No.

IN THE

SUPREME COURT OF THE UNITED STATES

JAMES RANDALL MOEHLE,
Petitioner,

v.

STATE OF FLORIDA,
Respondent.

On Petition for Writ of Certiorari to the Florida First District Court of Appeal

PETITION FOR WRIT OF CERTIORARI

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A. QUESTION PRESENTED FOR REVIEW

Whether this Court should reevaluate its decision in *Williams v. Florida*, 399 U.S. 78 (1970), and hold that twelve-person juries are constitutionally mandated in criminal felony cases – or at least in cases that involve a potential punishment of life imprisonment.

B. PARTIES INVOLVED AND RELATED CASES

1. Parties Involved

The parties involved are identified in the style of the case.

2. Related Cases

a. *State of Florida v. James Randall Moehle*, case no. 2021-CF-4832, Florida First Judicial Circuit Court, Escambia County. Judgment entered on April 20, 2023.

b. *James Randall Moehle v. State of Florida*, case no. 1D2023-1112, Florida First District Court of Appeal. Opinion entered on February 3, 2025, rehearing denied on March 12, 2025.

C. TABLE OF CONTENTS AND TABLE OF CITED AUTHORITIES

1. TABLE OF CONTENTS

2. TABLE OF CITED AUTHORITIES

a. Cases

b. Statutes

c. Other

The Petitioner, JAMES RANDALL MOEHLE, prays the Court to issue its writ of certiorari to review the opinion of the Florida First District Court of Appeal entered in this case on February 3, 2025 (A-3)[1] (rehearing denied on March 12, 2025 (A-5)).

D. CITATION TO OPINION BELOW

Moehle v. State, 403 So. 3d 932 (Fla. 1st DCA 2025).

E. BASIS FOR JURISDICTION

The jurisdiction of the Court is invoked pursuant to 28 U.S.C. § 1257 to review the final judgment of the Florida First District Court of Appeal rendered on

[1] References to the appendix to this petition will be made by the designation "A" followed by the appropriate page number.

February 3, 2025[2] (rehearing denied on March 12, 2025). On May 16, 2025, this Court granted an application for an extension of thirty days to file this petition for writ of certiorari by July 10, 2025.

F. CONSTITUTIONAL PROVISION INVOLVED

The Sixth Amendment to the United States Constitution provides that "[i]n all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury . . . ."

G. STATEMENT OF THE CASE AND STATEMENT OF THE FACTS

In 2021, the Petitioner was charged in Escambia

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[2] Because the state appellate court did not issue a written opinion, the Petitioner was not entitled to seek review in the Florida Supreme Court. *See Jenkins v. State*, 385 So. 2d 1356 (Fla. 1980).

County, Florida, with six counts of sexual battery by a person in familial authority and one count of lewd or lascivious molestation – offenses that involved a potential punishment of *life imprisonment*. The alleged victims of the purported offenses were the Petitioner's daughters.

After he was charged, the Petitioner exercised his constitutional right to a jury trial. Prior to trial, defense counsel requested a twelve-person jury, but the trial court denied the request. (A-23). As a result, the Petitioner's jury consisted of only six people.

The trial began on January 9, 2023, and concluded on January 12, 2023. At trial, the Petitioner's defense was that his daughter's allegations were false. At the conclusion of the trial, the six-person jury returned a verdict of guilty as charged for all counts.

The trial court later sentenced the Petitioner to *life imprisonment* (the maximum sentence). (A-14). On direct appeal, the Florida First District Court of Appeal *per curiam* affirmed the Petitioner's convictions and sentence (and in doing so, the state appellate court rejected the Petitioner's argument that he was entitled to a twelve-person jury). (A-3).

H. REASON FOR GRANTING THE WRIT

The question presented is important.

Florida is one of only a handful of states that regularly use six jurors to decide the outcome of non-petty criminal cases – and *one of only two states* that allow juries of *less* than twelve persons to preside over *life felony cases*. *See* David B. Rottman & Shauna M. Strickland, *State Court Organization 2004*, United States Department of Justice, Bureau of Justice

Statistics, Table 42 at 233-36, available at http://www.bjs.gov/content/pub/pdf/sco04.pdf (last visited July 8, 2025).[3] This practice contravenes literally centuries of common law, as well as longstanding American precedent, requiring twelve-person juries in non-petty criminal cases. Nevertheless, in *Williams v. Florida*, 399 U.S. 78 (1970), a majority of this Court held that the Sixth Amendment guarantee to trial by jury did not require that the constitutionally mandated jury be composed of twelve members.[4]

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[3] Indiana and Massachusetts allow some felony cases to be tried by juries as small as six members but still require twelve-person juries for more serious felonies. In Utah, criminal juries are comprised of eight people for non-capital cases and twelve people for capital cases. In Arizona, a twelve-person jury is required if the death penalty or a sentence of thirty years or more are being sought. In Connecticut, a twelve-person jury is required for capital offenses or crimes with possible life sentences.

[4] Justice Blackmun did not take part in the *Williams* decision. Justice Marshall dissented. Although Justice

Subsequent developments over the last fifty-five years in this Court's Sixth and Fourteenth Amendment jurisprudence dictate that this Court should reconsider the result in *Williams*. The result in *Williams* is squarely inconsistent with this Court's recent pronouncements in cases reviewing criminal convictions from state courts that the Sixth Amendment requires "that the 'truth of every accusation' against a defendant 'should afterwards be confirmed by the unanimous *suffrage of twelve* of his

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Harlan sided with the majority in holding that the "right" to a twelve-person jury did not extend to state criminal trials, he claimed this was because *Duncan v. Louisiana*, 391 U.S. 145 (1968), was wrongly decided. *See Williams*, 399 at 118 (Harlan, J., concurring in judgment). Justice Harlan adamantly believed that the Sixth Amendment guaranteed a right to a trial by a jury of twelve; he just did not believe that the Sixth Amendment applied to the states through incorporation. *See id.* at 117-18 (Harlan, J., concurring in judgment) (stating that the incorporation doctrine did not fit well with our federal structure and that *Duncan* was wrongly decided).

equals and neighbours.'" *Blakely v. Washington*, 542 U.S. 296, 301 (2004) (emphasis added) (quoting William Blackstone, Commentaries on the Laws of England 343 (1769)); accord *Apprendi v. New Jersey*, 530 U.S. 466, 477 (2000). In light of the minimal force of *stare decisis* in this context and great importance of the constitutional right at stake, this Court should grant certiorari and reconsider whether a defendant charged with a criminal felony offense is entitled to a jury of twelve peers.

1. The Court's holding in *Williams*.

In *Williams*, Justice White, writing for the majority, held "that the 12-man panel is not a necessary ingredient of 'trial by jury,' and that [the] refusal to impanel more than the six members provided for by Florida law did not violate [Williams'] Sixth Amendment rights as applied to the States through the

Fourteenth [Amendment]." *Williams*, 399 U.S. at 86. In determining that the Constitution did not require a jury of twelve, Justice White characterized the common-law number of twelve jurors as a "historical accident," *id.* at 89, and not "the prevailing grundzahl." *Id.* at 87 n.19. Justice White acknowledged that the word "jury" may have imported to the Framers or the First Congress an "usual expectation" of twelve members, but Justice White found no historical indication of an "explicit decision" to equate the use of the word "jury" in the constitution to the common-law characteristics of the jury. *Id.* at 98-99. As a result, a majority of the Court concluded that the Sixth Amendment itself could not be interpreted as requiring twelve-person juries.

Justice Marshall dissented in *Williams*, stating:

> . . . I adhere to the decision of the Court

> in *Thompson v. Utah*, 170 U.S. 343, 349 [(1898),] that the jury guaranteed by the Sixth Amendment consists 'of twelve persons, neither more nor less.' As I see it, the Court has not made out a convincing case that the Sixth Amendment should be read differently than it was in *Thompson* even if the matter were now before us *de novo* – much less that an unbroken line of precedent going back over 70 years should be overruled. The arguments made by Mr. Justice Harlan in Part IB of his opinion persuade me that *Thompson* was right when decided and still states sound doctrine. I am equally convinced that the requirement of 12 should be applied to the States.

Williams, 399 U.S. at 116 (Marshall, J., dissenting).

2. The origins of the twelve-person jury and the Framers' intent for the American criminal jury.

In his article "Six of One Is Not a Dozen of the Other: A Re-Examination of *Williams v. Florida* and the Size of State Criminal Juries," Robert H. Miller explains that "[s]cholars have traced the origins [of the

twelve-person jury] to sources as diverse as ancient Greece, the Roman Conquest, the Biblical importance of the number twelve, ancient reliance on court astrologers, the Anglo-Saxon era in England, the Norman Conquest, the Assize of Clarendon, and the Magna Carta." Robert H. Miller, Comment, *Six of One Is Not a Dozen of the Other: A Re-Examination of Williams v. Florida and the Size of State Criminal Juries*, 146 U. Pa. L. Rev. 621, 632 (Jan. 1998) (footnotes omitted). Mr. Miller adds:

> [T]he general infrastructure of the criminal jury as a twelve-member body rendering unanimous verdicts was clearly established by the time of Edward III in 1377. This infrastructure remained largely unchanged for the next six hundred years, until the *Williams* Court declared the entire nine-hundred-year evolutionary process of the twelve-person jury a "historical accident."

Miller, *supra*, at 638-39 (footnotes omitted).

In *Williams*, the majority concluded that "[w]hile 'the intent of the Framers' is often an elusive quarry, the relevant constitutional history casts considerable doubt on the easy assumption in our past decisions that if a given feature existed in a jury at common law in 1789, then it was necessarily preserved in the Constitution." *Williams*, 399 U.S. at 92. In his article, Mr. Miller concludes that a closer examination reveals considerable evidence that the Framers understood a jury to mean a body of twelve:

> At the time the Constitution was drafted, the twelve-person unanimous criminal jury was an institution with a nearly four-hundred-year-old tradition in England. It was brought over and immediately integrated, unchanged, into pre-Revolutionary War America. Thus, "it seems clear that to most of the delegates to the Constitutional Convention in 1787, trial by jury in criminal cases meant trial by a body of twelve persons all of whom agreed to the verdict." . . . [G]iven what is known

> about the vigorous debate between the Federalists and the Anti-Federalists over civil jury-trial requirements under the Seventh Amendment, the absence of any recorded discussions about criminal juries before, during, or after the Convention strongly suggests that the long-established, highly functional common-law tradition of the twelve-person criminal jury was never challenged by the delegates.
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> The strongest evidence that the Framers tacitly accepted the twelve-person criminal jury is found in the flurry of state-court decisions interpreting the "jury" requirement immediately after the Constitutional Convention. Curiously, the Court found nothing compelling in this significant body of contemporaneous judicial opinion, and even disregarded its own numerous prior opinions on the subject.

Miller, *supra*, at 643-44.[5] The Petitioner suggests that

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[5] In support of his argument, Mr. Miller cited the following state court decisions: *Foote v. Lawrence*, 1 Stew. 483, 483 (Ala. 1828) ("The term jury is well understood to be twelve men . . . ."); *Vaughn v. Scade*, 30 Mo. 600, 604 (1860) ("The term 'trial by jury' was well known and understood at the common law, and in that sense it was adopted in our bill of rights."); *Legislative Power to Change Law in Relation to Juries*, Op. Justices Supreme Judicial Court, 41

it is appropriate for the Court to grant certiorari and reconsider whether the Framers' intended the Constitution to require a jury of twelve persons in all criminal felony cases – or at least in life felony cases.

N.H. 550, 551 (1860) ("A jury for the trial of a cause was a body of twelve men . . . who . . . must return their unanimous verdict . . . ."); *Cancemi v. New York*, 18 N.Y. 128, 138 (1858) ("It would be a highly dangerous innovation, in reference to criminal cases, upon the ancient and invaluable institution of trial by jury, and the constitution and laws establishing and securing that mode of trial, for the court to allow any number short of a full panel of twelve jurors . . . ."); *Whitehurst v. Davis*, 3 N.C. (2 Hayw.) 113, 113 (1800) (interpreting the state constitutional requirement of "trial by jury" to mean that "any innovation amounting in the least degree to a departure from the ancient mode, may cause a departure in other instances, and in the end, endanger or pervert this excellent institution from its usual course"); *Work v. State*, 2 Ohio St. 296, 304 (1853) ("The number must be twelve, they must be impartially selected, and must unanimously concur . . . ."); *Emerick v. Harris*, 1 Binn. 416, 426 (Pa. 1808) (interpreting Pennsylvania's constitutional provision that "trial by jury shall be as heretofore," by referring to William Penn's charter of 1682, stating that "all trials shall be of 12 men"); *Zylstra v. Corporation of Charleston*, 1 S.C.L. (1 Bay) 382, 395-96 (1794) (noting that the structure of the jury, as contemplated at the time of the adoption of the South Carolina Constitution, included twelve members).

3. This Court's recent Sixth Amendment jurisprudence.

The majority in *Williams* focused on the "function" of the jury:

> The relevant inquiry, as we see it, must be the function that the particular feature performs and its relation to the purposes of the jury trial. Measured by this standard, the 12-man requirement cannot be regarded as an indispensable component of the Sixth Amendment.

Williams, 399 U.S. at 99-100. The Court proceeded to examine the functions of the jury and the ability of a specific number of jurors to accomplish those functions. However, this Court recently has made clear that the Sixth Amendment derives its meaning not from some abstract functional analysis but rather from the original understanding of the guarantees contained therein. In *Crawford v. Washington*, 541 U.S. 36 (2004), the Court abandoned the functional,

reliability-based conception of the Confrontation Clause embodied in *Ohio v. Roberts*, 448 U.S. 56 (1980), in favor of the common-law conception of the right known to the Framers. In *United States v. Gonzalez-Lopez*, 548 U.S. 140 (2006), the Court rejected an approach to the right to counsel that would have "abstract[ed] from the right to its purposes" and left it to this Court whether to give effect "to the details." *Id.* at 145 (quotation omitted). And, in a line of cases beginning with *Apprendi v. New Jersey*, 530 U.S. 466 (2000), this Court rejected a functional approach to the right to jury trial in favor of the "practice" of trial by jury as it existed "at common law":

> As we have, unanimously, explained . . . the historical foundation for our recognition of these principles extends down centuries into the common law. "[T]o guard against a spirit of oppression and tyranny on the part of rulers," and "as the great bulwark of [our] civil and

> political liberties," 2 J. Story, Commentaries on the Constitution of the United States 540-541 (4th ed. 1873), trial by jury has been understood to require that "the truth of every accusation, whether preferred in the shape of indictment, information, or appeal, should afterwards be confirmed by the unanimous *suffrage of twelve* of [the defendant's] equals and neighbours . . . " 4 W. Blackstone, Commentaries on the Laws of England 343 (1769). *See also Duncan v. Louisiana*, 391 U.S. 145, 151-154 (1968).

Id. at 477 (emphasis added). In *Blakely v. Washington*, 542 U.S. 296 (2004), in applying *Apprendi* and clarifying the definition of the "statutory maximum" for any offense, the Court repeated its reference to the "suffrage of twelve," *id.* at 301, and then re-emphasized the critical nature of trial by jury:

> Our commitment to *Apprendi* in this context reflects not just respect for longstanding precedent, but the need to give intelligible content to the right of jury trial. That right is no mere procedural formality, but a fundamental

> reservation of power in our constitutional structure. Just as suffrage ensures the people's ultimate control in the legislative and executive branches, jury trial is meant to ensure their control in the judiciary. *Apprendi* carries out this design by ensuring that the judge's authority to sentence derives wholly from the jury's verdict. Without that restriction, the jury would not exercise the control that the Framers intended.

Id. at 305-06 (citations omitted). *See also Southern Union Co. v. United States*, 567 U.S. 343, 356 (2012) ("[T]he truth of every accusation against a defendant should afterwards be confirmed by the unanimous suffrage of twelve of his equals and neighbours.") (citations omitted). The Court in *Blakely* ultimately focused on "the Framers' paradigm for criminal justice." *Id.* at 313. This shift in constitutional methodology calls the holding in *Williams* into question.

Finally, five years ago, the Court decided *Ramos*

v. Louisiana, 590 U.S. 83 (2020), which now requires unanimous jury verdicts in all felony cases. Prior to *Ramos*, Louisiana and Oregon allowed a defendant to be convicted by ten-two non-unanimous verdicts. Writing for the majority, Justice Gorsuch stated that the Sixth Amendment right to jury trial, as incorporated against the States by way of the Fourteenth Amendment, requires a unanimous verdict to convict a defendant of a serious offense, thereby abrogating *Apodaca v. Oregon*, 406 U.S. 404 (1972), and *Johnson v. Louisiana*, 406 U.S. 356 (1972). In *Ramos*, the Court explained that the question is whether "at the time of the Sixth Amendment's adoption, the right to trial by jury included" the particular feature at issue. *Ramos*, 590 U.S. at 100. As the history summarized above establishes, there can be no serious doubt that the common

understanding of the jury trial during the Revolutionary War era was that twelve jurors were required – "a verdict, taken from eleven, was no verdict at all." *Id.* at 90 (quotation marks omitted). As later explained by a Florida state court judge, "in *Ramos v. Louisiana*, the Court explained why *Apodaca* was wrong; and, by unavoidable implication, why *Williams* must be wrong." *State v. West*, 30 Fla. L. Weekly Supp. 607a (Fla. 11th Cir. Dec. 2, 2022).

The Petitioner submits that the Court should grant certiorari and reexamine the holding in *Williams* in light of this Court's recent Sixth Amendment jurisprudence.

4. The doctrine of *stare decisis* does not prevent the Court from reconsidering the holding in *Williams*.

Stare decisis has minimal force when the decision at issue "involves collision with prior doctrine

more embracing in its scope, intrinsically sounder, and verified by experience." *Helvering v. HaIIock*, 309 U.S. 106, 119 (1940). "Remaining true to an 'intrinsically sounder' doctrine established in prior cases better serves the values of *stare decisis* than would following a more recently decided case inconsistent with the decisions that came before it." *Adarand Constructors, Inc. v. Pena*, 515 U.S. 200, 231 (1995). There are numerous examples where this Court has concluded that it is appropriate to reinstate a prior doctrine. *See, e.g., United States v. Dixon*, 509 U.S. 688, 704 (1993) (overruling recent decision that "lack[ed] constitutional roots" and was "wholly inconsistent with earlier Supreme Court precedent"); *Solorio v. United States*, 483 U.S. 435, 439-41 (1987) (overruling decision that had broken from an earlier line of decisions from 1866 to 1960"). *See also Alleyne v. United States*, 570 U.S.

99, 107 (2013) ("Alleyne contends that *Harris* [*v. United States*, 536 U.S. 545 (2002),] was wrongly decided and that it cannot be reconciled with our reasoning in *Apprendi*. We agree."). Therefore, the Petitioner submits that the doctrine of *stare decisis* should not stand in the way of this Court reconsidering the result in *Williams* in light of this Court's recent approach to the Sixth Amendment.

5. Justice Gorsuch's recent requests for the Court to reconsider *Williams*.

Three years ago, Justice Gorsuch opined in a dissent from the denial of certiorari in *Khorrami v. Arizona*, 143 S. Ct. 22, 23-27 (2022) (Gorsuch, J., dissenting), that a criminal defendant is *entitled to a twelve-person jury* before he may be constitutionally convicted under the Sixth Amendment. Notably, Justice Gorsuch asserted that the Court's decision in

Williams was *wrongly decided*. *See id.* at 27 (Gorsuch, J., dissenting).

And last year, Justice Gorsuch again dissented from the denial of certiorari in *Cunningham v. Florida*, 144 S. Ct. 1287 (2024) – a Florida case involving felony offenses that carried a maximum of only *fifteen years' imprisonment*.[6] In his opinion, Justice Gorsuch again stated that the Court should grant certiorari review in order to reconsider *Williams*:

> "For almost all of this Nation's history and centuries before that, the right to trial by jury for serious criminal offenses meant the right to a trial before 12 members of the community." *Khorrami v. Arizona*, 598 U. S. –, –, 143 S. Ct. 22, 27 (2022) (GORSUCH, J., dissenting from denial of certiorari). Acutely concerned with individuals and their liberty, the framers of our Constitution sought to preserve this right for future generations. *See id.*, at –, 143

[6] Ms. Cunningham was ultimately sentenced to eight years' imprisonment.

S. Ct., at 23-24; Art. III, § 2, cl. 3; Amdt. 6. Yet today, a small number of States refuse to honor its promise. Consider this case: A Florida court sent Natoya Cunningham to prison for eight years on the say of just six people.

Florida does what the Constitution forbids because of us. In *Williams v. Florida*, this Court in 1970 issued a revolutionary decision approving for the first time the use of 6-member panels in criminal cases. 399 U.S. 78 (1970). In doing so, the Court turned its back on the original meaning of the Constitution, centuries of historical practice, and a "battery of this Court's precedents." *Khorrami*, 598 U. S., at –, 143 S. Ct., at 25. Before *Williams*, this Court had said it was "not open to question" that a jury "should consist of twelve." *Patton v. United States*, 281 U.S. 276, 288 (1930). We had understood "the jury referred to in the original Constitution and in the Sixth Amendment is a jury constituted, as it was at common law, of twelve persons." *Thompson v. Utah*, 170 U.S. 343, 349 (1898). Really, given the history of the jury-trial right before *Williams*, it was nearly "unthinkable to suggest that the Sixth Amendment's right to a trial by jury is satisfied" by any lesser number. *Williams*, 399 U.S., at 122 (Harlan, J., concurring in result).

Yet *Williams* made the unthinkable a reality. In doing so, it substituted bad social science for careful attention to the Constitution's original meaning. Pointing to academic studies, *Williams* tepidly predicted that 6-member panels would "probably" deliberate just as carefully as 12-member juries. 399 U.S., at 100-102. But almost before the ink could dry on the Court's opinion, the social science studies on which it relied came under scrutiny. *See, e.g.*, H. Zeisel, . . . *And Then There Were None: The Diminution of the Federal Jury*, 38 U. Chi. L. Rev. 710, 713-715 (1971). Soon, the Court was forced to acknowledge "empirical data" suggesting that, in fact, "smaller juries are less likely to foster effective group deliberation" and may not produce as reliable or accurate decisions as larger ones. *Ballew v. Georgia*, 435 U.S. 223, 232-235 (1978) (plurality opinion). All in all, *Williams* was an embarrassing mistake – "wrong the day it was decided." *Khorrami*, 598 U. S., at –, 143 S. Ct., at 23.

Respectfully, we should have granted review in Ms. Cunningham's case to reconsider *Williams*. In the years since that decision, our cases have insisted, repeatedly, that the right to trial by jury should mean no less today, and afford no fewer protections for individual liberty,

> than it did at the Nation's founding. *See, e.g., Apprendi v. New Jersey*, 530 U.S. 466 (2000); *Ramos v. Louisiana*, 590 U.S. 83 (2020). Repeatedly, too, our cases have warned of the dangers posed by the gradual "'erosion'" of the jury trial right. *Apprendi*, 530 U.S., at 483 (quoting *Jones v. United States*, 526 U.S. 227, 248 (1999)). Yet when called upon today to address our own role in eroding that right, we decline to do so. Worse still, in the last two years we have now twice turned away thoughtful petitions asking us to correct our mistake in *Williams*. *See Khorrami*, 598 U. S., at –, 143 S. Ct., at 27.
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> If there are not yet four votes on this Court to take up the question whether *Williams* should be overruled, I can only hope someday there will be. . . .

Id. at 1287-1288 (Gorsuch, J., dissenting).[7] The

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[7] As argued in the certiorari petition in *Cunningham*, other important considerations also weigh in favor of the twelve-member jury. *See Cunningham* Pet. for Cert. at pgs. 8-9. Studies indicate that twelve-member juries deliberate longer, recall evidence better, and rely less on irrelevant factors during deliberation. *See* Smith & Saks, *The Case for Overturning Williams v. Florida and the Six-Person Jury*, 60 Fla. L. Rev. 441, 465 (2008). Minority views are also more likely to be thoroughly expressed in a larger jury, as "having a large minority helps make the minority subgroup

Petitioner prays that there are now four votes on the Court to take up the question of whether *Williams* should be overruled – and because the Petitioner was tried for *life felonies* by a jury of only six persons, the Petitioner's case is the right case to take up this question.

6. The question of whether defendants can be convicted of criminal felony offenses and/or life felonies by a jury of less than twelve persons is extremely important and ripe for consideration.

Defendants such as the Petitioner continue to be tried in Florida for serious/life felony offenses by juries comprised of six persons. In the instant case, the Petitioner was charged with offenses that carried *a possible punishment of life imprisonment* (which is the sentence that the trial court ultimately imposed in this

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more influential," and, unsurprisingly, "the chance of minority members having allies is greater on a twelve-person jury." *Id.* at 466.

case). Other than a sentence of death, this is the most severe sentence that exists in American jurisprudence – and yet the Petitioner's fate was decided by only *six jurors*. The Court should grant the petition in this case in order to restore uniformity in this country by bringing Florida in line with the overwhelming majority of states that require a jury of twelve members in criminal felony cases and/or cases involving life felonies.

I. CONCLUSION

The Petitioner requests the Court to grant the petition for writ of certiorari.

Respectfully Submitted,

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