

SUPREME COURT OF FLORIDA

Arsenio Stewart VS. State of Florida
Petitioner Respondent

Received, Clerk, Supreme Court

JUN 22 2022

Case No. 07-2014

PETITION FOR WRIT OF HABEAS CORPUS

COMES Now Arsenio Stewart for an Constitutional Writ ordering the reversal of the conviction in the above listed case No. Pursuant to Art. V, Sec. 3(b)(9) Fla. Const.

THIS COURTS JURISDICTION FOR THE CAUSE HAS BEEN SOUGHT BECAUSE:

1. The Offense Petitioner is convicted of was not made by information prior to conviction nor was it a lesser included offense of the offense that was as it is now.
2. Prior to conviction Petitioner was 17 years of age, unmarried and his guardian had not been made aware of the offense He was charged with nor was to Plea to prior to pleading as Florida Statute 925.07 requires.
3. Both of the above are fundamental Constitutional Violations and is harming Petitioner ~~because~~ Majorly because (1) this illegal conviction gives rise to the degree of the offense He is incarcerated for now and (2) the Fla. Dept. of Corr. Has him on Job restrictions, custody and Housing restrictions because of the allegations in the offense charged by information, which He doesn't

understand because He's not convicted of the offense charged by information.

- 4th The lower tribunal denies these claims but fails to attach portions of the records refuting them or case law, and Petitioner has been barred from proceeding pro se in the 5th Dist. Ct. of App. regarding this case so He cannot appeal their Manifest Injustice.

THE FACTS IN WHICH PETITIONER RELIES ON:

1. The offense/conviction at issue (Felony Battery/guilty) was not made by information nor was a lesser included offense of the one that was (lewd or lascivious molestation) prior to conviction (3-30-08).
2. Prior to conviction the requirements of Florida Statute 925.02, which are mandatory and can be raised at any time, were not fulfilled.

RELIEF SOUGHT:

Both claims be looked into and the appropriate relief for each one be ~~ordered~~ ordered to be applied.

ARGUMENT IN SUPPORT OF PETITION:

Both claims are issues that can be raised at any time in that they both are prohibited by the Florida and United States Constitution. And in addition, the conviction of the offense is costing the Petitioner imprisonment in that it is the reason the degree of the offense He's incarcerated for is enhanced.

But nevertheless, a conviction obtained absent an indictment or information, or was not properly amended by filing with the clerk of the court, is void and can be raised and corrected at any time through habeas corpus.

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The offense has previously been said by the lower tribunal to have been a lesser included at the time of conviction but it was not because (1) conviction was obtained March 2008 and Felony Battery did not become a lesser included offense of lewd or lascivious molestation until 2018 or 2019. That is why (2) the information is said to have been amended. However, the clerk of the court has affirmatively confirmed that the amendment was not made with their office! Thus properly rendering the conviction void/subject to attack!