

22-5242
No. _____

Supreme Court, U.S.
FILED

JUL 20 2022

OFFICE OF THE CLERK

In the
Supreme Court of the United States

TAVARAS E. WARREN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

**SUPPLEMENT TO PETITION FOR
A WRIT OF CERTIORARI**

Tavaras E. Warren
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Pro Se

Petitioner Tavaras Etone Warren, proceeding *pro se*, respectfully seeks leave to supplement his petition for writ of certiorari, filed on or about June 1, 2022 (Case No. Unknown) to note that on June 21, 2022, the Supreme Court decided *United States v. Taylor*, --- U.S. ---, 142 S. Ct. 2015, 213 L. Ed. 2d 349 (June 21, 2022).

Therein, the Court ruled that because “no element of attempted Hobbs Act robbery requires proof that the defendant used, attempted to use, or threatened to use force,” an attempted *Hobbs Act* robbery is not a crime of violence as defined in 18 U.S.C. § 924(c)(3)(A). The Court stated:

Whatever one might say about *completed* Hobbs Act robbery, *attempted* Hobbs Act robbery does not satisfy the elements clause. Yes, to secure a conviction the government must show an intention to take property by force or threat, along with a substantial step toward achieving that object. But an intention is just that, no more. And whatever a substantial step requires, it does not require the government to prove that the defendant used, attempted to use, or even threatened to use force against another person or his property. As the Model Penal Code explains with respect to the Hobbs Act’s common-law robbery analogue, “there will be cases, appropriately reached by a charge of attempted robbery, where the actor does not actually harm anyone or even threaten harm.” ALI, Model Penal Code § 222.1, p. 114 (1980). “If, for example, the defendant is apprehended before he reaches his robbery victim and thus before he has actually engaged in threatening conduct, proof of his purpose to engage in such conduct” can “justify a conviction of attempted robbery” so long as his intention and some other substantial step are present. *United States v. Resendiz-Ponce*, 549 U.S. 102, 115 (2007).

Taylor, *supra* at 213 L.Ed 2d 349.

Petitioner submits that this analysis – that in the event a defendant can be convicted of an offense “where the actor does not actually harm anyone or

even threaten harm,” *id.* – applies with equal force to the offense of aiding and abetting a crime of violence.

Petitioner suggests that his petition for writ of certiorari should be granted, the lower court decision vacated, and the matter remanded so that the Court of Appeals may consider his claim in light of *Taylor*. Where “intervening developments, or recent developments that [this Court has] reason to believe the court below did not fully consider, reveal a reasonable probability that the decision below rests upon a premise that the lower court would reject if given the opportunity for further consideration, and where it appears that such a redetermination may determine the ultimate outcome of the litigation, a GVR order is... potentially appropriate. Whether a GVR order is ultimately appropriate depends further on the equities of the case...” *Lawrence v. Chater*, 516 U.S. 163, 167-168, 116 S. Ct. 604, 133 L. Ed. 2d 545 (1996) (*per curiam*).

Here, if Petitioner’s position is correct, whether aiding and abetting a *Hobbs Act* robbery constitutes conviction of a crime of violence under 18 U.S.C. § 924(c)(3) is no different from attempted *Hobbs Act* robbery. Petitioner will continue in prison while the matter is considered by the Court of Appeals, so no harm inures to the Government’s position

Petitioner was unable to advance this argument at the time his petition for writ of certiorari was filed, because the decision had not yet been handed down.

WHEREFORE, this *Motion* should be granted, the effect of *Taylor* on
Petitioner's claim should be considered, and a GVR should issue.

Executed July 20, 2022

A handwritten signature in black ink, appearing to be 'T E Warren', written over a horizontal line.

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