

IN THE THIRD DISTRICT COURT OF APPEAL
IN AND FOR THE STATE OF FLORIDA

UNBORN CHILD by and through
his mother, Next Friend and
Natural Guardian Natalia Harrell,

Petitioner,

Case No.: _____

vs.

DIRECTOR JAMES REYES, and
MIAMI DADE CORRECTIONS AND
REHABILITATION DEPARTMENT,

Respondents.

[EMERGENCY]
PETITIONER UNBORN CHILD'S WRIT OF
HABEAS CORPUS PETITION

COMES NOW, Petitioner UNBORN CHILD by and through his
mother, Next Friend and Natural Guardian Natalia Harrell,
("Petitioner" or "UNBORN CHILD"), by the undersigned attorney,
pursuant to the Florida Rules of Civil Procedure 1.630, Fifth, Sixth
and Fourteenth Amendments to the Constitution, Article I, §§ 9 and
16 of the Florida Constitution and the applicable statutes and laws
of the State of Florida, and moves this Honorable Court to enter an
order immediately releasing UNBORN CHILD from the custody of

Respondents MIAMI DADE CORRECTIONS AND REHABILITATION DEPARTMENT and DIRECTOR JAMES REYES, (hereinafter referred to collectively as “Respondents”), and in support there states the following:

I. EMERGENCY NATURE OF HABEAS PETITION

Time is of the essence. Delay can mean serious harm or death to UNBORN CHILD. Respondents have knowingly neglected to have UNBORN CHILD transported to the OB-GYN physician at Jackson Hospital to be provided medically necessary care and treatment commonly referred to as prenatal care. ¹ Respondents have failed or refused to take UNBORN CHILD to the attending outside OB-GYN physician at Jackson Hospital. The last visit UNBORN CHILD had with the attending OB-GYN physician was in October, 2022. There

¹ U.S Department of Health & Human Services - The Office of Women’s Health have published the importance of a pregnant woman receiving prenatal care: “Prenatal care can help keep you and your baby healthy. Babies of mothers who do not get prenatal care are three times more likely to have a low birth weight and five times more likely to die than those born to mothers who do get care. Doctors can spot health problems early when they see mothers regularly. This allows doctors to treat them early. Early treatment can cure many problems and prevent others. Doctors also can talk to pregnant women about things they can do to give their unborn babies a healthy start to life.” <https://www.womenshealth.gov/a-z-topics/prenatal-care#:~:text=Babies%20of%20mothers%20who%20do,doctors%20to%20treat%20them%20early.>

has been a lack of reasonable and necessary prenatal care for the UNBORN CHILD by Respondents.

In fact, Respondents have even failed to bring the prescribed vitamins and nutritional drinks to UNBORN CHILD's mother, Ms. Harrell.

Further, the UNBORN CHILD has not been charged with a criminal offense by Respondents or the Miami Dade State Attorney's Office, yet Respondents have UNBORN CHILD in a detention center known as TGK in Miami Dade County, Florida.

Further, Respondents have placed the UNBORN CHILD and the mother in a cell block or pod where violent criminals are housed with the UNBORN CHILD and mother. In fact, many of the criminals housed with UNBORN CHILD are housed in the pod because they have been disciplined or under investigation for fighting or committing crimes or violation of the prison rules while in the detention center.

UNBORN CHILD is approximately 8-months in the womb, has eyes, arms, and hopefully developed all aspects of the human body and body functions. The fact is no OB-GYN physician or outside physician has examined UNBORN child since October 2022. It is a

guess at this point whether UNBORN CHILD will enter the world in 4 weeks or three weeks or less.

UNBORN CHILD is a person within the meaning of the Article 1 section 9 of the Florida Constitution and the Fifth, Sixth, Eighth, and Fourteenth Amendments of the United States Constitution. UNBORN CHILD's constitutionally protected due process rights have been clearly violated by Respondents.

UNBORN CHILD seeks immediate release from custody of and detention by Respondents in order to: (1) receive necessary immediate medical care and treatment from the OB-GYN physician at Jackson Hospital; (2) be free from unlawful and illegal detention by Respondents; (3) avoid entering the world on the concrete floor of the prison cell and without the medical care and treatment by competent physicians and nurses; and avoid being subject to disparate and adverse treatment by Respondents; and (4) avoid being placed in an inherent dangerous environment at the county detention center which subjects UNBORN CHILD to serious bodily injury or death.

II. JURISDICTION AND VENUE

1. Petitioner invokes the jurisdiction of this Court pursuant to Article 1, Section 13 of the Florida Constitution and applicable statutes and laws governing the habeas corpus relief of a person unlawfully incarcerated by the Respondents.

2. Venue is proper in the Circuit Court of the 11^h Judicial Circuit in and for Miami Dade County, Florida pursuant to the General Venue and applicable Florida statutes governing habeas corpus relief, given all acts or omissions giving rise to the claims presented herein occurred or accrued in Miami Dade County, Florida. See, *Wilder v. State*, 909 So.2d 536 (Fla. 1st DCA 2005); *Richardson v. State*, 918 So.2d 999 (Fla. 5th DCA 2006). Further, UNBORN CHILD is being confined in a county jail within Miami Dade County, Florida.

III. THE PARTIES.

3. The UNBORN CHILD is a person as defined under the Florida Constitution and United States Constitution and currently incarcerated in the Miami Dade County jail known as Turner Guilford Knight Correctional Center (“TGK”) 7000 NW 41st St, Miami, FL. 33166.

4. Respondent, DIRECTOR JAMES REYES, is the custodian of Petitioner, employed by the Miami Dade Corrections and Rehabilitation, agency of the Executive Branch of the Miami Dade County government, and as such is being named in his official capacity. He can be served with process at the following address: 7000 NW 41st St, Miami, FL. 33166.

5. Respondent MIAMI DADE CORRECTIONS AND REHABILITATION DEPARTMENT is an agency of the government of the Miami Dade County government. It can be served with process at Turner Guilford Knight Correctional Center (“TGK”) 7000 NW 41st St, Miami, FL. 33166.

IV. GENERAL ALLEGATIONS.

6. All conditions precedent to the filing of the instant habeas petition have been fulfilled, occurred or waived as a matter of law.

7. UNBORN CHILD’s mother, next friend and natural guardian is Ms. Harrell as a matter of Florida law. *See, Fla. Stat. 744.301(1).*²

² “Florida law does not require that a next friend be 'appointed' before he can act.” *Gasparro v. Horner*, 245 So. 2d 901, 905 (Fla.

8. “A writ of habeas corpus may be employed to secure the release of a person who is being unlawfully detained.” *Cole v. State*, 714 So. 2d 479 (Fla. 2d DCA 1998) (citing *McCrae v. Wainwright*, 439 So. 2d 868 (Fla. 1983)).

A. UNBORN CHILD IS A PERSON

9. The UNBORN CHILD is a person under the Florida Constitution and the United States Constitution and afforded the constitutional protections under the Due Process Clause and Fifth, Eighth and Fourteenth Amendments of the U.S. Constitution and Article One, Section Nine of the Florida Constitution (“No person shall be deprived of life, liberty or property without due process of law,....”).

10. The State of Florida has protected the rights of an unborn child and even sought justice for an unborn child, which the Florida appellate courts have affirmed such acts of the State of Florida as being constitutionally and statutorily proper. *See*, §

4th DCA 1971). Indeed, the Third District Court of Appeals held that “[a]nyone who was aware of the plaintiff’s predicament had the authority to and could assert the plaintiff’s legal rights.” *N.G. by & Through M.G. v. Arvida Corp.*, 630 So. 2d 1164, 1165 (Fla. 3d DCA 1993) (citing *Rule 1.210, Florida Rules of Civil Procedure*).

782.09, Fla. Stat. (willful killing of an unborn child by injury to mother shall be deemed manslaughter);

11. The State of Florida has a compelling interest in preserving the life of the unborn child. See *Pemberton v. Tallahassee Mem'l Reg'l Med. Ctr., Inc.*, 66 F. Supp 2d 1247 (N.D. Fla. 1999).

12. “[T]he [Florida] Legislature has expressed a clear intent to recognize an unborn quick child as a human being entitled to the protection of Florida's homicide statute.” *Wyche v. State*, 232 So. 3d 1117, 1120 (Fla 1st DCA 2017) (“Because Brooks's unborn child was a human being entitled to the protection under Florida's homicide statute, Wyche's conviction should be affirmed.”); see also Fla. Stat. 731.303(4) (If the court determines that representation of the interest would otherwise be inadequate, the court may, at any time, appoint a guardian ad litem to represent the interests of an incapacitated person, an unborn or unascertained person, a minor or any other person otherwise under a legal disability, or a person whose identity or address is unknown.).

B. THE ARREST AND INCARCERATION OF UNBORN CHILD

13. On July 23, 2022, Natalia Harrell (“Ms. Harrell”), 24 years old and approximately 6-weeks pregnant with UNBORN CHILD, was involved in an incident that occurred inside an Uber vehicle near the area of Southeast First Avenue and First Street, Miami, Florida which tragically ended with the death of Gladys Yvette Borcela, 28 years old. The incident was recorded by the Uber driver’s security camera located inside the Uber vehicle. At the time of the incident, Ms. Harrell was pregnant with the UNBORN CHILD, a passenger in an Uber vehicle, and assaulted by Gladys Yvette Borcela.

14. The security camera video shows that after Ms. Harrell leaped from the third row of seats and over the second row of seats in the Uber vehicle, Gladys Yvette Borcela continued to threatened Ms. Harrell with physical bodily injury. Ms. Harrell was in fear of her life and the life of her unborn child.

15. Ms. Harrell was confined inside the moving Uber vehicle and unable to further escape the threats of Gladys Yvette Borcela. When Gladys Yvette Borcela attempted to assault Ms. Harrell, Ms.

Harrell in fear of her life and her unborn child fired a single round from a handgun Ms. Harrell possessed in her purse.

16. On July 26, 2022, Ms. Harrel was arrested and charged with the offense of Second-Degree Murder in violation of Florida Statute Section 782.04, a first-degree felony punishable by up to the maximum punishment of life in prison and a \$10,000.00 fine. *State v. Harrell*, No. F-22-013471 (11th Jud. Cir. Ct. Miami Dade County, Fla) (Circuit Judge Michelle Delancy presiding) (case pending). At the time the “no bond” warrant was issued, Ms. Harrell did not have the benefit of competent counsel to advocate her position and the UNBORN CHILD with regard to the reasonableness of the bond.

17. Ms. Harrel and her UNBORN CHILD are being held on no bond at the TGK Jail in Miami, Florida. Ms. Harrel has been confined at TGK Detention facility for the past 7 months and is getting inadequate prenatal care for the UNBORN CHILD.

18. Further, during UNBORN CHILD incarceration at TGK, Miami Dade correction officials failed to bring Ms. Harrell and UNBORN CHILD to a scheduled prenatal medical appointment at

local hospital. The last medical examination of the UNBORN CHILD by OB-GYN physician was in October 2022.

19. Further, during UNBORN CHILD incarceration at TGK, Respondents have failed or refused to provide the required prenatal vitamins and nutritional liquids (such as Ensure)³ and other nutritional food for Ms. Harrel and the UNBORN CHILD.

20. Further, during UNBORN CHILD incarceration at TGK, Respondents have failed or refused to bring Ms. Harrell and UNBORN CHILD to scheduled OB-GYN appointments, as well as provide the required prenatal vitamins and nutritional liquids (Ensure) and other nutritional food for Ms. Harrel and the UNBORN CHILD on a regular and consistent basis.

21. Further, on one occasion, Respondents' employees left Ms. Harrell and UNBORN CHILD and another inmate in a transport van with its motor turned off for an extended period of time when the outside temperature was in excess of 90 degrees and the inside temperature was over 100 degrees. Ms. Harrell beat on the walls of

³ Ensure is an 8-fluid ounce nutritional shake drink that contains 16 grams of protein with fiber with nutrients to support Immune System Health. See, <https://ensure.com/nutrition-products>

the Respondent's transport van until one of respondents' employees heard the noise coming from the transport van. The employee opened the transport van allowing outside air to reduce the temperature in the transport van.

23. During the week of February 12, 2023, the UNBORN CHILD's mother was taken to an outside doctor to check the sugar level and circulation of blood in her legs. When Ms. Harrell asked the Respondents' employees when will the UNBORN CHILD be examined by a physician or OB-GYN physician, Ms. Harrell was told there will not be any appointments made for the UNBORN CHILD to be examined by any physician or OB-GYN physician in the immediate or near future.

24. During the month of December, 2022, and January and February 2023, UNBORN CHILD's mother, Ms. Harrell requested numerous times for prenatal medical care and treatment for UNBORN CHILD to be provided by Respondents, but Respondents, through their employees have refused. UNBORN CHILD's mother was not given any forms to complain and seek relief from Respondents.

25. The UNBORN CHILD has not been charged with any crime by the State Attorney or any other prosecuting office in the State of Florida.

26. Ms. Harrell and UNBORN CHILD have substantial family ties. Her paramour and father of UNBORN CHILD resides in Miami Dade County, Florida, and offers his home for Ms. Harrell and UNBORN CHILD to reside in until the conclusion of the criminal case of *State v. Harrell*, No. F-22-013471 (11th Jud. Cir. Ct. Miami Dade County, Fla).

27. Further, Ms. Harrell and UNBORN CHILD had the right to be in the Uber vehicle prior to and at the time of the incident.

28. Further, Ms. Harrell and UNBORN CHILD was engaged in a lawful activity as a passenger in the Uber vehicle prior to and at the time of the incident.

29. Further, Ms. Harrell reasonably believed she and her UNBORN CHILD were in fear of death or great bodily harm at the time of the incident.

30. Further, Ms. Harrell is presently eight (8) months pregnant with UNBORN CHILD.

31. Absent immediate release of UNBORN CHILD from the custody of Respondents, UNBORN CHILD will be likely brought into this world on the concrete floor of the prison cell, without the aid of qualified medical physicians and paramedics, and in the presence of violent criminals.

V. GROUNDS FOR HABEAS RELIEF

By UNBORN CHILD’S petition for a writ of habeas corpus, UNBORN CHILD asserts that his detention and incarceration by Respondents was unlawful and illegal in violation of his rights guaranteed by the Fifth, Eighth and Fourteenth Amendments to the United States Constitution and the corresponding provisions of the Florida Constitution. UNBORN CHILD seeks his immediate release from custody of Respondents in order that UNBORN CHILD can obtain the medically necessary care and treatment by an OB-GYN physician at Jackson Hospital in Miami Dade County, Florida and subsequent care and treatment by a competent physician/pediatrician at Jackson Hospital.

FIRST CLAIM FOR RELIEF

UNBORN CHILD IS BEING INCARCERATED AND HELD UNLAWFULLY BY RESPONDENTS WARRANTING UNBORN CHILD'S IMMEDIATE RELEASE

The UNBORN CHILD has not committed any crime, nor has the State of Florida, the Respondents or Miami Dade State Attorney put forward any allegations that the UNBORN CHILD committed a criminal offense. Yet, Respondents continue to incarcerate UNBORN CHILD in such deplorable conditions at TGK, depriving the UNBORN CHILD of needed medical care and monitoring for the UNBORN CHILD. In fact, Respondents have failed or refused to provide the medically necessary nutrition mandated by the physicians from Jackson Hospital.

The Fourteenth Amendment provides, in part, “nor shall any State deprive any person of life . . . without due process of law . . . nor deny any person . . . the equal protection of the laws” *U.S. Const. amend. XIV § 1* (emphasis added).

Article One, Section Nine of the Florida Constitution provides, in part, “No person shall be deprived of life, liberty or property without due process of law,....”. *Fla. Const. art. I, § 9*.

The constitutional guarantee of due process extends to every type of legal proceeding. See *Pelle v. Dinners Club*, 287 So. 2nd 737 (Fla. 3d DCA 1974); *Tomayko v. Thomas*, 143 So. 2nd 227 (Fla. 3d DCA, 1962); *State ex rel. Barancik v. Gates*, 134 So. 2d 497 (Fla. 1961); *Williams v. Kelly*, 133 Fla. 244, 182 So. 881 (1938).

These guarantees of due process and equal protection are not limited to citizens, but expressly extend to “any person.” The term person in the Due Process and Equal Protection Clauses does not stand unmodified—the clauses expressly protect “any person.” *U.S. Const. amend. XIV § 1* (emphasis added). Thus, by reading any out of the phrase any person in the Due Process and Equal Protection Clauses of the Fourteenth (and Fifth) Amendment, the courts must look first to the language under consideration; not make any word superfluous; and, if the language is plain, enforce it according to its terms.

Thus, the logical reading of the text of the Fourteenth Amendment’s Due Process and Equal Protection Clauses is that any person includes the entire universe of persons, including unborn persons. If the authors and adopters had wanted to limit those clauses to born persons, they should have said so explicitly, as they

did when defining citizen in the same section. Congress knew how to limit the class of persons to born persons when it intended to do so, but instead used the most expansive language available when defining those entitled to due process and equal protection.⁴

Most recently, the United States Court of Appeals for the Eleventh Circuit determined that a Georgia Statute's definition of natural person was not unconstitutionally vague on its face.

SisterSong Women of Color Reprod. Just. Collective v. Governor of Ga., 40 F.4th 1320 (11th Cir. 2022). The Eleventh Circuit held:

⁴ In *Levy v. Louisiana* 391 U.S. 68, 70 (1968), the Court held that illegitimate children are "persons" under the Equal Protection Clause because the clause covers all who "are humans, live, and have their being." 391 U.S. 68, 70 (1968). This definition applies equally to the unborn. Indeed, the Fourteenth Amendment itself, by defining citizen as a "person born," recognizes that some persons are not yet born, but prenatal. Thus, UNBORN CHILD is included as "any person" protected by the Constitution's Due Process and Equal Protection Clauses. See, Gregory J. Roden, *Unborn Children as Constitutional Persons*, 25 *Issues L. & Med.* 185, 186 (2010) (as the unborn almost universally under State law are "persons under criminal, tort, and property law, the text of the Equal Protection Clause . . . compels federal protection of unborn persons" (footnotes omitted)). "The Act defines a "[n]atural person" as "any human being including an un-born child." H.B. 481 § 3(b) (internal quotation marks omitted). And the Act clarifies that an "[u]nborn child" is "a member of the species *Homo sapiens* at any stage of development who is carried in the womb." *Id.* § 3(e)(2) (internal quotation marks omitted). This new definition applies throughout the Georgia Code. See *id.* § 3.

The parties continue to dispute whether the Act's definition of natural person is unconstitutionally vague on its face. The Act defines a "[n]atural person" as "any human being including an unborn child." *H.B. 481 § 3(b)* (internal quotation marks omitted). And the Act clarifies that an "[u]nborn child" is "a member of the species *Homo sapiens* at any stage of development who is carried in the womb." *Id.* § 3(e)(2) (internal quotation marks omitted). This new definition applies throughout the Georgia Code. *See id.* § 3.

SisterSong Women of Color Reprod. Just. Collective, 40 F.4th at 1326.

As demonstrated above, the Florida appellate courts have held that an unborn child has been treated as a "person" under various Florida statutes and accorded such due process rights as a matter of law.

In the instant habeas case, UNBORN CHILD has not been charged with any crime by the State. Further, the State has placed the UNBORN CHILD in such an inherently dangerous environment by placing the UNBORN CHILD in close proximity to violent criminal offenders.

The UNBORN CHILD is unlawfully and illegally incarcerated on no criminal charges. Further, the UNBORN CHILD is being

subjected to adverse and disparate treatment by Respondent and its employees, all to the detriment of UNBORN CHILD.

The Florida Supreme Court has explained that “[t]he purpose of a habeas corpus proceeding is to inquire into the legality of the petitioner's present detention.” *Sneed v. Mayo*, 69 So. 2d 653, 654 (Fla. 1954) (emphasis added); *see also McCrae v. Wainwright*, 439 So. 2d 868, 870 (Fla. 1983) (“The purpose of the ancient and high prerogative writ of habeas corpus is to inquire into the legality of a prisoner's present detention.”); *Cole v. State*, 714 So. 2d 479, 492 (Fla. 2d DCA 1998) (“A writ of habeas corpus may be employed to secure the release of a person who is being unlawfully detained.”); *Mann v. Wainwright*, 191 So. 2d 867, 868 (Fla. 1st DCA 1966) (“The function of habeas corpus is to test the legality of a petitioner's present detention.”).

Given UNBORN CHILD has not been charged with any criminal offense by Respondents or Miami Dade State Attorney’s Office, the UNBORN CHILD must be released from custody of Respondents forthwith by order of this Court by the granting of the instant habeas petition.

SECOND CLAIM FOR RELIEF

RESPONDENTS FAILURE OR REFUSAL TO RENDER MEDICALLY NECESSARY CARE AND TREATMENT TO UNBORN CHILD CONSTITUTES VIOLATION OF UNBORN CHILD'S RIGHTS UNDER THE FLORIDA CONSTITUTION AND UNITED STATES CONSTITUTION, WARRANTING UNBORN CHILD'S IMMEDIATE RELEASE FROM RESPONDENT'S CUSTODY.

UNBORN CHILD needs continual medical care and treatment from outside OB-GYN physicians. Initially, the UNBORN CHILD was seen and examined by OB-GYN physician at Jackson Hospital. The OB-GYN physicians directed Respondents and their employees to provide to UNBORN CHILD by and through the natural mother, Ms. Harrell, various vitamins, liquid nutrition, and other necessary foods for the health and wellbeing of UNBORN CHILD. Respondents have failed to do so on a scheduled basis and in accordance with the instructions of the attending outside physicians.

Further, the Respondents have placed UNBORN CHILD in an area of the detention center that houses the violent criminals and those who are being disciplined by Respondents for violating prison rules and engaging in fights with other inmates.

Notwithstanding the deliberate indifference of Respondents as to the safety of UNBORN CHILD, the UNBORN CHILD has a

constitutional right to receive medically necessary care and treatment. The Respondents failed to provide the above needed medical care and treatment for the UNBORN CHILD as dictated by the outside physicians, all to the detriment of UNBORN CHILD.

The United States Court of Appeals for the Eleventh Circuit in held “to prevail on a Fourteenth Amendment claim for deliberate indifference to a serious medical need, a plaintiff must show: "(1) a serious medical need; (2) the defendants' deliberate indifference to that need; and (3) causation between that indifference and the plaintiff's injury." *Mann v. Taser Int'l, Inc.*, 588 F.3d 1291, 1306-07 (11th Cir. 2009) (citing *Goebert v. Lee Cnty.*, 510 F.3d 1312, 1326 (11th Cir. 2007)). “Such claims were founded on the Eighth Amendment's proscription on cruel and unusual punishment and treatment of prisoners.” *Brown v. Jenne*, 122 So. 3d 881, 890 (Fla. 4th DCA 2012) (citing *Estelle v. Gamble*, 429 U.S. 97, 104-05, 97 S. Ct. 285, 291, 50 L.Ed.2d 251 (1976)). “That was made applicable to the states and to pre-trial detainees through the Fourteenth Amendment.” *Brown v. Jenne*, 122 So. 3d at 890 (citing *City of Revere v. Mass. Gen. Hosp.*, 463 U.S. 239, 244-45, 103 S. Ct. 2979, 77 L. Ed. 2d 605 (1983)).

Having shown that the constitutional protections under the Fourteenth Amendment and equivalent constitution protections under the Florida Constitution apply to UNBORN CHILD, the Respondents must be ordered to release the UNBORN CHILD to an outside hospital in order to receive the necessary medical care and treatment by outside OB-GYN physicians.

Respondents' draconian confinement of UNBORN CHILD and failure to provide necessary medical care and treatment creates an inherent risk and danger to the health and wellbeing of UNBORN CHILD while in Respondents' detention center known as TGK.

Petitioner is entitled to immediate release from TGK and Respondent's custody.

Petitioner seeks other and further relief this Court determines to be proper and just under the unique circumstances.

VI. PRAYER

WHEREFORE, the Petitioner, UNBORN CHILD, requests that this Court grant the instant habeas corpus petition pursuant to Florida Rules of Civil Procedure 1.630, the Florida Constitution and United States Constitution, applicable statutes and laws governing the instant habeas petition based on the foregoing facts and habeas

claims and law; and enter an order granting the habeas petition and ordering UNBORN CHILD's release from custody of Respondents and detention at TGK detention center. Further, Petitioner seeks this Court to exercise its inherent powers to grant the habeas relief requested herein. Petitioner requests other relief this Court deems proper and just under the circumstances.

February 16, 2023
Miami, Florida.

Respectfully submitted,

//ss// William M. Norris
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Attorney for Petitioner
UNBORN CHILD by and
through his mother, Next
Friend and Natural
Guardian Natalia Harrell.

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that that this petition complies with the font requirements of Florida Rule of Appellate Procedure 21(d). The font style is Bookman Old with font size 14pt. The word count is 4,346.

//ss// William M. Norris
WILLIAM M. NORRIS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on the following parties by email and hand delivery on this 16th day of February 2023.

**DIRECTOR JAMES REYES,
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REHABILITATION DEPARTMENT**

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