

# APPENDIX

## A

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D21-1091

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JHON ALBERT CARRIZALES  
PRETELL,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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On appeal from the Circuit Court for Bay County.  
Dustin Stephenson, Judge.

June 8, 2022

PER CURIAM.

We affirm the final judgment and sentence in all respects. Appellant has presented no reversible error or established that his right to a fair trial was denied. We also reject his argument that because he was tried for capital sexual battery, he was entitled to a twelve-person jury. *Phillips v. State*, 316 So. 3d 779, 786 (Fla. 1st DCA 2021) (noting the Florida Supreme Court “has previously rejected this argument” in *State v. Hogan*, 451 So. 2d 844 (Fla. 1984)). As in *Phillips*, we decline Appellant’s request to certify a question to the supreme court.

AFFIRMED.

ROWE, C.J., and JAY and LONG, JJ., concur.

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***Not final until disposition of any timely and  
authorized motion under Fla. R. App. P. 9.330 or  
9.331.***

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Jessica J. Yeary, Public Defender, and Victor D. Holder, Assistant  
Public Defender, Tallahassee, for Appellant.

Ashley Moody, Attorney General, and Daren L. Shippy, Assistant  
Attorney General, Tallahassee, for Appellee.