No.

IN THE

SUPREME COURT OF THE UNITED STATES

SASHA NICOLE PRINGLE,

Petitioner,

v.

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, *ET. AL*,

Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit

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PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

The Anti-terrorism and Effective Death Penalty Act (AEDPA), 28 U.S.C. § 2254, provides that "[a]n application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the State." § 2254(b)(1)(A). In *Picard v. Connor*, this Court explained that the exhaustion standard both pre-dating and now codified in AEDPA requires that a "federal claim must be fairly presented to the state courts." 404 U.S. 270, 275 (1971).

While the exhaustion rule seems straightforward, the circuit courts have had much difficulty pinpointing the minimum requirements that a habeas petitioner must meet to satisfy *Picard*'s exhaustion standard. This petition squarely presents the Court with an opportunity to clarify this confusion and address a question expressly left open in *Baldwin v. Reese*, 541 U.S. 27 (2004), about *Picard*'s "fairly presented" rule. The question presented is:

> Whether a state habeas petitioner "fairly presents" her federal claim, thus exhausting that claim, when the petitioner raises the substance of a federal constitutional claim in state court that is coextensive and identical with a state constitutional claim.

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PETITION FOR WRIT OF CERTIORARI

Petitioner Sasha Nicole Pringle respectfully petitions for a writ of certiorari to review the decision of the United States Court of Appeals for the Eleventh Circuit, *Pringle v. Sec'y, Fla. Dep't of Corr.*, No. 21-14318, 2024 WL 3936915, (11th Cir. Aug. 26, 2024).

OPINIONS BELOW

The United States Court of Appeals for the Eleventh Circuit decision reversing federal habeas relief is provided at Appendix. A (Slip. Op.). The Eleventh Circuit's order denying rehearing en banc is provided at Appendix. B. And the district court's order granting federal habeas relief, in part, is provided at Appendix C.

JURISDICTION

The United States District Court, Middle District of Florida, had jurisdiction over this post-conviction matter under 28 U.S.C. § 2254. The Eleventh Circuit Court of Appeals jurisdiction to review the district court order granting habeas relief rested under 28 U.S.C. § 2253.

The Eleventh Circuit issued its decision reversing the district court's order granting federal habeas relief on August 26, 2024. *See* App. A. The Eleventh Circuit's order denying rehearing en banc was issued on December 11, 2024. *See* App. B.

RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS

The Fifth Amendment to the Constitution provides, in pertinent part:

> No person shall be * * * deprived of life, liberty, or property, without due process of law * * *

U.S. Const. Amend. V.

The Fourteenth Amendment to the Constitution provides, in pertinent part:

> No state shall * * * deprive any person of life, liberty, or property, without due process of law * * *

U.S. Const. Amend. XIV.

The Anti-terrorism and Effective Death Penalty Act (AEDPA), 28 U.S.C. § 2254, provides, in relevant part:

> (b)(1) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that…
>
> > (A) the applicant has exhausted the remedies available in the courts of the State

28 U.S.C. § 2254(b)(1)(A).

STATEMENT OF THE CASE

A. Factual Background and State Court Trial

This case arises from the events following a tragic car accident on the evening of February 27, 2010, in Duval County, Florida. The State of Florida charged Ms. Pringle with three offenses for her involvement in the accident. Count one charged her with driving under the influence, in violation of Fla. Stat. § 316.193(1). Doc. 4-2.1 Count two charged her under Fla. Stat. § 316.027(1)(b) with willfully failing to stop at the scene of a crash resulting in the death of a person. *Id.* And count three charged her with reckless driving likely to cause death or great bodily harm under Fla. Stat. § 782.071(1)(a). *Id.*

On the evening of February 27, Ms. Pringle got into a heated argument with her husband. Doc. 4-4 at 17. Mr. Pringle thought his wife might have been drinking, but she denied being drunk. *Id.* at 18. In a short time, Ms. Pringle left, extremely upset, in her blue Honda Civic. *Id.* at 17-19.

Mr. Pringle followed Ms. Pringle, but after he saw her cross the center line a few times, he pulled over to call 911. *Id.* at 20. Mr. Pringle reported that his wife was drunk and on Valium. He said she was "messed up," did not "need to be driving in this condition," and that he was concerned that she might "kill herself or someone

[1] Document citations are to the record before district court, 3:20-cv-00035.

else." *Id.* at 20-22. Mr. Pringle also said that Ms. Pringle was "zigzagging back and forth" on the I-295 on-ramp, headed south toward I-10. *Id.* at 22-23.

A witness, Jeffery Tibbetts, testified he saw a Honda weaving across the lanes of I-295 and a car with its flashers on. Doc. 4-3 at 55-56. He said that he tried to get the Honda driver's attention by blaring his horn, but that the driver did not acknowledge him. *Id.* at 58. Mr. Tibbetts described the driver as staring straight ahead, seemingly oblivious to what was going on around her, and never looking over when Mr. Tibbetts blew his horn. *Id.* at 63-64. He said, "[s]he never acknowledged, never looked. She just kind of leaned up against her window and had her arm hanging up on her steering wheel and seemed in her own little world." *Id.* at 64.

Another witness, Stephen Kohn, testified that he entered the interstate and saw a blue Honda Civic "bobbing and weaving all over the road." *Id.* at 67. Mr. Kohn observed the vehicle from behind with his emergency flashers on and reported the driver to the Florida Highway Patrol (FHP). *Id.* at 72-73. He continued to keep eyes on the vehicle as they approached Buckman Bridge, testifying:

> As we approached the peak of the bridge an SUV came up in the most inside lane being closest to the emergency lane, and if you recall three lanes I was in the third lane. The Honda was in the second lane and the SUV tried to come up past us, and as the SUV tried to approach the Honda the Honda veered over into her lane and the SUV veered into the emergency lane and the Honda touched the SUV and they both started fishtailing. The Honda gained control. The SUV didn't. It turned sideways on the bridge. It flipped and went right over the side.

Id. at 75.

While the SUV went over the wall and into the water, the Honda never touched the wall. *Id.* at 80. Rather, the Honda continued at its normal speed, never slowing down or stopping, until it drove over to an exit lane and left the highway. *Id.*

Mr. Kohn described the impact he thought he saw between the Honda and SUV as "soft." *Id.* at 76. Other individuals driving behind Mr. Kohn, however, saw no impact or another vehicle causing the SUV to swerve, or the fishtailing of a second vehicle. *Id.* at 200; Doc. 4-4 at 7-8, 10, 13.

Another witness, Danny Brown, testified he saw the small blue silver car swerve away from the SUV, not toward it. *Id.* at 14. He said he saw a small silverish-blue car swerve from right to left, over closer to Don Williamson's vehicle [a friend driving another vehicle on Buckman Bridge], "probably further up from Don a little ways suddenly and after that I saw sparks out of the corner of my eye further up near the wall." *Id.* at 10. Mr. Brown described seeing something that looked like a thrown flashlight. *Id.* at 11. He stopped because he believed someone had hit the wall because of the sparks. *Id.*

Mr. Williamson described seeing an SUV snatch to the right. Doc. 4-3 at 197. He then saw the vehicle go out of control, face backwards, and then fly off the bridge. *Id.* at 198. He described the driver as jerking the wheel to the right. *Id.* at 200. Mr. Williamson also stopped his vehicle to render aid. *Id.*

After the accident occurred, Ms. Pringle arrived at the home of Ms. Melinda Holt between 9:00 and 10:00 p.m. Doc. 4-3 at 124. Ms. Holt described Ms. Pringle as looking upset and concerned, with her head down, talking on the phone, when she arrived at Ms. Holt's apartment. *Id.* at 125, 127.

The police arrived five minutes later; Ms. Pringle seeming terrified. *Id.* at 126. They questioned Ms. Pringle, who denied knowledge of an accident. *Id.* at 146-47. Officer Stephen Votava, in his sworn statement, said after advising Ms. Pringle of her *Miranda* rights, he asked Ms. Pringle whether she was in an accident that day and she responded no. Doc. 1-1 at 32. Officer Votava testified Ms. Pringle was impaired. Doc. 4-3 at 136. He said Ms. Pringle told him she had had a fight with her husband. *Id.* at 139. Officer T. C. Hall also testified that when he came across Ms. Pringle, he found her to be impaired. *Id.* at 144-45. Officer Hall observed Ms. Pringle had running and smeared makeup on her face and was visibly upset; she told the officers she had a fight with her husband, and when Officer Hall asked her about the accident, she stated she had no idea about any accident. *Id.* at 146-47.

Nina Wendzel, an expert in forensic toxicology, testified that the results of Ms. Pringle's blood test for that evening showed Hydrocodone, Dihydrocodeine, and Alprazolam (Xanax) in her system. Doc. 4-14 at 118. Dr. Bruce Goldberger, a forensic toxicologist, attested that the amount was on the high end of therapeutic or in the range where toxicity occurs. *Id.* at 132. He explained there was a synergistic effect of combining these two drugs, Hydrocodone and Xanax. *Id.* at 133. He also described the drugs as "two strong sedative, hypnotic like drugs," which caused intoxication exhibited by what witnesses described as slurred speech, unsteadiness, swaying, lethargy, and bloodshot and watery eyes with dilated pupils. *Id.* at 135.

Corporal David Bazinet, an investigator with the FHP, testified he looked for physical evidence and found no physical evidence there was a second car involved in the incident. *Id.* at 172. He saw no evidence of swerving from a second car or anything else. *Id.* As far as the victim's vehicle, Corporal Bazinet described what he found:

> The physical evidence that I observed at the scene were in the form of skid marks, what we call just the tire marks. When your tires spin they leave marks on the road. It appeared to me at the time that a vehicle had - this particular vehicle we end up finding out at some point either lost control or was forced to do what it did or what have you and it went off the road and came back which is indicative of someone losing control of their vehicle.
>
> The marks laid on the road kind of swerved off towards the outside of the - the wall to keep the cars in and then it overturned. How I know it overturned is there was glass on the ground from the windows of the vehicle and then at the leading edge of the wall there was a tire mark that was pretty fresh of rubber that had - from the tires. The tires are

> still spinning as this is going on. They're leaving marks all the way across the wall and then - then the vehicle plunged into the water.

Id. at 173-74.

Corporal Austin Bennett, a traffic homicide investigator for the FHP, testified as an expert in traffic reconstruction. Doc. 4-4 at 45. He said the FHP received a call about the crash at around 9:50 p.m. *Id.* He described the physical evidence on the road:

> There are tire scuff marks on the roadway leading off to the right paved shoulder in the area that the vehicle rolled over at. Just prior to can you [sic] observe the vehicle traveling off the roadway to the right shoulder, correct, and go back off again and that's when she started rotating trying to overcorrect.

Id. at 47.

Corporal Bennett testified that after examining Ms. Pringle's car, the results were inconclusive as to whether the two cars ever made contact. *Id.* at 58. He confirmed a strike was not apparent. *Id.* When asked on cross-examination whether he found any physical evidence that a second car was involved in the crash, Corporal Bennett responded, "[t]here are no marks from the defendant's vehicle, no, sir." *Id.* at 71. He also said there was no evidence on the road that a second vehicle fishtailed. *Id.* at 72.

George Ruotolo, an expert in traffic homicide reconstruction, said it was possible the vehicles touched, but as far as causation, it did not matter whether the defendant's car struck the victim's car. *Id.* at 99-100. Mr. Ruotolo said he found no common contact points between the two vehicles, "not that I could evidence." *Id.* at 102. He testified that none of the photographs taken by the FHP showed evidence of a second vehicle's involvement. *Id.* at 103.

Finally, the state introduced Ms. Pringle's recorded phone conversations from the jail after the accident and Ms. Pringle's arrest: (1) "For one I didn't hit anybody. I might have caused the car crash but I didn't hit anybody[;]" (2) "I did not hit anybody. I - that car pulled to the right and I corrected it and somebody in my blind spot[.]" Doc. 4-4 at 39, 41.

1. The Erroneous Jury Instructions on Knowledge.

The closing arguments focused almost entirely on whether Ms. Pringle caused a crash, as defined under Florida law, and whether she knew that a crash occurred. The state argued:

> I submit to you that if the state had to prove beyond and to the exclusion of a reasonable doubt that this defendant knew, knew that she had caused a crash involving the death or serious injury [ ], I submit to you we did it. I submit to you that it was proven, that common sense tells you she knew what she had done and those calls afterwards tell you that she knew what she had done.
>
> But keep in mind the state does not have to prove that and there's a reason for that. Again use your common sense. Very difficult to prove what a person knew, so the law says all you have to do is prove they should have known. They should have known. She should have known what she had done with her driving.

Id. at 195-96.

Further, on Ms. Pringle's condition that evening and her awareness and knowledge of an accident, the state argued:

> The only distracted person on the street that night was [Ms. Pringle]. They [the defense] want you to believe her head was in the clouds. She was upset about a fight. She was on the phone. She was distracted. You know what? I don't doubt that for a second. She wasn't only just distracted. She was impaired. It doesn't matter that she had a fight with her husband. It doesn't matter that she was crying or that she was on her cell phone.
>
> ***
>
> So it could be that she was on her cell phone and she swerved. It could be she was crying and her head was in the clouds and she drifted over. It doesn't matter. She was driving. She was impaired and her driving caused [the SUV] to fly over the Buckman Bridge. That's what we have to prove.
>
> ***
>
> [The SUV] flies over the bridge in the lanes next to where this defendant is driving and there's no reason for her to know what was going on? That's what they want you to believe. Is that reasonable? That's what that argument boils down to. Is it reasonable that she wouldn't know or that she shouldn't know? She should have known.
>
> You can't hide behind the fact that she was too impaired to know what was going on. That is not an excuse and it is most certainly not a defense. She should have known.

Doc. 4-5 at 35-38.

Then, after closing arguments, on the essential element of knowledge of a crash, the state court instructed the jury under the standard jury instructions in effect at the time:

> To prove the crime of leaving the scene of a crash the state must prove—should be leaving the scene of a crash involving death, the state must prove the following four elements beyond a reasonable doubt: Sasha Nicole Pringle was the driver of a vehicle involved in a crash resulting in death of a person.
>
> Sasha Nicole Pringle knew or should have known that she was involved in a crash. Sasha Nicole Pringle knew or should have known of the injury to or death of the person. Finally, Sasha Nicole Pringle willfully failed to stop at the scene of the crash or as close to the crash as possible and remain there until she had given identifying information to any police officer investigating the crash.

Id. at 47.

These instructions were an incorrect statement of Florida law. As the Florida Supreme Court recognized in *State v. Dorsett*, 158 So. 3d 557 (Fla. 2015), the plain language of the statute and existing caselaw required the state to "prove beyond a reasonable doubt that the driver had actual knowledge of the crash, an essential element of the crime of leaving the scene of a crash." *Id.* at 558.

2. The State Conviction and State Sentencing.

The misadvised jury returned a guilty verdict on all three counts. The state trial court sentenced Ms. Pringle to fifteen years on count one for her DUI conviction, and a concurrent thirty years on count two (the count at issue in this appeal) for leaving the scene of an accident under Fla. St. § 316.027(1)(b). Doc. 4-7 (Sentencing Tr.); Doc. 4-8 (Judgment). The state trial did not rule on count three, the vehicular homicide count, holding the matter in abeyance through the appeal. *See* Doc. 4-7 at 226.

B. Ms. Pringle's Direct Appeal to the Florida Appellate Court.

Represented by court-appointed counsel, Ms. Pringle took her case up on direct appeal. Court-appointed counsel, however, filed a no-merits brief under *Anders v. California*, 386 U.S. 738 (1967), along with a motion to let Ms. Pringle file an appellant brief if she desired. *See* Doc. 4-9 (*Anders* Brief); Doc. 4-10 (Motion to Allow Appellant to File a *Pro Se* Brief & Order Granting the Motion). Ms. Pringle declined to file a brief, and the First District Court of Appeal (DCA) per curiam affirmed her judgment and sentence. Doc. 4-11 (First DCA Ruling on Direct Appeal).

1. Ms. Pringle's 3.850 Motion Before the State Post-Conviction Court.

Afterward, Ms. Pringle timely petitioned for post-conviction relief under Fla. R. Crim. P. 3.850. She filed her first 3.850 motion in 2012, assisted by retained counsel. *See* Doc. 4-13 (Motion for Post-Conviction Relief). That motion alleged three grounds for relief. *See id.* Grounds one and two each raised an ineffective assistance of counsel claim under Fla. Rule. Crim. P. 3.850(a)(6).[2]

[2] Ground one alleged that Ms. Pringle's trial counsel failed to object to certain expert and lay witness testimony, while ground two alleged that trial counsel failed to obtain an independent expert witness and failed to conduct certain investigations. *See id.*

Ground three, however, raised a separate claim under Rule 3.850(a)(1), which argued that Ms. Pringle's "judgment was entered or sentence was imposed in violation of the Constitution or laws of the United States or the State of Florida." *See id*. In support, the motion stated that: "There was no definition of what a 'crash' is for purpose of the leaving the scene of the crash statute; therefore the statute is ambiguous and vague and not applicable to the defendant's case where there is no proof of a collision, which is the common and ordinary meaning of a 'crash.'" *Id.*[3]

The post-conviction court dismissed Ms. Pringle's first 3.850 motion, granting her leave to file an amended motion. Ms. Pringle did so, filing a timely, *pro se* amended 3.850 motion. Doc. 4-14 (Pro Se Amended Motion for Post-Conviction Relief).

Like the first motion, Ms. Pringle's amended 3.850 motion also raised three grounds for relief. *See id.* And like her first 3.850 motion, the first two grounds in the amended 3.850 motion raised the same ineffective assistance of counsel claims under Rule 3.850(a)(6). *Compare id., with* Doc. 4-13.

[3] Retained counsel also filed a memorandum in support of Ms. Pringle's first 3.850 motion, but the memorandum provided argument only for ground one on ineffective assistance of counsel. Doc. 4-12 (Memorandum in Support of Post-Conviction Relief (Ground One)).

As for ground three, Ms. Pringle again raised a claim under Rule 3.850(a)(1), that her "judgment was entered or sentence was imposed in violation of the Constitution or laws of the United States or the State of Florida." Doc. 4-14 at 8. But unlike the first 3.850 motion, the amended 3.850 motion divided this argument into two parts.

> The first part of ground three argued:
>
> There was no definition of what a "crash" is for purpose of the leaving the scene of the crash statute. As well as what the legislative intent was for the phrase "involved in a crash;" therefore the statute is ambiguous and vague and not applicable to the Defendant's case where there is no proof of a collision, which is the common and ordinary meaning of a "crash."

Id.

The second part of ground three expanded on this argument. There, Ms. Pringle argued, "the statute does not address if the standard jury instructions requires actual knowledge of the crash that involved a death, an essential element of the crime." *Id.* (emphasis in original). In the supporting facts section of her amended 3.850, Ms. Pringle explained, "[i]n order for the Defendant to willfully violate F.S. 316.027(l)(b) she would have had to be aware that an accident had occurred. This actual knowledge of the crash is an essential element of the crime." *Id.* at 10. Because Ms. Pringle maintained no evidence supported her knowledge of an accident occurring, she argued that she "did not willfully violate F.S. 316.027(1)(b)." *Id.*

Ms. Pringle also filed a *pro se* memorandum supporting her amended 3.850 motion. *See* Doc. 4-15 (*Pro Se* Memorandum of Law in Support of Defendant's Amended Motion for Postconviction Relief). As pertains to ground three, Ms. Pringle once again presented her argument in two parts.

As to part two of her claim on the *mens rea* required under Fla. Stat. § 316.027, Ms. Pringle explained:

> [T]he Defendant would present that in order to be in violation of F.S. 316.027, she needed to have knowledge that a crash that involved a death occurred and that the jury be instructed properly.
>
> ***
>
> The Supreme Court [*Dorsett*] determined that a willful violation of Section 316.027 can only be established if the driver had actual knowledge that a crash occurred. They further determined that knowledge of the accident is an essential element of the Statute. In order for the Defendant to be criminally liable under Section 316.027, with leaving the scene, the Defendant either knew or reasonably should have known from the nature of the accident or crash "mis[s]tates the law" *Dorsett supra*. Here if the Defendant's vehicle did not collide with another vehicle, person or object, [ ] she would not have had any reason to have knowledge that a crash had occurred. Since the Defendant can establish and prove that no crash occurred, she then should have been afforded the proper jury instruction that the State must prove beyond a reasonable doubt that she had actual knowledge of the crash.
>
> Defendant would present to this Court that the element of "involved in a crash" and the jury instruction [ ] "Defendant knew or should have known" go hand in hand and Defendant's charge and violation of F.S. Statute 316.027 must be found as improper and should be vacated.

Id. at 20-22.

The post-conviction court denied Ms. Pringle's amended 3.850 motion. *See* Doc. 4-16 (Order Denying Defendant's Motions for Post-conviction Relief). On ground three, the post-conviction court construed part one of Ms. Pringle's argument as contending that "her conviction and sentence are illegal because there is no statutory definition of the term 'crash' as used in section 316.027(1)(b), Florida Statutes (2010)," and that "the lack of a statutory definition for the term 'crash' makes the statute unconstitutionally vague." *Id*. at 8. The post-conviction court, however, concluded that "because the term 'involved in a crash' does not require a defendant's car to collide with another, this claim is denied." *Id.* The post-conviction did not address part two of Ms. Pringle's argument in ground three about the *mens rea* required under section 316.027(1)(b) and the improper jury instruction in her case. *See id.*

2. The Appeal from the Denial of the 3.850 Motion.

Ms. Pringle appealed from the denial of her amended 3.850 motion. *See* Doc. 4-18 (*Pro Se* Appeal from the Denial of Postconviction Relief). The relevant section heading in Ms. Pringle's *pro se* brief on ground three stated: "WHETHER THE TRIAL COURT ERRED IN SUMMARILY DENYING APPELLANT'S GROUND THREE OF THE APPELLANT'S MOTION FOR POSTCONVICTION RELIEF." *Id.* at 2. In the summary of argument section, Ms. Pringle stated:

> The Trial Court erred in summarily denying Appellant's postconviction motion where the judgment was entered or sentence was imposed in violation of the Constitution or Laws of the United States or the State

> of Florida. There was no definition of what a "crash" is for purpose of leaving the scene of a crash Fla . Statute 316.027. As well as what the legislative intent was for the phrase "involved in a crash." Further, the statute does not address if the standard jury instructions requires actual knowledge of the crash that involved a death, an essential element of the crime.

Id. at 16.

As she did in her amended 3.850 motion, Ms. Pringle divided the argument in her appeal on ground three into two parts. In part one, Ms. Pringle explained, "[t]he first question the Court needed to make a decision on asked what the legislative intent is concerning the term 'crash' for the phrase 'involved in a crash.'" *Id.* And in part two, she stated the issue was "whether Appellant had actual knowledge at the point in time that a crash occurred." *Id.*

In support of her appellate argument for part two, Ms. Pringle began by pointing out that the post-conviction court "completely ignored…her claim," which "addresses if the Appellant had actual knowledge of a crash occurring." *Id.* at 17. On the merits, Ms. Pringle once again relied on *Dorsett* to support her contention that the jury instruction in her case that provided that "the Appellant either knew or reasonably should have known from the nature of the accident or crash 'misstates the law.'" *Id.* at 17. Thus, she argued that she "should have been afforded the proper jury instruction that the State must prove beyond a reasonable doubt that she had actual knowledge of a crash." *Id.*

The State elected not to file an answer brief in Ms. Pringle's post-conviction appeal, (Doc. 4-18 at 27), and the First DCA affirmed the denial of post-conviction relief in a per curiam order (Doc. 4-19 at 1).

3. Mr. Pringle's Motion for Rehearing from the Denial of Her 3.850 Appeal.

Ms. Pringle then filed a *pro se* motion for rehearing with a rewritten opinion from the First DCA's per curiam affirmance of the denial of her amended 3.850 motion. Doc. 4-19 at 3. She described the claim raised in ground three of her amended 3.850 motion and subsequent appeal as the "Judgment and Sentence was imposed in violation of the Constitution or Laws of the United States or the State of Florida." *Id.* at 5. As for part two of that claim, Ms. Pringle argued that the First DCA overlooked the argument that:

> [I]n order to be in violation of F.S. 316.027, she needed to have knowledge that a crash involving a death occurred…The Supreme Court in *Dorsett* [ ] following a certified question as to if the standard jury instructions should require actual knowledge of the crash answered in the affirmative. The Supreme Court determined that a willful violation of Sec. 316.027 can only be established if the driver had actual knowledge that a crash occurred. Here in the Appellant's case, as seen on record (p. 146-147) there was no knowledge that a crash occurred and further if Appellant's vehicle did not collide with another vehicle, person, or object, she would have no reason to have knowledge that a crash occurred. Appellant should have been afforded the proper jury instructions that the State must prove beyond reasonable doubt that she had actual knowledge of the crash.

Id. at 7. The First DCA summarily denied Ms. Pringle's motion for rehearing and written opinion. *Id.* at 10.

C. The 28 U.S.C. § 2254 Proceeding.

Ms. Pringle then took her case to federal court, timely filing a *pro se* motion under 28 U.S.C. § 2254 in the Middle District of Florida. Doc. 1. Her § 2254 motion raised six grounds for relief, but only one is at issue here—ground six:

> PETITIONERS RIGHT TO DUE PROCESS WAS VIOLATED WHEN THE STATE'S EVIDENCE FAILED TO SUPPORT A CONVICTION OF GUILT.

Id. at 21.[4]

Ms. Pringle argued that her due process right to a fair trial based on the Fourteenth Amendment was violated when "the state did not prove beyond a reasonable doubt every element necessary to convict of the crime, leaving the scene of an accident involving a death." *Id.* As for the substance of this argument, she renewed the same argument she made before the Florida post-conviction court about the jury instructions at her trial (amended 3.850 motion claim 3), dividing the argument again into two parts. *See id.* at 21-23.

[4] The district court found that Ms. Pringle procedurally defaulted on her claims in grounds one, three, and five, because she could have, but did not raise those claims on direct appeal in state court (App. C at 11) and denied on the merits Ms. Pringle's claims in grounds two and four (App. C at 17, 24).

As to part two of her claim, she argued that the jury instructions misstated the law by letting the prosecution convict her for willfully leaving the scene of an accident if she "knew or should have known of a crash occurring," rather than the correct standard that she "knew" she was involved in a crash. *Id.* at 23. As a result, she asked the district court to, as to ground six, "find that the state did not prove every clement of the crime beyond a reasonable doubt and remand for a new trial or any other relief to which Petitioner is entitled." *Id.* at 25.

The district court determined that Ms. Pringle exhausted both part one and two of her claim in ground six of her § 2254 motion by raising that claim in her *pro se* amended 3.850 motion and appealing the denial of post-conviction relief. App. C at 31-34 (addressing part one of ground six); *id.* at 35-36 (addressing part two of ground six).[5]

As for part two of ground six, the district court found that Ms. Pringle "adequately presented a claim of constitutional dimension" in her state post-conviction filings. *Id.* at 36 (citing Doc. 4-14 at 42, 44; Doc. 4-15 at 21-23). The district court added that Ms. Pringle:

> [R]aises a due process claim, a claim of constitutional dimension. She contends she should not have been convicted upon instructions that allowed for constructive knowledge, rather than actual knowledge of a crash.

[5] As to part one of her claim, however, the district court found that Ms. Pringle was not entitled to post-conviction relief based on a deprivation of due process. *Id.* at 34.

App. C at 45.

Relying on *Dorsett* as well as other Florida caselaw predating Ms. Pringle's trial, the district court recognized that the standard jury instructions as presented at Ms. Pringle's trial letting the jury convict her based on a standard of "'knew or should have known' negates the requirement of actual knowledge of the crash and misstates Florida law." *Id.* at 38 (citing *Cahours v. State*, 147 So. 3d 574, 576 (Fla. 1st DCA 2014)). Thus, the district court found that "the instruction given in [Ms. Pringle's] case misinformed the jury of a contested 'essential element' of the crime, the actual knowledge of involvement in a crash." *Id.* at 38.

Relying on both federal and state law, the district court found that the improper jury instructions implicated due process concerns. *Id.* at 47. The district court explained that "'due process…requires that the State prove every element of a criminal offense beyond a reasonable doubt,'" *Id.* (quoting *Gilmore v. Taylor*, 508 U.S. 333, 350 (1993)), and because:

> [A]n inherent and indispensable requisite of a fair and impartial trial under the protective powers of our Federal and State Constitutions as contained in the due process of law clauses that a defendant be accorded the right to have a Court correctly and intelligently instruct the jury on the essential and material elements of the crime charged and required to be proven by competent evidence.

Id. (quoting *Mogavero v. State*, 744 So. 2d 1048, 1050 (Fla. 4th DCA 1999) (quoting *Gerds v. State*, 64 So. 2d 915, 916 (Fla. 1953) (citations omitted)).

Applying the *Brecht v. Abrahamson*, 507 U.S. 619 (1993), standard for a constitutional error, the district court found that "there is grave doubt the error was harmless as there is more than a reasonable possibility that the error contributed to the conviction." *Id.* at 49. The district court explained:

> After considering the entire charge and the trial record, the Court is convinced that the misstatement of the law in the instructions so infected the entire trial that the resulting conviction violates due process because the ailing instruction, concerning a very hotly contested issue - actual knowledge of the crash, misstated the law and allowed for the jury to convict based on constructive knowledge rather than actual knowledge.

Id. at 50. In so finding, the district court reasoned that:

> A dearth of the state's evidence demonstrated Petitioner had no actual knowledge of a crash, including witness statements, physical evidence, and expert testimony. Also, most of the evidence presented evinced no actual impact between the two vehicles, and if any impact, it was slight to negligible, leaving no marks or evidence. The record supports the conclusion that Petitioner was driving in an impaired state, seemingly unaware of the events going on around her as she drove over the Buckman bridge, the site of the crash. Finally, the crash (the SUV hitting the bridge barrier flipping over the barrier, and landing on the water) which took place after the victim swerved, over-corrected, and then rolled her vehicle after losing control of the vehicle, occurred behind Petitioner's car based on the testimony of the witnesses.

Id. at 51.

Thus, the district court explained that it would "not give deference to the state court's decision denying post-conviction relief on the second part of Petitioner's claim of constitutional deprivation as raised in ground three of her amended postconviction motion," because that decision "is in conflict with clearly established federal law or based on an unreasonable determination of the facts in light of the evidence presented in the state court proceeding." *Id.* at 52-53. Moreover, "to the extent the state court utilized the correct governing legal principle," the district court found that "the state court's decision involved an unreasonable application of federal law to the facts of Petitioner's case or an unreasonable refusal to apply the principle to the facts of the case." *Id.* at 54. The district court thus held:

> The Standard Jury Instructions at the time of Petitioner's trial misstated the law, there is a more than a reasonable possibility that the error contributed to the conviction, misleading the jury to convict Petitioner because the instruction given obviated the requirement that the prosecutor prove the essential element that the driver know she was involved in a crash. This erroneous instruction, when viewed in the light of the entire trial, was so misleading that it made the trial fundamentally unfair, so infecting the proceeding that it resulted in a deprivation of due process of law in violation of the Fourteenth Amendment to the United States Constitution.

Id. at 53.

D. The Eleventh Circuit Appeal

The state appealed to the Eleventh Circuit, which reversed the district court's grant of habeas relief in an unpublished decision. *See* App. A. The panel's decision rested on the issue of exhaustion and "turn[ed] on the level of specificity required to 'fairly present' the federal claim to the state courts." *Id.* at 10. In response to the state's exhaustion argument, Pringle argued, among other things, that the coextensive nature of the due process guarantees under the Florida and U.S. Constitutions should have alerted the state courts to the federal nature of her claim.

The panel rejected this argument, concluding that even when state and federal standards are substantively identical, petitioners must explicitly raise the federal nature of their claims to satisfy the exhaustion requirement. The panel explained that under federal exhaustion law, a petitioner must present both the substance and federal source of a claim to the state courts. The panel added, "presenting a claim of constitutional dimension in state court without reasonable identification of the claim's federal legal basis is insufficient to exhaust state court remedies." App. A at 13. And the panel found to exhaust a federal claim, "petitioners must apprise the state courts of the federal nature of their claim, even if they present the substance of a federal claim." *Id.* at 21. In so concluding, the panel found that the Eleventh Circuit's precedent in *Watson v. Dugger*, 945 F.2d 367, 372 (11th Cir. 1991), in which we the court held that petitioners "need only

present the substance of a federal constitutional claim to the state courts in order to exhaust the issue and preserve it for review in a federal habeas corpus proceeding," had been abrogated by *Duncan v. Henry*, 513 U.S. 364 (1995) and *Gray v. Netherland*, 518 U.S. 152 (1996). *Id.* at 17–18 & n.1.

The panel thus held that raising a state-law claim with overlapping federal principles does not satisfy the exhaustion requirement for federal habeas review. As a result, the panel found that Pringle's reliance on Florida law, despite its coextensive nature with federal due process, did not adequately notify the state courts of the federal dimension of her claim. *See id.* at 21 ("*Duncan* equally forecloses Pringle's argument that the coextensive nature of the due process guarantees under the United States and Florida Constitutions alerted the state courts to the federal and state nature of her faulty jury instructions claim.").

Because the panel concluded that Pringle failed to exhaust her due process claim–the claim that the district court granted her habeas relief–it reversed the order granting federal habeas relief and remand with instructions to dismiss the petition on that ground.

Later, the Eleventh Circuit denied Pringle's petition for rehearing en banc, where she argued that a state habeas petitioner exhausts her federal claim when, as here, the petitioner raises the substance of a federal constitutional claim in state court that is coextensive and identical with a state constitutional claim. *See* App. B.

REASONS FOR GRANTING THE WRIT

The Court should grant the writ to resolve the question expressly left open in *Baldwin v. Reese*, 541 U.S. 27 (2004), regarding whether a state habeas petitioner "fairly presents" a federal claim under the exhaustion doctrine when the petitioner raises the substance of a federal constitutional claim in state court that is coextensive and identical with a state constitutional claim.

I. This Petition Squarely Presents the Important Question Left Unresolved in *Baldwin*

In *Baldwin*, this Court confronted but did not resolve a critical question about federal habeas law: when a petitioner presents a claim under state law that is substantively identical to federal law, has the petitioner "fairly presented" the federal claim for exhaustion purposes? *See id.* at 33–34. Although the Court ultimately found that the petitioner had waived this argument for failure to raise it properly, (*id.* at 34), the decision left open whether a claim raised under a coextensive state standard might also exhaust a federal claim. *See id.* ("The complex nature of Reese's claim and its broad implications suggest that its consideration by the lower courts would help in its resolution."). The Court did not reject the principle that coextensive legal standards could suffice for exhaustion but left the issue unresolved. *See id.*

This case now squarely presents the question left open in *Baldwin*: Whether a state habeas petitioner "fairly presents" her federal claim, thus exhausting that claim, when the petitioner raises the substance of a federal constitutional claim in

state court that is coextensive and identical with a state constitutional claim. This question is outcome-determinative in her case and ripe for this Court's review.

II. Resolving This Question Will Address the Core Principles of the Exhaustion Doctrine and Provide Needed Guidance to Lower Courts

A. The "Fairly Presented" Standard Directly Implicates Federalism and Comity

The exhaustion requirement under 28 U.S.C. § 2254 exists not as a procedural hurdle for its own sake, but to serve vital interests in our federal system. As this Court has explained, the doctrine is "principally designed to protect the state courts' role in the enforcement of federal law and prevent disruption of state judicial proceedings." *Rose v. Lundy*, 455 U.S. 509, 518 (1982). At its core, the requirement reflects a policy of "federal-state comity," which provides "an accommodation of our federal system designed to give the State an initial 'opportunity to pass upon and correct' alleged violations of its prisoners' federal rights." *Picard v. Connor*, 404 U.S. 270, 275 (1971).

The logic underpinning this doctrine compels the conclusion that when a petitioner raises a state constitutional claim that is substantively identical to a coextensive federal constitutional claim, the foundational purposes of exhaustion are satisfied. The state courts have received the opportunity to consider the substance of the legal question, to apply the governing standard, and to correct any errors—all without federal interference. Whether the claim bears a federal or state

label becomes secondary to the substantive analysis that state courts have already performed.

This Court's guidance in *Picard* thus takes on renewed significance: "once the federal claim has been fairly presented to the state courts, the exhaustion requirement is satisfied." *Id.* While *Picard* requires that "the federal claim must be fairly presented to the state courts," (*id.* at 275–76), it simultaneously rejects formalistic labeling requirements, making clear that a petitioner need not cite "book and verse on the federal constitution" to satisfy exhaustion. *Id.* at 278. The Eleventh Circuit's rigid approach—demanding explicit federal labeling even where state and federal standards perfectly align—elevates mere form over substantive consideration, undermining rather than serving the comity interests that animate the exhaustion doctrine.

B. The Eleventh Circuit's Rule Contradicts *Picard* and Creates Inconsistency Among Circuit Courts

The Eleventh Circuit's decision effectively creates a new "chapter and verse" requirement that demands petitioners explicitly label their claims as federal, even when raising coextensive state constitutional claims. This formalistic approach directly contradicts this Court's instruction in *Picard* that petitioners need not cite "book and verse on the federal constitution" to fairly present a claim. *Id.* at 278. The Eleventh Circuit's elevation of form over substance undermines the core comity and federalism principles that the exhaustion doctrine is designed to serve.

Meanwhile, courts throughout the country have applied several different tests for determining whether a federal claim has been fairly presented—and thus whether the state court had a chance to address the issue itself without intervention by the federal courts. The disarray among circuit courts regarding the "fairly presented" standard has therefore created doctrinal uncertainty that calls for this Court's resolution.

For instance, the Second, Third, and Seventh Circuits employ a set of four factors to aid in determining whether a claim has been exhausted: whether the petitioner: (i) "'relied on federal cases that engage in a constitutional analysis'"; (ii) "'relied on state cases which apply a constitutional analysis to similar facts'"; (iii) "'framed the claim in terms so particular as to call to mind a specific constitutional right'"; and (iv) "'alleged a pattern of facts that is well within the mainstream of constitutional litigation.'" *Schmidt v. Foster*, 911 F.3d 469, 486 (7th Cir. 2018) (citation omitted); *see also Rosa v. McCray*, 396 F.3d 210, 217–18 (2d Cir. 2005) (applying same four-factor test); *Evans v. Ct. of Common Pleas*, 959 F.2d 1227, 1231 (3d Cir. 1992) (same). The First and Eighth Circuits have adopted similar factor-based tests with a focus on identifying a specific constitutional right and specific constitutional provision. *See Coningford v. Rhode Island*, 640 F.3d 478, 482 (1st Cir. 2011); *Kelly v. Trickey*, 844 F.2d 557, 558 (8th Cir. 1988).

On the other hand, the Fourth, Fifth, Sixth, Ninth, and Tenth Circuits have chosen not to adopt any particular test and, instead, simply recite general

statements related to fair presentation. *See, e.g.*, *Gordon v. Braxton*, 780 F.3d 196, 201 (4th Cir. 2022); *Lucio v. Lumpkin*, 987 F.3d 451, 463–64 (5th Cir. 2021); *Bray v. Andrews*, 640 F.3d 731, 734–35 (6th Cir. 2011); *Walden v. Shinn*, 990 F.3d 1183, 1196 (9th Cir. 2021); *Honie v. Powell*, 58 F.4th 1173, 1184 (10th Cir. 2023).

Against this backdrop of varied approaches, the Eleventh Circuit has now staked out perhaps the most rigid position possible—effectively requiring explicit federal labeling even where a claim's federal nature is inherent in the state standard being invoked. This approach underscores the need for this Court's guidance on the "fairly presented" standard, particularly in cases like Ms. Pringle's where the state and federal constitutional standards are coextensive.

C. The Eleventh Circuit's Rule Creates Particular Problems in States with Coextensive Constitutional Provisions

The problems with the Eleventh Circuit's approach are particularly evident in places like Florida, where state constitutional provisions explicitly incorporate federal constitutional standards. Florida's Constitution, for example, provides that the "right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures...shall be construed in conformity with the 4th Amendment to the United States Constitution, as interpreted by the United States Supreme Court." Fla. Const. Art. I, Sec. 12.

The implication of this constitutional provision is unmistakable: when a Florida petitioner invokes the state constitution's search and seizure provision, they are necessarily invoking federal Fourth Amendment standards. Yet under the

Eleventh Circuit's rule, a petitioner who makes a substantive Fourth Amendment argument based on the Florida Constitution—which by its express terms must be construed in conformity with the federal Fourth Amendment—would still fail to exhaust her federal claim unless she explicitly invoked the "magic words" of the federal Constitution. This outcome would obtain even though: (1) the state and federal standards are identical by constitutional mandate; (2) the state court necessarily considered and applied federal Fourth Amendment case law; and (3) all the principles underlying exhaustion were satisfied. Such a formalistic approach ignores the reality that the substance of the federal claim was fully presented to and considered by the state courts, with no need to search beyond the four corners of the petition to find exhaustion. Further, this elevation of form over substance creates precisely the kind of procedural trap that *Picard's* book and verse admonition was designed to prevent.

When state and federal standards are truly coextensive, state courts necessarily evaluate the substance of the federal claim when they apply the state standard to the facts. The state court thus has "the first opportunity to hear the claim sought to be vindicated in a federal habeas proceeding," which is precisely what the exhaustion doctrine is designed to ensure. *Picard*, 404 U.S. at 276.

D. This Case Is an Ideal Vehicle to Address the Unresolved Question from *Baldwin*

Ms. Pringle's case provides an ideal vehicle for this Court to provide much-needed clarity on the question left open in *Baldwin*. Her due process claim

regarding the faulty jury instruction on actual knowledge directly implicates coextensive state and federal constitutional standards, presenting a clean vehicle to address when such overlapping claims satisfy the exhaustion requirement.

This Court has recognized in an analogous context that when state courts "apply the same analysis in considering... state [constitutional] claims as... in considering [a] federal [constitutional] claim," courts should "consider a state-court decision as relying upon federal grounds sufficient to support this Court's jurisdiction." *Fitzgerald v. Racing Ass'n of Cent. Iowa*, 123 S. Ct. 2156, 2158-59 (2003) (quoting *Racing Ass'n of Cent. Iowa v. Fitzgerald*, 648 N.W.2d 555, 558 (Iowa 2002), and citing *Pennsylvania v. Muniz*, 496 U.S. 582, 588 n. 4 (1990) ("no adequate and independent state ground where the court says that state and federal constitutional protections are 'identical'") and *Michigan v. Long*, 463 U.S. 1032, 1041–42 (1983) ("jurisdiction exists where federal cases are not 'being used only for the purpose of guidance' and instead are 'compel[ing] the right'")).

The question presented has far-reaching implications beyond Ms. Pringle's case. The phenomenon of coextensive state and federal constitutional provisions is widespread across numerous states and encompasses various constitutional rights.[6] This pattern of interpretive alignment means that the issue before the Court will

[6] *See* Christopher Slobogin, *State Adoption of Federal Law: Exploring the Limits of Florida's "Forced Linkage" Amendment*, 39 Uni. of Fla. L. Rev. 653, 664–65 (1987) (explaining that many states utilize constitutional linkage, which "most frequently occurs when state courts interpret their constitutional provisions to conform with the federal courts' interpretation of similar federal provisions.").

recur regularly in habeas cases nationwide, affecting not just Fourth Amendment claims under provisions like Florida's, but also due process claims like Ms. Pringle's, as well as other constitutional guarantees where state and federal standards mirror one another.

The specific due process right at issue here—the due process right to have the state prove every element beyond a reasonable doubt—exemplifies this coextensive relationship between state and federal constitutional protections. As the district court explained, as a matter of federal constitutional law, "'[D]ue process...requires that the State prove every element of a criminal offense beyond a reasonable doubt.'" Doc. 9 at 47 (quoting *Gilmore*, 508 U.S. at 350). The district court also noted that this due process right is the right under both federal and state law. *See id.* (quoting *Mogavero*, 744 So. 2d at 1050 (quoting *Gerds*, 64 So. 2d at 916 (citations omitted))).

For its part, the Florida Supreme Court, in decisions well-predating Ms. Pringle's trial and 3.850 proceedings, has explained that the due process right to have the prosecution prove every element beyond a reasonable doubt is the same right under both the Florida and U.S. Constitution:

> We must bear in mind the due process clause of both our State and Federal Constitutions. We are convinced that due process of law contemplates trial in a criminal case by a fair jury, with full evidence and correct charges or instructions to the jury as to the law. Of these elements of fundamental safeguard, an accused may not be deprived either by statute or rule of court.

Henderson v. State, 155 Fla. 487, 491 (1945).

In this context, Ms. Pringle's invocation of a due process violation under Rule 3.850(a)(1) necessarily implicated both state and federal constitutional dimensions of the same right. Her claim that the jury instructions erroneously permitted conviction without proof of actual knowledge of a crash implicated a specific due process concern recognized under both constitutions—not a vague, general appeal to "due process" that this Court has cautioned against. *See Gray v. Netherland*, 518 U.S. 152, 163 (1996). Rather, when Ms. Pringle presented this claim to the Florida courts, she necessarily alerted them to both state and federal dimensions of the right, as the state courts themselves have recognized the two are inseparably intertwined—a point that has never been disputed in these proceedings.

As a result, Ms. Pringle's claim in the Florida courts that the state's failure to prove the essential element of an offense not only directly implicates a constitutional concern—a due process violation—but it also necessarily alerts the state courts of both a federal and state due process claim because the due process right is the same in both jurisdictions.

CONCLUSION

The Court should grant the writ to resolve this important question of federal habeas law and clarify that when a petitioner raises a state constitutional claim that is substantively identical and coextensive with a federal constitutional claim, the substance of the federal claim has been fairly presented to the state courts for purposes of exhaustion. To hold otherwise would elevate form over substance in a manner that neither serves the purposes of the exhaustion doctrine nor honors the respect for state court proceedings that the doctrine was designed to protect.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

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