

No. 22-6382

**ORIGINAL**

Supreme Court, U.S.  
FILED

DEC 07 2022

OFFICE OF THE CLERK

IN THE SUPREME COURT  
OF THE UNITED STATES OF AMERICA

Provided to Walton CI  
On 12-7-22 for Mailing  
Date

By (officer initials) me

WARREN, JAMES

Petitioner /Appellant

v.

STATE OF FLORIDA

Respondents / Appellees

PETITION FOR CERTIORARI REVIEW

James Warren  
DC#C02636  
Walton Correctional Institution  
691 Institution Road  
DeFuniak Springs, Fl. 32433

**RECEIVED**

DEC 13 2022

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

## **QUESTIONS PRESENTED**

1. Does Article I Section 15(a) of the Florida Constitution prohibit any person from being tried for a capitol crime without presentment or indictment by the grand jury?
2. Does the Fifth Amendment to the United States Constitution allow a person to be held to answer for a capitol or otherwise infamous crime that's been presented on an information?
3. Does the trial court lack jurisdiction over a case on capitol felony charges that's been presented in an information and not an indictment?
4. Is an Appellant's trial and conviction on capitol felony charges considered void when the trial court lacked jurisdiction over the case that should've been under an indictment and not an information?
5. Must the adjudication and sentence rendered and imposed on capitol felony charges presented in an information rather than an indictment be reversed?

**CERTIFICATE OF INTERESTED PERSONS  
AND CORPORATE DISCLOSURE STATEMENT**

In accordance with the United States Supreme Court Rule 14.1(b), the petitioner files the following notice certifying that no case is related to this case, and the following individuals have been involved in one way or another with a judgment of the case currently being reviewed;

The Honorable Charles Edwards Roberts-Sarasota County Circuit Court;

The Honorable Dawn Buff-The District Attorney;

The Honorable Maritza Patricia Edwards- Co-Counsel from Public Defenders Office;

The Honorable Steve Watson-Trial Counsel from Public Defenders Office;

The Honorable District Court Judge Northcutt;

The Honorable District Court Judge Morris;

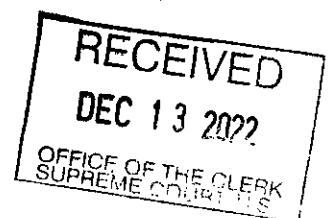
The Honorable District Court Judge Lucas;

The Honorable David Taylor-Regional Counsel

Respectfully Submitted

/s/ James L. Warren

James Warren  
DC#C02636



## RELATED CASES

James Warren v. State-240 So. 3D 670; 2017 Fla. App. LEXIS 16823

James Warren v. State-54 So 3d 983; 2011 Fla. App. LEXIS 2100

James Warren v. State-37 So 3d 865; 2010 Fla. App. LEXIS 8371

## TABLE OF CONTENTS

SECTION	PAGE NO.(S)
INDEX TO APPENDICES.....	iv
TABLE OF AUTHORITIES, STATUTES, AND RULES.....	iv
OPINIONS BELOW.....	1
JURISDICTION.....	1&2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	2
STATEMENT OF THE CASE.....	2
REASONS FOR GRANTING THE WRIT.....	3
CONCLUSION.....	3
PROOF OF SERVICE.....	

## INDEX TO APPENDICES

This petition is used to seek a decision of this Court over decisions rendered by the State Court's. In support of the remedy sought the following decisions and proceedings are presented for review;

- 1) **APPENDIX-A;** Second DCA's denial of Habeas Proceeding seeking relief on procedural default;  
- Second DCA's denial of the Rehearing on the Habeas Proceeding;
- 2) **APPENDIX-B;** Florida Supreme Court Order denying review;
- 3) **APPENDIX-C;** Amended Information showing life felony §794.011(2)(a) being charged in an information:

## TABLE OF AUTHORITIES CITED

STATUTES	PAGE NO.(S)
<i>Dittrich v. Sec'y Fla. Dept. of Corr.</i> -2007 U.S. Dist. LEXIS 8986. ....	1

STATUTES	STATUTES AND RULES	PAGE NO.(S)
§794.011(2)(a). ....		2

## FEDERAL CODE

28 U.S.C. §1257 (A). ....	2
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**CONSTITUTIONAL PROVISIONS**

**PAGE NO.(S)**

Article I, Section 15(a) Fla. Const.....2

Fifth Amendment United States Constitution.....2

**IN THE SUPREME COURT  
OF THE UNITED STATES**

**PETITION FOR CERTIORARI REVIEW**

In the interest of, and to incorporate the proper administration of justice, the petitioner respectfully seeks to correct a procedural default that voids the previously rendered and imposed conviction and sentence. The circuit court lacked subject matter jurisdiction to conduct a trial over the charges of a life felony with the life felony charges being presented by information and not in an indictment. The procedural error affects the fairness, integrity, and the proper application of judicial proceedings in this case. *Dittrich v. Sec'y Fla. Dept. of Corr.*-2007 U.S. Dist. LEXIS 89861

**OPINIONS BELOW**

Petitioner respectfully prays that a Writ of Certiorari is issued to review the judgment below. This review is requested over decisions from the **State Court's**. The opinion of the District Court of Appeal denying the Rehearing over the appeal of the denial of the Habeas Corpus which was used to present the improper conviction and sentence on a life felony presented in an information instead of being presented to the grand jury in an indictment.

**JURISDICTION**

For Cases from the **State Court's**:

The date on which the highest State court decided my case was on July 07, 2022. A copy of that decision appears at APPENDIX-A;

An extension of time was granted to file a timely Motion for Rehearing;

The Motion for Rehearing was denied on September 08, 2022.

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

### **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

In accordance with Article I, Section 15(a) of the Florida Constitution the trial court's jurisdiction was not properly invoked to have trial, render a verdict, or impose the sentence that was imposed with a capitol crime being charged in an information rather than an indictment.

As well, the Fifth Amendment to the United States Constitution also prohibits being tried for a capitol offense without the presentment or indictment by a grand jury.

The petitioner was charged by information with the commission of a "capitol life felony", i.e., Fla. Stat. 794.011(2)(a).

### **STATEMENT OF THE CASE**

The petitioner was charged on October 11<sup>th</sup>, 2007, with a capitol sexual battery charge on a child less than 12 years of age. A violation of Fla. Stat. §794.011(2)(a). Petitioner entered a plea of not guilty in the 12<sup>th</sup> judicial circuit court in and for Sarasota



County. The jury found Warren guilty of the life felony on September 04<sup>th</sup>, 2008. On September 9<sup>th</sup>, 2008, the trial court imposed a sentence of life in prison without the possibility of parole.

### **REASONS FOR GRANTING THE PETITION**

- 1) This petition should be granted because the error violates the due process clauses of both the State and Federal Constitutions;
- 2) This petition should be granted because the trial court lacked jurisdiction to conduct trial, convict, and then impose a sentence over the capitol charge that was presented on Mr. Warren through an information instead of through an indictment;
- 3) The petitioner has satisfied the legal obligation of proving beyond a reasonable doubt that his current detention is unlawful and requires reversal. Therefore, this petition is entitled to be granted:

### **CONCLUSION**

The petitioner James Warren, submitting this petition on the 7<sup>th</sup>, day of December, 2022 respectfully seeks a show cause order directing the state court's to distinguish why the petitioner's conviction and sentence should not be reversed and vacated for being illegal because it was impermissibly imposed.