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y (officer initials)

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IN THE SUPREME COURT  
OF THE UNITED STATES OF AMERICA

WARREN, JAMES

Petitioner / Appellant

v.

STATE OF FLORIDA

Respondents / Appellees

AMENDED PETITION SEEKING PANEL REHEARING

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

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SUPREME COURT, U.S.

## AMENDED PANEL REHEARING

Pursuant to S. Ct. R. App. P. 40, and in conjunction with rule 32, the petitioner James A. Warren, *pro-se*, respectfully seeks a panel rehearing from this Honorable Court on the denial of a previously denied petition for certiorari review. This Court denied the petition on February 21, 2023. This request is timely filed. In support of the petitioner's contention in this matter the following is attested to:

- 1) In the State of Florida the charge of sexual battery on a child less than 12 years of age is a violation of Fla. Stat. §794.011(2) (a), and a capital offense;
- 2) The charge was presented on the defendant by the State in an information rather than an indictment. The information showing the petitioner has been charged with a capital offense has been provided in APPENDIX-C of the previously filed petition for certiorari review;
- 3) Article I subsection 15 of the Florida Constitution presents "No person shall be charged for a capital crime unless on presentment or indictment by a grand jury;
- 4) Section 904. 01 of the Florida Statutes provides "All capital offenses shall be tried by the indictment of a grand jury;

## CERTIFICATE OF INTERVENING CIRCUMSTANCES

The petitioner certifies that he believes this Honorable Court has overlooked or misapprehended the State of Florida's intended legislative construction of laws, and the State's constitutional provisions of operation within the confines of the State's rules of criminal procedure.

Respectfully Submitted

/s/ James Warren

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

## RELIEF SOUGHT

THEREFORE, with the petitioner satisfying the legal obligations of proving beyond a reasonable doubt that the current detention must be reversed, it's respectfully requested that this Court issues a show cause order directing the State Court's to substantiate why the petitioner's conviction and sentence should not be reversed and vacated as being impermissibly imposed.

Respectfully Submitted

/s/ James A. Warren

James A. Warren  
DC #02636

No. 22-6382

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IN THE SUPREME COURT  
OF THE UNITED STATES OF AMERICA

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JAMES WARREN,

Petitioner /Appellant

v.

STATE OF FLORIDA,

Respondents / Appellees

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PROOF OF SERVICE

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I James Warren, do swear or declare that on this date, 3/28/23, 2023, as required by Supreme Court Rule 29 I have served the enclosed PETITION SEEKING PANEL REHEARING on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

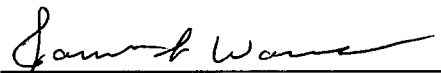
The names and addresses of those served are as follows:

The Supreme Court of the United States  
1 First St. N.E.  
Washington, DC 20543

The United States United States Attorney General's Office  
U. S. Department of Justice  
950 Pennsylvania Ave. N.W.  
Washington, DC 20530-0001

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 3/28/, 2023.

  
James Warren  
DC#C02636

**SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543-0001**

March 15, 2023

James A. Warren  
#C02636  
691 Institution Road  
DeFuniak Springs, FL 32433

RE: Warren v. Florida  
No: 22-6382

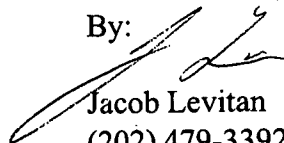
Dear Mr. Warren:

The petition for rehearing in the above-entitled case was postmarked March 7, 2023 and received March 15, 2023 and is herewith returned for failure to comply with Rule 44 of the Rules of this Court. The petition must briefly and distinctly state its grounds and must be accompanied by a certificate stating that the grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

You must also certify that the petition for rehearing is presented in good faith and not for delay.

Please correct and resubmit as soon as possible. Unless the petition is submitted to this Office in corrected form within 15 days of the date of this letter, the petition will not be filed. Rule 44.6.

Sincerely,  
Scott S. Harris, Clerk  
By:



Jacob Levitan  
(202) 479-3392

Enclosures