court Middle District of Florida 5:21-cv-207
Judgment entered on 3-1-2023

CHRISTOPHER TAKHVAR V SECRETARY DEPARTMENT of CORR., et al
US Court of Appeals Eleventh Circuit 23-10990-B
Judgment entered on 2-13-2024

CHRISTOPHER TAKHVAR V SECRETARY DEPARTMENT of CORR., et al
Supreme Court of the United States 23-7470
Judgment entered on 10-7-2024

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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 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 _____ 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 _____ 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 _____.

☐ 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 7-9-2025.
A copy of that decision appears at Appendix A.

☐ 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

UNITED STATES CONSTITUTION

Fourth Amendment

"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 the place to be searched, and the person or things to be seized."

Fourteenth Amendment

... "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of Life, Liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

FLORIDA CONSTITUTION

Art 1 Sect 12

... "No warrant shall be issued except upon probable cause supported by affidavit particularly describing the place or places to be searched, the person persons thing or things to be seized..."

... "This right shall be construed in conformity with the fourth amendment to the United States Constitution as interpreted by the United States Supreme Court."

Art 1 Sect 13

The Writ of Habeas Corpus shall be available of right, freely and without cost, it shall be returnable without delay and shall never be suspended unless in cases of rebellion or invasion suspension is essential to public safety.

FLORIDA STATUTE

907.045 Habeas corpus; Motion to Dismiss

A defendant who is in custody when an indictment information or Affidavit on which he or she can be tried is filed may apply for a Writ of Habeas Corpus; attacking the indictment information or Affidavit; or the defendant may move to dismiss the indictment information or Affidavit. A defendant who has been confined for thirty days after her or his arrest without trial shall be allowed a preliminary hearing upon application.

92.50

In this state- Oaths affidavits and acknowledgments required or authorized under the laws of this state (except oaths to jurors and witnesses in court and such other oaths affidavits and acknowledgments as required by law to be taken or administered by or before particular officers) may be taken or administered by or before Judge Clerk or deputy clerk of any court of record within this state. The "Jurat", or Certificate of proof of acknowledgment shall be authenticated by the signature and official seal of such officer or person taking or administering the same; however when taken or administered by or 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.

STATEMENT OF THE CASE

The case on review in this petition for Certiorari is FLORIDA SUPREME COURT case No. 25-00737

On 5-27-2025 the FLORIDA SUPREME COURT docketed an all writs Petition filed by the Petitioner. (Exhibit C)

On 7-9-2025 the FLORIDA SUPREME COURT dismissed the all writs petition and denied Habeas Corpus construing the all writs petition as a Writ of Habeas Corpus stating:

"No motion for rehearing will be entertained by this court." (Exhibit A)

The all writs petition was filed raising only one ground for relief "The State of Florida has failed to provide a valid proper affidavit to support probable cause for the criminal charge of Second Degree murder As required by the Florida Constitution Art I Sect 12.

Thus failing to establish Judicial person Jurisdiction. At no point has the trial court had judicial person jurisdiction to render Judgment and adjudicate a charge by the State of second degree murder, and imposing (Exhibit) a life sentence for the first degree felony."

The petitioner raised this issue in a Pre-Trial Habeas Corpus: Motion to Dismiss (Exhibit F) pursuant to Fla Stat. 907.045

The trial court denied the Pre-Trial motion to dismiss without having the mandatory Preliminary hearing. (Exhibit B)

The trial court concedes that the date in the attestation portion of the Notary Certificate or "Jurat" is false and invalid calling the invalid date a "scribblers error."

5th Circuit Court Marion County, FL No: BCF-003532AX

The petitioner timely appealed the denial of the Pre-Trial Motion to Dismiss to the Fifth District Court of Appeal, and the 5th DCA dismissed the appeal calling it a Habeas Corpus (Exhibit D)

The petitioner filed for review in the Florida Supreme Court, and discretionary review was dismissed.

The petitioner proceeded to Jury Trial after the denial of the Pre-Trial Motion to Dismiss in Case No: 18CF-003532AX 5th Circuit Court Marion County, FL

The petitioner lost trial and was adjudicated guilty on both charges. (Exhibit N)

The petitioner was sentenced to Life (Count I) and five years (Count II) to run consecutive.

Due to the petitioner's counsel for direct appeal being ineffective in their assistance for failing to raise the meritoriously preserved claim of the denial of the Motion to Dismiss. The petitioner filed a State Habeas Corpus Fla. R. APP. P. 9.141(d). which the Fifth District Court of Appeals denied without reaching the merits of the claims citing *Topp v State* 865 So 2d 1253 Fla 2004 (Exhibit L)

The petitioner filed a "Motion for Rehearing En Banc" and "Motion for Written Opinion." (Exhibit H)

The petitioner also filed a Motion to Certify a Question of Great Public Importance. (Exhibit I)

Both forementioned motions were denied by the 5th District Court.

The petitioner filed for discretionary jurisdiction in the Florida Supreme Court. Who dismissed the request citing lack of jurisdiction. (Exhibit J)

The petitioner filed for Certiorari in the U.S. Supreme Court case No: 20-8187

The Supreme Court denied certiorari on 10-4-2021

The petitioner avers that he is also entitled to Habeas Corpus relief due to the Manifest injustice of a State procedural Bar. The Order by the Florida Supreme Court States:

" To the extent the petitioner seeks Habeas Corpus relief the petition is denied as procedurally barred based on Denson v State 775 So 2d 288, 289 (Fla 2000) and Breedlove v Singletary 595 So 2d 10 (Fla 1992) (stating Habeas Corpus is not a second appeal and cannot be used to litigate or re-litigate issues which could have been should have been or were raised on direct appeal.") "

The petitioner avers that the case "Breedlove v Singletary" is distinctly different. In "Breedlove" the petitioner was afforded an evidentiary hearing on one of the claims in his habeas petition in that case.

In the instant case the petitioner was denied a Fla. R. App. P. 9.141(d) Ineffective Assistance of Appellate Counsel state Habeas Corpus, without the 5th District Court of Appeal reaching the merits of all of the claims, without an evidentiary hearing, and only a citation to Topps v State 865 So 2d 1253 (Exhibit G)

Topps is specific to requiring a phrase of "on the merits" if a District court denies an extraordinary writ without an opinion, if the DCA intends for the denial to be on the merits.

Such was not the case in the petitioner's 9.141(d) petition. The denial was not on the merits as no key phrase was stated ("on the merits") and only a citation to the law of the case Topps v State 865 So 2d 1253.

The petitioner avers that the Fundamental Miscarriage of Justice Exception doctrine applies to both state and federal court.

Black's law 4th edition p. 329
Fundamental Miscarriage of Justice Exception
the doctrine allowing a federal court in a Habeas Corpus proceeding to address a claim of Constitutional Error. That although ordinarily unreviewable, is subject to review because of STATE Court procedural default that rendered the proceeding basically unfair.

In *Strazzulla v Hendrik*, the Florida Supreme Court held that a court may reconsider a point of law previously decided. Where a manifest injustice will result from a strict and rigid adherence to the prior decision¹

The manifest injustice exception has been expanded to overcome not only to a claim that an issue is barred by the principles of Res Judicata, but also to a claim such as this that is barred by the principles of Collateral Estoppel or law of the case.²

The doctrine of Res Judicata prohibits not only relitigation of claims raised but also the litigation of claims that defendant could have raised in the prior action.³

This applies even if the claim is otherwise time barred under Fla. R. Crim. P. 3.850.⁴

Where uncommon and extraordinary circumstances exist that constitute a Manifest Injustice, a court has the inherent authority to grant a Writ of Habeas Corpus.⁵ In Order to prevent a Manifest Injustice and a denial of due Process relief may be afforded even to a litigant raising a successive claim.⁶

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- | | | |
|---|---|--|
| 1 | <i>Strazzulla v Hendrik</i> | 177 So2d 1, 4 (Fla 1965) |
| 2 | <i>Muehleman v State</i> | 3 So3d 1149, 1165 (Fla 2009) |
| | <i>State v McBride</i> | 848 So3d 287, 291-292 (Fla 2003) |
| 3 | <i>State v McBride</i> | 848 So3d 287, 291-292 (Fla 2003) |
| | Quotum from <i>Florida Department of Trans. v Juliano</i> | 801 So2d 101, 105 (Fla 2001) and <i>Kimbrell v Paige</i> |
| | | 448 So2d 1009, 1012 (Fla 1984) |
| 4 | <i>Deras v State</i> | 54 So3d 1023, 1024 (Fla 3 rd DCA 2011) |
| 5 | <i>Figueroa v State</i> | 83 So3d 1158, 1162 (Fla 2 nd DCA 2012) |
| 6 | <i>STEPHEN V STATE</i> | 974 So2d 455, 457 (Fla 2 nd DCA 2008) |

The following Question was raised in the Motion to Certify a Question of Great Public Importance.
(Exhibit I p.2)

"Does an invalid/false date in the "Jurat" of a probable cause arrest affidavit fail to authorize the document to become an arrest affidavit as required by law Fla.R.Crim.P. 92.50 and the Florida Constitution Art 1 Sect 12 and the US Constitution Fourth Amendment."

The petitioner also raised the question of law in his Post Conviction Fla.R.Crim.P. 3.850 motion which was summarily denied by the Post Conviction Court, 5th Circuit Marion County, FL

The Petitioner Re-Raised the issue in a Rehearing Motion after the 5th District Court of Appeal issued a Per Curiam Affirm Decision of the appeal of the Post Conviction Trial courts summary denial of the 3.850 motion. (Exhibit K)

The petitioner States in the "Motion for Rehearing"

"The appellant originally raised the fourth amendment violation of an invalid probable cause arrest affidavit due to the false date in the "Jurat" in a Pre-Trial Habeas Corpus; Motion to Dismiss"

(Exhibit K p.3)

The petitioner filed for discretionary jurisdiction in the Florida Supreme Court, which dismissed the request for lack of jurisdiction.

The Petitioner filed a 28 USC 2254 petition for Habeas Corpus in the US District Court case No: 5:21-cr-257 Middle District of FLORIDA, Ocala Division

The US District Court summarily denied all 13 claims and dismissed the petitioners Habeas Corpus on 3-1-2023

The Petitioner timely filed an Appeal to the Eleventh Circuit but was denied a Certificate of Appealability Case No: 23-10990-B

A motion for Re Hearing En Banc was was denied. The Petitioner filed for Certiorari in the US Supreme Court Case No: 23-7470

The Order denying the 28 USC 2254 petition addresses and acknowledges the claim of the affidavit issue, and recites the entire statement of an invalid conclusion of law. When the trial court construes and ignores the false and invalid date calling it a "scriveners error." (Exhibit Lp 11-12)

"Takhvar asserts the probable cause arrest affidavit was not an affidavit by definition because the date was invalid".

"The order also states:

'The state court denied this claim:
In his motion Defendant moves to dismiss the amended information charging him with murder in the second Degree and Grand Theft because according to the Defendant, the Original arrest affidavit prepared by Detective Aaron Levy contains an incorrect date and, therefore, the information alleged in the affidavit is not true and correct. The court notes that the date contained in the arrest affidavit upon which Detective Levy Swore to the facts contained in the affidavit is clearly a scrivener's error."

The Florida Supreme Court dismissed the "petition for all writs Jurisdiction" stating:

"To the extent petitioner seeks to invoke the Courts all writs Jurisdiction. The petition is dismissed for lack of jurisdiction because petitioner has failed to cite an independent basis that would allow the Court to exercise its all writs authority, and no such basis is apparent on the face of the petition."

The forementioned assertion fails as the petitioner has detailed the (~~state~~) Constitutional and statutory provisions for invoking jurisdiction in a section titled "Jurisdiction". The petitioner requested the "Writ of Prohibition" in the relief section of the petition.

Prohibition is an extraordinary writ, extremely narrow in scope by which the Superior court may prevent an inferior court from exceeding its jurisdiction.

English v McGrary 348 So2d 293-296 (1977)
See also state ex. rel. BF Greenwich Co v Trammell 140 Fla 560, 192 So 175 176 (Fla 1939) ("The writ of prohibition is that process by which an inferior court is restrained by a Superior Court from usurping jurisdiction over parties or subject matter with which it has not been vested by law, or when the action is threatened which would be in excess of and beyond jurisdiction.") as stated in Gonzalez Jr v State 375 So3d 886

"Under Art IV Sec 3 (b)(7), we have discretionary authority to issue writs of prohibition, such writs are preventive and operate to preclude a lower court from acting in excess of its jurisdiction. English v McGrary 348 So2d 293, 297 (Fla 1977)

Faison v State of Florida 2021 Fla LEXIS 688 case No. SC21-232
The Florida Supreme Court stated in "Faison"

"The Petition for all writs Jurisdiction is dismissed for lack of Jurisdiction because the petitioner has failed to cite an independent basis that would allow the Court to exercise its all writs authority and no such basis is apparent on face of the petition.

See Williams v State 913 So 2d 541, 543-44 (Fla 2005)
To the extent the petitioner seeks a "Writ of Prohibition" the petition is denied because the petitioner has failed to demonstrate that a lower court is attempting to act in excess of its jurisdiction. See Mandile v TADS Construction Inc. 605 So 2d 850 (Fla 1992)
English v McCrary 348 So 2d 293 (1977)

In the instant case the petitioner has detailed and demonstrated a predicate that the interior tribunal (5th circuit Court Marion County, FL) has exceeded its jurisdiction, and the petitioner specifically requested both "Writ of Prohibition" and "Equitable Relief" in his all writs petition to the Florida Supreme Court. (Exhibit C p.10)

Fla. case law demonstrates that a Writ of Prohibition is available when invoking a Constitutional "All Writs" petition pursuant to Art V Sect 3(b)(7) thus evidencing a clear abuse of discretion by the Florida Supreme Court in its summary dismissal of the petitioners "all Writs Petition."

1 Llanasword Ltd v The Partnerships 2024 U.S. Dist LEXIS 132921

"Requesting Equitable relief invokes the district court's inherent equitable powers to order preliminary relief, including an asset freeze in order to assure the availability of permanent relief" Levi Strauss & Co 51 F3d at 987

Citing Federal Trade Commission v United States Oil and Gas Corp. 748 F2d 1431, 1433-34 (11th Cir 1984)

Unless otherwise provided by statute, all the inherent equitable powers of the district court are available for the proper and complete exercise of that jurisdiction, and since the public interest is involved in a proceeding of this nature, those equitable powers assume an even broader and more flexible character than when only a private controversy is at stake. *Virginia R. Co. v. System Federation* 300 US 515, 552 [57 Sct. 592 601 81 LEd 784]. Power is thereby resident in the district court in exercising its jurisdiction, "to do equity and to mould each decree to the necessities of the particular case." *Hecht Co. v. Bowles* 321 US 321, 324 [64 Sct. 587, 591 88 LEd 754].

Moreover, the comprehensiveness of this equitable jurisdiction is not to be denied or limited in the absence of a clear and valid legislative command. Unless a statute in so many words or by necessary and inescapable inference restricts the court's jurisdiction in equity, the full scope of that jurisdiction is to be recognized and applied.

The great principles of equity securing complete justice, should not be yielded to light inferences or doubtful construction.

Brown v. Swann 35 US 447 10 Peters 447, 503 [9 LEd 508] see also *Hecht Co. v. Bowles* supra 300 [67 Sct. 592].

Porter v. Warner Holding Co. 328 US 345, 347-98 [66 Sct. 1086, 1088-89, 90 LEd 1332] (1946)

REASONS FOR GRANTING THE PETITION

The Supreme Court of the United States should grant Certiorari to enable review of Fourth and Fourteenth amendment Constitutional issues currently raised in this Petition that effect all citizens of the United States.

In 1964 the United States Supreme Court created a bright line rule of law regarding Police interrogation and search and seizure *Miranda v Arizona* 384 US 436

In the instant case the unprecedented issue rises to a level of a need for Judicial Oversight and protection.

A bright line rule is appropriate to define what constitutes Oath or Affirmation and the proper recording of such, to assure fourth and fourteenth Amendment protections.

We are in an era of Text, A.I., and Autopen Types Clerical errors, and scrivener errors have no place in the administration of justice when Liberty is at stake.

The Supreme Court of the United States has the power in this unprecedented moment to create uniformity among the states regarding Probable cause affidavits and fourth and fourteenth amendment protections at issue.

The United States Constitution requires Probable Cause supported by Oath or Affirmation in Order for a warrant to issue.

The Florida Constitution Art. 1 Sect 12 requires Probable Cause supported by affidavit. for a warrant to issue.

The Florida Constitution Art 1 Sect 12 also states: This right shall be construed in conformity with the fourth amendment to the United States Constitution as interpreted by the United States Supreme Court.

As the formentioned states it is the United States Supreme Court that is to interpret this fourth and fourteenth amendment issue at law.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: July 28th 2025