No. 25-__

IN THE
Supreme Court of the United States

JUAN CARLOS SANDOVAL-RODRIGUEZ,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

On Petition for A Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

The Fifth and Sixth Amendments protect "the accused against conviction except upon proof beyond a reasonable doubt." *In re Winship*, 397 U.S. 358, 364 (1970); *Sullivan* v. *Louisiana*, 508 U.S. 275, 277–278 (1993). This standard governs criminal cases in every jurisdiction across the country. But courts are deeply split over whether, upon a defendant's request, trial courts must explain to the jury what the reasonable-doubt standard means.

At least ten jurisdictions require trial courts to define reasonable doubt, at least five jurisdictions prohibit trial courts from defining the term, and at least twenty-three jurisdictions have adopted a position in between.

The question presented is:

Whether trial judges must define "reasonable doubt" for the jury upon the defendant's request.

PARTIES TO THE PROCEEDING

Juan Carlos Sandoval-Rodriguez, petitioner on review, was the appellant before the United States Court of Appeals for the Fourth Circuit, and the defendant before the United States District Court for the District of Maryland.

The United States of America, respondent on review, was the appellee before the United States Court of Appeals for the Fourth Circuit, and the plaintiff before the United States District Court for the District of Maryland.

RELATED PROCEEDINGS

U.S. Supreme Court:

- *Parada, et. al* v. *United States*, No. 25-166 (Aug, 8, 2025) (petition for writ of certiorari filed)

United States Court of Appeals for the Fourth Circuit:

- *United States* v. *Sandoval-Rodriguez*, No. 22-4330 (April 14, 2025)
- *United States* v. *Parada et al.*, Nos. 22-4262, 22-4281, 22-4290, 22-4324 (Apr. 10, 2025) (reported at 134 F.4th 188)

United States District Court for the District of Maryland:

- *United States* v. *Reyenes-Canales, et al.*, No. 1:17-cr-589-JKB-5 (May 26, 2022)
- *United States* v. *Parada et al.*, No. 1:16-cr-00259-JKB-11 (May 26, 2022)

TABLE OF CONTENTS

Page

QUESTION PRESENTED i
PARTIES TO THE PROCEEDING ii
RELATED PROCEEDINGS iii
TABLE OF AUTHORITIES vi
OPINIONS BELOW 1
JURISDICTION 1
CONSTITUTIONAL PROVISIONS INVOLVED 2
INTRODUCTION 2
STATEMENT 5
A. Legal Background 5
B. Procedural History 8
REASONS FOR GRANTING THE PETITION 12
I. THE DECISION BELOW FURTHER ENTRENCHES A LONGSTANDING, ACKNOWLEDGED, AND DEEP SPLIT AMONG FEDERAL AND STATE COURTS 12
A. Ten Jurisdictions Affirmatively Require Trial Courts To Define "Beyond A Reasonable Doubt." 13
B. Five Jurisdictions Expressly Prohibit Trial Courts From Defining "Beyond A Reasonable Doubt." 15
C. Twenty-three Jurisdictions Give Trial Courts Discretion To Define "Beyond A Reasonable Doubt," With Varying Degrees Of Approval 18

TABLE OF CONTENTS—Continued

Page

II. THE COURT SHOULD GRANT CERTIORARI TO RESOLVE THIS DIVISION NOW 22

A. The Question Presented Frequently Recurs And Has Percolated Long Enough To Fully Ventilate The Issue 23

B. This Case Provides An Excellent Vehicle To Resolve The Question Presented 25

III. THE QUESTION PRESENTED IS IMPORTANT AND THE DECISION BELOW IS WRONG 26

A. Defendants Are Constitutionally Entitled To A Reasonable-Doubt Definition Upon Request 27

B. There Is No Principled Basis For Refusing To Define Reasonable Doubt Upon Request 29

1. The Fourth Circuit's Rule Is Not Required By History Or This Court's Precedent 29

2. The Fourth Circuit's Rule Rests On Flawed Assumptions About Jury Behavior 33

3. The Fourth Circuit's Rule Defies Common Sense 35

CONCLUSION 36

TABLE OF AUTHORITIES

Page(s)

CASES:

Allen v. *United States*,
164 U.S. 492 (1896) 11

American Energy, LLC v. *Office of Workers' Comp. Programs*,
106 F.4th 319 (4th Cir. 2024) 35

Bradley v. *State*,
No. 14-22-00457-CR, 2023 WL 7498204
(Tex. App. Nov. 14, 2023) 23

Brinegar v. *United States*,
338 U.S. 160 (1949) 3, 27

Brown v. *Davis*,
No. 6:20-CV-00022, 2021 WL 1192890
(S.D. Tex. Mar. 30, 2021) 23

Cage v. *Louisiana*,
498 U.S. 39 (1990) 28

Commonwealth v. *Carney*,
219 N.E.3d 262 (Mass. App. Ct. 2023) 23

Commonwealth v. *Drummond*,
285 A.3d 625 (Pa. 2022) 14, 23, 25

Commonwealth v. *Goodwin*,
80 Mass. (14 Gray) 55 (1859) 31

Commonwealth v. *Harman*,
4 Pa. 269 (1846) 31

Commonwealth v. *Russell*,
23 N.E.3d 867 (Mass. 2015) 14, 35

Donnelly v. *State*,
26 N.J.L. 463 (1857) 31

TABLE OF AUTHORITIES—Continued

Page(s)

Erlinger v. *United States*,
602 U.S. 821 (2024).....6, 27, 29

Friedman v. *United States*,
381 F.2d 155 (1967).....14, 15

Geesa v. *State*,
820 S.W.2d 154 (Tex. Crim. App. 1991).....21

Goode v. *State*,
136 A.3d 303 (Del. 2016).....19

Herrera v. *Collins*,
506 U.S. 390 (1993).....27

Holland v. *United States*,
348 U.S. 121 (1954).....6, 31

Hopt v. *People*,
120 U.S. 430 (1887).....6, 31, 32

In re Winship,
397 U.S. 358 (1970).....3-6, 24, 27, 28, 34

Jackson v. *Virginia*,
443 U.S. 307 (1979).....3-6, 28, 34

Martin v. *State*,
854 So.2d 1004 (Miss. 2003).....17, 24

Maybery v. *Patton*,
579 F. App'x 640 (10th Cir. 2014).....22

McCammon v. *State*,
299 So. 3d 873 (Miss. Ct. App. 2020).....23

Miles v. *United States*,
103 U.S. 304 (1880).....6, 31

Mills v. *State*,
732 A.2d 845 (Del. 1999).....18, 24, 25

TABLE OF AUTHORITIES—Continued

Page(s)

Nanfito v. *United States*,
20 F.2d 376 (8th Cir. 1927).....15

Paulson v. *State*,
28 S.W.3d 570 (Tex. Crim. App. 2000).....21, 24

People v. *Birge*,
182 N.E.3d 608 (Ill. 2021).....17, 24, 25

People v. *Brown*,
239 N.E.3d 609 (Ill. App. Ct. 2023).....23

People v. *Downs*,
69 N.E.3d 784 (Ill. 2015).....16, 24, 33

People v. *Quakenboss*,
1 Wheeler Cr. Cas. 91 (N.Y. City Hall
Ct. 1822).....31

People v. *Sebby*,
89 N.E.3d 675 (Ill. 2017).....17, 24, 35

Ramirez v. *State*,
392 So. 3d 156 (Fla. Dist. Ct. App. 2024).....23

Romano v. *State*,
909 P.2d 92 (Okla. Crim. App. 1995).....17, 24

Ruffin v. *State*,
906 A.2d 360 (Md. 2006).....13, 24, 28, 34

Smith v. *United States*,
709 A.2d 78 (D.C. 1998).....13, 24, 29, 34

State v. *Addison*,
87 A.3d 1 (N.H. 2013).....22, 35

State v. *Bennett*,
165 P.3d 1241 (Wash. 2007).....14, 34, 35

State v. *Cochran*,
13 N.C. (2 Dev.) 63 (N.C. 1828).....31

TABLE OF AUTHORITIES—Continued

Page(s)

State v. *Davis*,
975 N.W.2d 1 (Iowa 2022).....14, 23

State v. *Dineen*,
10 Minn. 407 (1865).....31

State v. *Fader*,
2024-Ohio-4921 (Ohio Ct. App. 2024).....23

State v. *Holm*,
478 P.2d 284 (1970).....19

State v. *Jackson*,
925 A.2d 1060 (Conn. 2007).....19

State v. *Jahner*,
657 N.W.2d 266 (N.D. 2003).....22

State v. *Knight*,
43 Me. 11 (1857).....31

State v. *Levitt*,
148 A.3d 204 (Vt. 2016).....21

State v. *Lopez*,
2024-Ohio-4967 (Ohio Ct. App. 2024).....23

State v. *McGranahan*,
206 N.W.2d 88 (Iowa 1973).....14

State v. *McLaughlin*,
2024 MT 259N (2024).....19, 35

State v. *Medina*,
685 A.2d 1242 (N.J. 1996).....22

State v. *Merwin*,
962 P.2d 1026 (Idaho 1998).....19, 35

State v. *Miller*,
477 S.E.2d 915 (N.C. 1996).....14

TABLE OF AUTHORITIES—Continued

Page(s)

State v. *Nash*,
7 Clarke 347 (Iowa 1858).....31

State v. *Putz*,
662 N.W.2d 606 (Neb. 2003).....22, 35

State v. *Reyes*,
116 P.3d 305 (Utah 2005).....19, 35

State v. *Rover*,
11 Nev. 343 (1876).....31

State v. *Walker*,
80 P.3d 1132 (Kan. 2003).....21

Sullivan v. *Louisiana*,
508 U.S. 275 (1993).....3, 5, 27-29

Thomas v. *Horn*,
570 F.3d 105 (3d Cir. 2009).....22

United States v. *Alt*,
58 F.4th 910 (7th Cir. 2023).....15, 16, 23, 24, 26

United States v. *Ashrafkhan*,
964 F.3d 574 (6th Cir. 2014).....22

United States v. *Brooks*,
No. 21-4569, 2023 WL 20874
(4th Cir. Jan. 3, 2023).....23

United States v. *Bruce*,
109 F.3d 323 (7th Cir. 1997).....16

United States v. *Crawford*,
No. 24-4243, 2025 WL 2364958
(4th Cir. Aug. 14, 2025).....23

United States v. *Davenport*,
No. 22-4660, 2025 WL 400720
(4th Cir. Feb. 5, 2025).....23

TABLE OF AUTHORITIES—Continued

Page(s)

United States v. *Desimone*,
119 F.3d 217 (2d Cir. 1997) 20, 24

United States v. *Ferguson*,
425 F. App'x 649 (9th Cir. 2011) 22

United States v. *Fields*,
660 F.3d 95 (1st Cir. 2011) 20, 24

United States v. *Frazer*,
98 F.4th 102 (4th Cir. 2024) 12, 20, 23-25, 30

United States v. *Gaudin*,
515 U.S. 506 (1995).....30

United States v. *Glass*,
846 F.2d 386 (7th Cir. 1988).....15, 24

United States v. *Hall*,
664 F.3d 456 (4th Cir. 2012).....35

United States v. *Hansen*,
262 F.3d 1217 (11th Cir. 2001).....22

United States v. *Hornsby*,
666 F.3d 296 (4th Cir. 2012).....30

United States v. *Johnson*,
827 F. App'x 586 (7th Cir. 2020) 23

United States v. *Lighty*,
616 F.3d 321 (4th Cir. 2010).....30

United States v. *Mbom*,
No. 24-4104, 2025 WL 1683435
(4th Cir. June 16, 2025).....23

United States v. *McCraney*,
612 F.3d 1057 (8th Cir. 2010).....15

United States v. *Mejia*,
597 F.3d 1329 (D.C. Cir. 2010).....20, 24

TABLE OF AUTHORITIES—Continued

Page(s)

United States v. *Melo*,
954 F.3d 334 (1st Cir. 2020) 23

United States v. *Reives*,
15 F.3d 42 (4th Cir. 1994).....20, 33

United States v. *Rickerson*,
No. 23-4497, 2024 WL 3874674
(4th Cir. Aug. 20, 2024) 23

United States v. *Sheikh*,
No. 19 CR 655, 2024 WL 3566607
(N.D. Ill. July 29, 2024) 23

United States v. *Shin*,
560 F. App'x 137 (3d Cir. 2014).....22

United States v. *Walton*,
207 F.3d 694 (2000).....30, 33, 35

United States v. *Watkins*,
111 F.4th 300 (4th Cir. 2024) 23

United States v. *Williams*,
152 F.3d 294 (4th Cir. 1998).....20

Victor v. *Nebraska*,
511 U.S. 1 (1994).....3, 7, 28, 29, 32, 33

Warren v. *State*,
725 N.E.2d 828 (Ind. 2000).....19

Watts v. *State*,
370 P.3d 104 (Wyo. 2016) 17, 24

Wills v. *State*,
620 A.2d 295 (Md. 1993).....28

Wilson v. *United States*,
232 U.S. 563 (1914).....6

TABLE OF AUTHORITIES—Continued

Page(s)

Winegart v. *State*,
665 N.E.2d 893 (Ind. 1996) 19, 24

STATUTES:

La. Code Crim. Proc. Ann. art. 804 (2025) 22

Mo. Ann. Stat. § 546.070(4) (West 2025) 14

N.M. Stat. Ann. Crim. Uniform Jury Instructions
§ 14-5060 (West 2025) 14, 35

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(West 2025) 14, 35

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§ 3.11 (2023) 15

1 Simon Greenleaf, *Law of Evidence*
(Boston, Little & Brown 1844) 31

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20 Law & Hum. Behav. 655 (1996) 34

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§ 1.04 (2012) 16

TABLE OF AUTHORITIES—Continued

Page(s)

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PETITION FOR A WRIT OF CERTIORARI

Juan Carlos Sandoval-Rodriguez respectfully petitions for a writ of certiorari to review the judgment of the Fourth Circuit in this case.

OPINIONS BELOW

The Fourth Circuit's opinion is not reported, but is available at 2025 WL 1098843. Pet. App. 1a-14a. The District Court's ruling is not reported. *See* Pet. App. 15a-19a.

JURISDICTION

The Fourth Circuit entered judgment on April 14, 2025. On July 9, 2025, this Court extended Petitioner's deadline to petition for a writ of certiorari to

September 11, 2025. This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

CONSTITUTIONAL PROVISIONS INVOLVED

1. The Fifth Amendment to the U.S. Constitution provides:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

2. The Sixth Amendment to the U.S. Constitution provides:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

INTRODUCTION

The Fifth and Sixth Amendments require the government to convince a jury of a defendant's guilt

"beyond a reasonable doubt." *Sullivan* v. *Louisiana*, 508 U.S. 275, 277–278 (1993). This reasonable-doubt standard is the backbone of our criminal justice system. It is what implements the presumption of innocence. *In re Winship*, 397 U.S. 358, 363–364 (1970). And it is what protects criminal defendants from convictions that are "dubious and unjust." *Brinegar* v. *United States*, 338 U.S. 160, 174 (1949).

This Court has long required trial judges to inform jurors of the government's burden. *See, e.g.*, *Jackson* v. *Virginia*, 443 U.S. 307, 316–317 (1979). But it has never decided whether there are certain circumstances in which the meaning of "beyond a reasonable doubt" must be explained to the jury. The Court left that question open in *Victor* v. *Nebraska*, 511 U.S. 1 (1994). It has not revisited the issue since.

For the past thirty-one years, however, federal courts of appeals and state courts of last resort have grappled with the question. Their efforts have resulted in an entrenched and acknowledged split. Ten jurisdictions—D.C., Maryland, Washington, Pennsylvania, North Carolina, Missouri, Iowa, Massachusetts, New Mexico, and Ohio—affirmatively mandate a reasonable-doubt definition. Five jurisdictions—the Seventh Circuit, Illinois, Oklahoma, Wyoming, and Mississippi—expressly preclude trial judges from defining "reasonable doubt."

And twenty-three jurisdictions have settled on a position in between. Six jurisdictions—Delaware, Indiana, Utah, Montana, Idaho, and Connecticut—encourage but do not mandate a definition. Seven jurisdictions—the First, Second, Fourth, and D.C. Circuits, Kansas, Texas, and Vermont—discourage but do not prohibit reasonable-doubt definitions. And ten

jurisdictions—the Third, Sixth, Ninth, Tenth, and Eleventh Circuits, Nebraska, New Hampshire, New Jersey, North Dakota, and Louisiana—leave it up to the trial court's discretion.

The question presented has been thoroughly ventilated by the lower courts. In case after case, courts have debated both sides of the issue. And in case after case, the split has only become worse. The proceedings below illustrate the point: Petitioner Juan Carlos Sandoval-Rodriguez asked the trial judge to instruct the jury on the meaning of reasonable doubt. Though the trial judge wanted to accommodate this request, he reluctantly refused to do so, explaining that the Fourth Circuit strongly condemns reasonable-doubt definitions. The Fourth Circuit refused to reconsider its longstanding position on appeal.

The Fourth Circuit's position is wrong. The Fifth and Sixth Amendments promise criminal defendants that a jury cannot convict them except upon proof beyond a reasonable doubt. Under this Court's precedents, the reasonable doubt standard requires near certitude of the defendant's guilt. *See, e.g.*, *Jackson*, 443 U.S. at 315; *In re Winship*, 397 U.S. at 364. That is an exceedingly high bar. But it is effective only if jurors know what the reasonable-doubt standard means. When a trial court refuses to explain reasonable doubt, jurors are left to supply their own definition, no matter how low they perceive the required level of certitude to be. That error can be the deciding factor between conviction and acquittal—especially where, as here, the defense turns on the Government's failure to satisfy its burden of proof.

This Court's intervention is urgently needed to effectuate the Fifth and Sixth Amendments' core

guarantees. The question presented—a matter of individual liberty and our criminal justice system's integrity—is as important as it gets. And it recurs in criminal cases across the country every year. Only this Court can resolve the disuniformity among federal and state courts. This Court should grant certiorari and reverse.

STATEMENT

A. Legal Background

1. In every criminal trial, the defendant is "constitutionally entitled to proof beyond a reasonable doubt." *In re Winship*, 397 U.S. at 365. "This notion—basic in our law and rightly one of the boasts of a free society—is a requirement" of both the Fifth and Sixth Amendments. *Id.*; *Sullivan*, 508 U.S. at 277–278. Under the Fifth Amendment's Due Process Clause, the government *cannot* deprive a defendant of his liberty without "persuad[ing] the factfinder 'beyond a reasonable doubt' of the facts necessary to establish each of" the "elements of the offense charged." *Sullivan*, 508 U.S. at 277–278. And under the Sixth Amendment's right to trial by jury, the defendant *cannot* be convicted by a jury unless the jury enters a verdict of "guilty beyond a reasonable doubt." *Id.*

To comply with both the Fifth and Sixth Amendments, the reasonable-doubt standard requires jurors to have "near certitude" of the defendant's guilt. *See, e.g.*, *In re Winship*, 397 U.S. at 364 (describing reasonable-doubt standard as requiring proof of guilt to the "utmost certainty"); *Jackson*, 443 U.S. at 315 (factfinder must "reach a subjective state of near certitude of the guilt of the accused"). These rights protect criminal defendants in both federal proceedings and state proceedings. *See Sullivan*, 508 U.S. at 277–278.

The reasonable-doubt standard is far more than a "procedural formalit[y]." *Erlinger* v. *United States*, 602 U.S. 821, 832 (2024). It is an "ancient," "indispensable" feature of the American criminal justice system. *In re Winship*, 397 U.S. at 361, 364. It serves as "a prime instrument for reducing the risk of convictions resting on factual error." *Id.* at 363. It "provides concrete substance for the presumption of innocence." *Id.* And it creates the "decisive difference between criminal culpability and civil liability": The higher standard of proof required in criminal cases "symbolizes the significance that our society attaches to the criminal sanction and thus to liberty itself." *Jackson*, 443 U.S. at 316–317.

Given the crucial role this standard plays, trial courts must instruct the jury on the government's burden to prove guilt beyond a reasonable doubt in every case. *See, e.g.*, *id.* at 317. This Court has never required trial courts to use any particular words when instructing the jury on the government's burden. But it has repeatedly upheld instructions explaining the reasonable-doubt standard in a variety of forms—so long as they "convey[]" the requisite degree of proof "correctly." *Holland* v. *United States*, 348 U.S. 121, 140 (1954); *see also, e.g.*, *Miles* v. *United States*, 103 U.S. 304, 309 (1880); *Hopt* v. *People*, 120 U.S. 430, 439–441 (1887); *Wilson* v. *United States*, 232 U.S. 563, 569–570 (1914). In so doing, the Court has explained that "in many instances, especially where the case is at all complicated, *some* explanation or illustration of the [reasonable-doubt standard] may aid in its full and just comprehension." *Hopt*, 120 U.S. at 440 (emphasis added).

2. This Court last addressed the definition of "beyond a reasonable doubt" in *Victor* v. *Nebraska*, 511 U.S. 1 (1994). The question before the Court was whether the instructions given to jurors in two consolidated cases correctly described the government's burden under the Constitution. *Id.* at 5. The Court determined they did. *Id.* at 22–23.

The Court approved of the reasonable-doubt instructions in *Victor* because, when viewed as a whole, the instructions adequately conveyed "the very high level of probability required by the Constitution in criminal cases." *Id.* at 13–17, 22. In reaching this decision, the Court noted in passing that "the Constitution neither prohibits trial courts from defining reasonable doubt nor requires them to do so *as a matter of course*." *Id.* at 5 (emphasis added). It did not elaborate any further on whether a definition might be required in a particular case.

Justice Ginsburg issued a separate opinion explaining that *Victor* did not decide the constitutional necessity of defining reasonable doubt. *Id.* at 25–26 (Ginsburg, J., concurring in part and concurring in judgment). As Justice Ginsburg explained: "Because the trial judges in fact defined reasonable doubt in both jury charges [under] review," the Court had no occasion to "decide whether the Constitution required them to do so." *Id.* at 26. Justice Ginsburg encouraged courts to use a pattern instruction from the Federal Judicial Center that, in her view, defined reasonable doubt in a "clear, straightforward, and accurate" way. *Id.* (explaining that the Federal Judicial Center's emphasis on the jury's need to be "firmly convinced" of the defendant's guilt, rather than finding a "real possibility" of his innocence, "state[s] the

reasonable doubt standard succinctly and comprehensively").

Justice Blackmun, joined by Justice Souter, wrote separately to stress that the reasonable-doubt standard "provides protection to the innocent only to the extent that the standard, in reality, is an enforceable rule of law." *Id.* at 29 (Blackmun, J., concurring in part and dissenting in part). "To be a meaningful standard," he explained, it "must have a tangible meaning that is capable of being understood by those who are required to apply it," and "must be stated accurately and with the precision owed to those whose liberty or life is at risk." *Id.* Justice Blackmun disagreed with the majority that the instructions in one of the two consolidated cases accurately "informed the jury as to the degree of certainty required for conviction and the degree of doubt required for acquittal," but agreed that the other set of instructions were constitutionally sufficient. *Id.* at 28, 38.

B. Procedural History

1. In 2017, the Government indicted four men in the District Court for the District of Maryland in connection with the death of Jose Portillo, charging the defendants with murder in aid of racketeering and conspiracy to commit murder in aid of racketeering. JA40-42.[1] Although the four defendants were indicted together, only three of them were close associates. Those three defendants were from the same clique within a gang, called the "Hempstead" clique based on the name of the New York town where it started. JA593. Petitioner Juan Carlos Sandoval-Rodriguez—

[1] "JA" refers to the joint appendix filed in the Fourth Circuit. *See* Dkt. Nos. 62-65 (May 22, 2024).

the remaining defendant—was not from the Hempstead clique, and did not appear to know the other defendants well. JA733-734. The three Hempstead defendants pled guilty. Sandoval-Rodriguez proceeded to trial.

The Government's theory of the case was that Sandoval-Rodriguez and two of the Hempstead defendants stabbed Portillo in the park and then buried him. But the Government presented no physical evidence to support that theory. All items tested for DNA evidence excluded Sandoval-Rodriguez. JA772. Moreover, although the Government presented cell-tower evidence that the Hempstead defendants were in the park that night and made calls between each other, the Government presented no similar evidence placing Sandoval-Rodriguez at the scene of the crime. *See* JA355-371, JA1171, JA1182-83.

The primary evidence before the jury connecting Sandoval-Rodriguez to the park that day was the testimony of one of the Hempstead defendants, David Diaz-Alvarado. Diaz-Alvarado cooperated as a witness against his co-defendants. JA861-863. He conceded that he did not personally witness the murder, or enter the park before the murder occurred. Instead, he testified that he stood outside the park as a lookout, and from that position he saw Sandoval-Rodriguez enter the park sometime before the murder. JA906. Diaz-Alvarado also testified that, after he left his post to help bury the body, he saw Sandoval-Rodriguez with a bloody hand. JA910.

The jury also heard evidence undercutting Diaz-Alvarado's testimony. At trial, Diaz-Alvarado admitted to lying to the police—and changing his story multiple times—during the investigation. *E.g.*, JA1127

(testifying that a statement made during his police interview "was not true"). For example, during his police interview, Diaz-Alvarado stated that he had brought only a small blade to the park. JA1128. At trial, he testified that he had also brought a foot-long knife that he gave to one of the co-defendants to use "in the murder." JA900. Similarly, during his police interview, Diaz-Alvarado did not identify Sandoval-Rodriguez in a security footage recording from the day of the murder in which Sandoval-Rodriguez was seen walking near the park where the murder occurred. JA1377-78. At trial, Diaz-Alvarado identified Sandoval-Rodriguez in that video, and bolstered that identification with testimony that he recalled that Sandoval-Rodriguez wore a brown sweater on the day of the murder. JA938-939, JA1061-62.[2] Diaz-Alvarado testified that his memory had improved as more time passed. JA1151.[3]

2. After each side completed its presentation of evidence, Sandoval-Rodriguez asked the trial judge to define the term "reasonable doubt" for the jury. Pet. App. 17a; JA1353-58. The trial judge denied the request. Pet. App. 17a-19a. But he did so reluctantly.

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[2] A detective also testified that one of the men in this recording was Sandoval-Rodriuez, based on the detective's view that the pants and shoes in the recording matched the pants and shoes in a photo from a social-media account the detective connected with Sandoval-Rodriguez. JA346-350.

[3] Diaz-Alvarado similarly failed to identify Sandoval-Rodriguez during an early police interview. Diaz-Alvarado admitted that when the detective showed him pictures of Sandoval-Rodriguez and two other co-defendants, he identified only the Hempstead co-defendants. JA1120-21, JA1126. These photos remained in front of Diaz-Alvarado for forty minutes during the interview. JA1409-13. At no point did he identify Sandoval-Rodriguez.

The trial judge observed that the circuits were split on this issue. Pet. App. 17a. He then explained that the Fourth Circuit "has expressed a clear disapproval, if not an outright prohibition, of reasonable doubt instructions." *Id*. The judge did not "agree with" that disapproval, nor did he "understand" its purpose. *Id*. The judge nonetheless felt "compelled to adhere to that disapproval." *Id*.

The jury proceeded to deliberations. The jury deadlocked twice during the first two days, informing the judge that it could not agree on a verdict. After the second deadlock, the jury told the judge that it could "never reach a unanimous verdict." JA1658.

The defense moved for a mistrial, which the judge denied. JA1662. The judge instead gave the jury an *Allen* charge, instructing the jury that "if the much larger number were for a conviction, a dissenting juror should consider whether his or her doubt was a reasonable one," and likewise that if "the majority was for acquittal, the minority ought to ask themselves whether they might not reasonably doubt the correctness of [their] judgment." JA1664; *see also Allen* v. *United States*, 164 U.S. 492 (1896).

The jury convicted Sandoval-Rodriguez the next day. JA1674. The judge sentenced Sandoval-Rodriguez to life without the possibility of parole. JA1836-37.[4]

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[4] The sentencing hearing consolidated Sandoval-Rodriguez's convictions in this case with those from a separate criminal case, JA1819-20, which is the subject of a separate petition for certiorari currently pending before this Court. *See Parada, et. al* v. *United States*, No. 25-166.

3. Sandoval-Rodriguez appealed. As relevant here, the Fourth Circuit upheld the trial judge's refusal to define reasonable doubt. Pet. App. 13a-14a. The court reiterated its longstanding position that courts may, but are not required to, define reasonable doubt to a jury. *Id.* The court also cited Fourth Circuit precedent discouraging courts from providing a reasonable-doubt instruction. *See United States* v. *Frazer*, 98 F.4th 102, 115 (4th Cir. 2024).

This petition follows.

REASONS FOR GRANTING THE PETITION

Federal and state courts are split over whether trial courts must define the reasonable-doubt standard upon the defendant's request. Courts have grappled with this question for over 30 years since *Victor* was decided, but with the passage of time, the split has only become deeper and more entrenched. This case presents an ideal opportunity to resolve the confusion. Refusing to define "beyond a reasonable doubt" upon request undermines the standard's fundamental guarantees and violates defendants' Fifth and Sixth Amendment rights. This Court should grant certiorari and reverse.

I. THE DECISION BELOW FURTHER ENTRENCHES A LONGSTANDING, ACKNOWLEDGED, AND DEEP SPLIT AMONG FEDERAL AND STATE COURTS.

A majority of federal courts of appeal and state courts of last resort have addressed whether trial courts must define "beyond a reasonable doubt" for the jury. At least ten jurisdictions require trial courts to define the standard. At least five jurisdictions

prohibit trial courts from providing a definition. And at least twenty-three jurisdictions fall between these two poles, with some encouraging trial courts to provide a definition, some discouraging trial courts from doing so, and some adopting a neutral position.

A. Ten Jurisdictions Affirmatively Require Trial Courts To Define "Beyond A Reasonable Doubt."

Trial courts in D.C., Maryland, Washington, Pennsylvania, North Carolina, Missouri, Iowa, Massachusetts, New Mexico, and Ohio are required to define reasonable doubt to jurors.

1. The District of Columbia has long required courts to provide a reasonable-doubt definition. In *Smith* v. *United States*, 709 A.2d 78 (D.C. 1998), the D.C. Court of Appeals, sitting en banc, explained that "[a]lthough some courts have held that no attempt should be made to define the concept of reasonable doubt to the jury, we reaffirm the requirement that reasonable doubt be explained to * * * juries." *Id.* at 79. "The elimination of the requirement of an explanatory instruction," the court observed, "would relegate the most fundamental, and perhaps decisive, principle in a criminal trial to random interpretation by counsel and jurors." *Id.*; *see also id.* at 80 ("Lay jurors should not be left to undertake the important task of deciding whether the government has proven the guilt of the accused beyond a reasonable doubt without some intelligent statement of its meaning." (internal quotation marks omitted)).

2. Maryland similarly requires trial courts to define reasonable doubt for the jury. For example, in *Ruffin* v. *State*, 906 A.2d 360 (Md. 2006), the Maryland Court of Appeals reiterated that because "[t]he reasonable

doubt standard of proof is an essential component in every criminal proceeding," "it is mandatory for the trial judge to give an instruction to the jury explaining reasonable doubt." *Id.* at 365. Had Sandoval-Rodriguez been tried in Maryland state court rather than the federal District Court for the District of Maryland, the trial judge accordingly would have been required to instruct the jury on the meaning of reasonable doubt in his case.

3. Washington, Pennsylvania, North Carolina, Missouri, Iowa, Massachusetts, New Mexico, and Ohio likewise require trial courts to provide reasonable-doubt definitions. *See, e.g.*, *State* v. *Bennett*, 165 P.3d 1241, 1243 (Wash. 2007) (en banc) (explaining that "jury instructions must define reasonable doubt"); *Commonwealth* v. *Drummond*, 285 A.3d 625, 635 (Pa. 2022) (stressing that "[a] criminal defendant is entitled to a positive instruction fully and accurately defining reasonable doubt" (internal quotation marks omitted)); *State* v. *Miller*, 477 S.E.2d 915, 923 (N.C. 1996) (trial court must define reasonable doubt upon "specific request"); Mo. Ann. Stat. § 546.070(4) (West 2025) (similar); *State* v. *Davis*, 975 N.W.2d 1, 9 (Iowa 2022) (citing *State* v. *McGranahan*, 206 N.W.2d 88 (Iowa 1973) (en banc)) (similar); *Commonwealth* v. *Russell*, 23 N.E.3d 867, 871–872, 877 (Mass. 2015) (requiring particular reasonable doubt definition in every case); N.M. Stat. Ann. Crim. Uniform Jury Instructions § 14-5060 (West 2025) (similar); Ohio Rev. Code Ann. § 2901.05(C), (E) (West 2025) (similar).[5]

[5] The Eighth Circuit has required trial courts to define reasonable doubt as well. In *Friedman* v. *United States*, 381 F.2d 155 (1967), the Eighth Circuit explained that it is a trial court's "duty

B. Five Jurisdictions Expressly Prohibit Trial Courts From Defining "Beyond A Reasonable Doubt."

In sharp contrast, the Seventh Circuit, Illinois, Oklahoma, Wyoming, and Mississippi categorically prohibit trial courts from defining the reasonable-doubt standard.

1. The Seventh Circuit has long forbidden courts from instructing jurors on the meaning of "reasonable doubt"—both before and after *Victor*. In *United States* v. *Glass*, 846 F.2d 386 (7th Cir. 1988), for instance, the Seventh Circuit upheld a trial court's refusal to define the term upon the defendant's request. *Id.* at 387. Reasonable doubt, the Seventh Circuit explained, "must speak for itself." *Id.* "Jurors know what is 'reasonable' and are quite familiar with the meaning of 'doubt' "; "[j]udges' and lawyers' attempts to inject other amorphous catch-phrases into the 'reasonable doubt' standard * * * only muddy the water." *Id.* The Seventh Circuit therefore concluded that it is "inappropriate for judges to give an instruction defining 'reasonable doubt,' and it is equally inappropriate for trial counsel to provide their own definition." *Id.*

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to instruct on the meaning of 'reasonable doubt,' " and "failure to do so upon request would constitute error." *Id.* at 160; *accord Nanfito* v. *United States*, 20 F.2d 376, 378 (8th Cir. 1927). Since *Victor*, the Eighth Circuit has repeatedly upheld the Circuit's model jury instructions, *see, e.g.*, *United States* v. *McCraney*, 612 F.3d 1057, 1062–63 (8th Cir. 2010), which expressly reaffirm the mandatory duty imposed on courts by *Friedman* long ago. Eighth Circuit Model Jury Instructions § 3.11 (2023) (citing *Friedman*, 381 F.2d 155); *see also United States* v. *Alt*, 58 F.4th 910, 922 (7th Cir. 2023) (Kirsch, J., concurring) (acknowledging "affirmative duty" in Eighth Circuit to define reasonable doubt).

Since *Victor*, the Seventh Circuit has only doubled down on its bright-line rule. In *United States* v. *Bruce*, 109 F.3d 323 (7th Cir. 1997), the Seventh Circuit declared it "well established in this Circuit" that "neither trial courts nor counsel should attempt to define 'reasonable doubt' for the jury." *Id.* at 329. The Seventh Circuit also amended its pattern criminal jury instructions to make clear that "[n]o instruction" should be given on the "Definition of Reasonable Doubt." Seventh Circuit Pattern Criminal Jury Instructions § 1.04 (2012).

The Seventh Circuit recently reiterated this rule in *United States* v. *Alt*, 58 F.4th 910 (7th Cir. 2023), explaining that "[m]any times in the past, we have been explicit about the inappropriateness of defining 'reasonable doubt.'" *Id.* at 919. Judge Kirsch wrote separately to highlight the "stringent" nature of the Seventh Circuit's prohibition compared to other federal circuits that allow reasonable-doubt definitions but "discourage district judges from defining the phrase." *Id.* at 921 (Kirsch, J., concurring).

2. Like the Seventh Circuit, the Illinois Supreme Court "has long and consistently held that neither the trial court nor counsel should define reasonable doubt for the jury." *People* v. *Downs*, 69 N.E.3d 784, 788 (Ill. 2015). Citing *Victor*, the Illinois Supreme Court has explained that "the United States Constitution neither requires nor prohibits a definition of reasonable doubt," and "Illinois is among the jurisdictions that do not define" the term. *Id.* In the Illinois Supreme Court's view, reasonable doubt is "self-defining" and in no need of "further definition." *Id.* For that reason, Illinois' Pattern Jury Instructions "provide[] no definition" of the term. *Id.*

Various Justices on the Illinois Supreme Court have questioned the wisdom of Illinois' rationale. For instance, Justice Neville has noted that "[e]mpirical studies have shown that, without instruction, jurors may underestimate the quantum of evidence needed for a criminal conviction." *People* v. *Birge*, 182 N.E.3d 608, 630 (Ill. 2021) (Neville, J., dissenting) (internal quotation marks omitted). Likewise, during his tenure as Chief Justice on that Court, Justice Karmeier questioned why Illinois defines terms like proof by a "preponderance of the evidence" or "clear and convincing evidence," but not reasonable doubt—the "highest standard of proof, the standard that governs whether liberty is taken away, in many instances for substantial portions of a person's lifetime." *People* v. *Sebby*, 89 N.E.3d 675, 697 (Ill. 2017) (Karmeier, C.J., dissenting). Under Illinois law, however, "a trial court cannot offer jurors any guidance * * * whatsoever" in understanding reasonable doubt. *Id.*

3. The highest courts of Oklahoma, Wyoming, and Mississippi agree with the Seventh Circuit and Illinois. In Oklahoma, it "is reversible error for trial courts to try to define 'beyond a reasonable doubt.'" *Romano* v. *State*, 909 P.2d 92, 124–125 (Okla. Crim. App. 1995). Wyoming likewise "impose[s] a prohibition against giving an instruction defining reasonable doubt." *Watts* v. *State*, 370 P.3d 104, 110 (Wyo. 2016). And Mississippi similarly holds that "[d]efining reasonable doubt for the jury is improper." *Martin* v. *State*, 854 So.2d 1004, 1009–10 (Miss. 2003).

C. Twenty-three Jurisdictions Give Trial Courts Discretion To Define "Beyond A Reasonable Doubt," With Varying Degrees Of Approval.

Twenty-three jurisdictions fall in between these two poles. Six jurisdictions encourage, but do not require, courts to define reasonable doubt. Seven other jurisdictions discourage, but do not prohibit, courts from defining reasonable doubt. And ten jurisdictions maintain a neutral stance.

1. Six States—Delaware, Indiana, Utah, Montana, Idaho, and Connecticut—encourage trial courts to define reasonable doubt.

a. Since *Victor*, Delaware and Indiana have acknowledged arguments against providing a definition, but have nonetheless urged courts in their jurisdictions to define reasonable doubt.

In *Mills* v. *State*, 732 A.2d 845 (Del. 1999), for example, the Delaware Supreme Court recognized that federal and state courts are split on the issue, with some jurisdictions finding that "an attempt to define reasonable doubt presents a risk without any real benefit." *Id.* at 850–851 & n.25 (internal quotation marks omitted). The Delaware Supreme Court noted, however, that "[m]any scholarly studies have concluded that jurors are often confused about the meaning of reasonable doubt when that concept is not defined" by a trial judge, and that "[a] majority of courts have concluded that reasonable doubt is an issue that is simply too important to mention and not to explain to the jury." *Id.* at 851 (internal quotation marks omitted). The Delaware Supreme Court thus "adhere[s] to the view that it is desirable to define reasonable doubt for the jury in a criminal proceeding."

Id.; *accord Goode* v. *State*, 136 A.3d 303, 314 & n.43 (Del. 2016).

Similarly, in *Winegart* v. *State*, 665 N.E.2d 893 (Ind. 1996), the Supreme Court of Indiana surveyed arguments and cases on either side of the debate. The court "agree[d] in principle" with "jurisdictions that have concluded that the phrase 'reasonable doubt' may suffice without further explication and that many attempts to provide effective additional explanation have fallen short." *Id.* at 900. But it was "not convinced that the task [was] impossible in light of recent and ongoing research," and "prefer[red] to endorse for use in Indiana courts a reasonable-doubt instruction that * * * reflects the wisdom of the various available sources." *Id.* at 900–901. It accordingly "authorize[d] and recommend[ed]" that judges use the Federal Judicial Center's definition that Justice Ginsburg had cited approvingly in *Victor*. *Id.* at 900–902; *accord Warren* v. *State*, 725 N.E.2d 828, 834 (Ind. 2000).

b. The Supreme Courts of Utah, Montana, Idaho, and Connecticut have also advised trial courts to define reasonable doubt. *See, e.g.*, *State* v. *Reyes*, 116 P.3d 305, 308–310, 314 (Utah 2005); *State* v. *McLaughlin*, 2024 MT 259N ¶¶ 22–23 & n.2 (2024); *State* v. *Merwin*, 962 P.2d 1026, 1031–32 (Idaho 1998) (citing *State* v. *Holm*, 478 P.2d 284 (1970)); *State* v. *Jackson*, 925 A.2d 1060, 1069–70 (Conn. 2007).

2. In contrast to the jurisdictions that encourage reasonable-doubt definitions, the First, Second, Fourth, and D.C. Circuits—along with Kansas, Texas, and Vermont—*discourage* trial courts from defining the term.

a. The Fourth Circuit has "repeatedly held that a district court need not, and in fact should not, define

the term 'reasonable doubt' even upon request." *United States* v. *Williams*, 152 F.3d 294, 298 (4th Cir. 1998). In the Fourth Circuit's view, "attempting to explain the words 'beyond a reasonable doubt' is more dangerous than leaving a jury to wrestle with only the words themselves." *Frazer*, 98 F.4th at 115 (citation omitted). Accordingly, although the Fourth Circuit technically permits trial courts to define the term, *id.*, both before and after *Victor*, it has "vigorously condemned the attempts of trial courts to define reasonable doubt." *United States* v. *Reives*, 15 F.3d 42, 45 (4th Cir. 1994). So much so that trial courts in the Fourth Circuit—like the judge in the decision below—feel compelled to deny a defendant's request for a reasonable-doubt definition, even when they agree such a definition is otherwise warranted. *See, e.g.*, Pet. App. 17a-19a; *Frazer*, 98 F.4th at 109.

The First, Second, and D.C. Circuits likewise purport to allow trial courts to define the reasonable-doubt standard while strongly discouraging against the practice. *See, e.g.*, *United States* v. *Fields*, 660 F.3d 95, 96–97 (1st Cir. 2011) (per curiam) ("Our decisions hold that reasonable doubt does not require definition," and "most efforts at clarification result in further obfuscation of the concept" (internal quotation marks and alteration omitted)); *United States* v. *Desimone*, 119 F.3d 217, 226 (2d Cir. 1997) ("Because of the difficulty of articulating an acceptable definition [of reasonable doubt], several circuits, including this one, generally discourage trial courts from attempting to define the term"); *United States* v. *Mejia*, 597 F.3d 1329, 1340 (D.C. Cir. 2010) (reiterating that "the greatest wisdom may lie" in "leav[ing] to juries the task of deliberating the meaning of reasonable doubt" (internal quotation marks omitted)).

b. The highest courts of Kansas, Texas, and Vermont have taken a similar approach. *See, e.g.*, *State* v. *Walker*, 80 P.3d 1132, 1143 (Kan. 2003) (urging trial courts to "resist requests" for an explicit definition of reasonable doubt); *Paulson* v. *State*, 28 S.W.3d 570, 573 (Tex. Crim. App. 2000) (similar); *State* v. *Levitt*, 148 A.3d 204, 211 (Vt. 2016) ("attempting to define reasonable doubt is a 'hazardous undertaking,' and [we] continue to discourage trial judges from trying such an explanation").

Texas is particularly notable in this respect. Prior to *Victor*, the Texas Court of Criminal Appeals required trial courts to define reasonable doubt for juries. *Geesa* v. *State*, 820 S.W.2d 154, 162 (Tex. Crim. App. 1991) (en banc). The court reasoned that this Court's precedents on reasonable doubt "implicated the requirement of a full definitional instruction to the jury on reasonable doubt." *Id.* at 161 (citing *Jackson* and *Holland*). After *Victor*, however, the Texas Criminal Court of Appeals switched course, finding that because "the Constitution does not require [a definition]," "the better practice is to give no definition of reasonable doubt" to the jury "at all." *Paulson*, 28 S.W.3d at 573.

3. The Third, Sixth, Ninth, Tenth, and Eleventh Circuits, along with the state courts of last resort in Nebraska, New Hampshire, New Jersey, North Dakota, and Louisiana, do not take any position at all. Instead of encouraging or discouraging trial courts to define reasonable doubt, these appellate courts defer to the trial court's discretion.

a. The Third, Sixth, Ninth, Tenth, and Eleventh Circuits hold that trial courts are "free," but not required, to provide juries with a definition of

reasonable doubt. *Thomas* v. *Horn*, 570 F.3d 105, 117 (3d Cir. 2009); *accord United States* v. *Shin*, 560 F. App'x 137, 140 (3d Cir. 2014). As the Sixth Circuit has explained, "all that is required is that if a court chooses to define the standard, that it makes clear to the jury that the burden of proof is high." *United States* v. *Ashrafkhan*, 964 F.3d 574, 578 (6th Cir. 2014); *see also United States* v. *Ferguson*, 425 F. App'x 649, 651 (9th Cir. 2011) (similar); *Maybery* v. *Patton*, 579 F. App'x 640, 644 (10th Cir. 2014) (similar); *United States* v. *Hansen*, 262 F.3d 1217, 1249 (11th Cir. 2001) (per curiam) (similar).

b. On the State side, Nebraska, New Hampshire, and New Jersey instruct trial courts to use a particular definition of reasonable doubt when they choose to define the term. *See, e.g.*, *State* v. *Putz*, 662 N.W.2d 606, 614, 616 (Neb. 2003); *State* v. *Addison*, 87 A.3d 1, 85–86 (N.H. 2013) (per curiam); *State* v. *Medina*, 685 A.2d 1242, 1246, 1251–52 (N.J. 1996). North Dakota and Louisiana, meanwhile, have emphasized that trial courts may define reasonable doubt, but are neither prohibited nor required to do so. *See, e.g.*, *State* v. *Jahner*, 657 N.W.2d 266, 271 (N.D. 2003); La. Code Crim. Proc. Ann. art. 804 (2025).

Put simply, federal and state courts across the country are deeply—and intractably—split.

II. THE COURT SHOULD GRANT CERTIORARI TO RESOLVE THIS DIVISION NOW.

In the thirty-one years since *Victor* was decided, this Court has never clarified whether reasonable-doubt definitions are constitutionally required upon the

defendant's request. The time has come to answer that question.

A. The Question Presented Frequently Recurs And Has Percolated Long Enough To Fully Ventilate The Issue.

1. This issue frequently arises. In the past five years alone, the question whether to define reasonable doubt has arisen in scores of cases.[6]

This ubiquity is unsurprising; *every* criminal trial in this country—state, tribal, or federal—turns on the beyond a reasonable doubt standard. Thus, day in and day out, otherwise-identical defendants enjoy markedly different rights depending on where they

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[6] *See* Pet. App. 13a-14a, 17a-19a; *United States* v. *Crawford*, No. 24-4243, 2025 WL 2364958, at *2 (4th Cir. Aug. 14, 2025); *United States* v. *Mbom*, No. 24-4104, 2025 WL 1683435, at *2 (4th Cir. June 16, 2025); *United States* v. *Davenport*, No. 22-4660, 2025 WL 400720, at *2 (4th Cir. Feb. 5, 2025); *United States* v. *Rickerson*, No. 23-4497, 2024 WL 3874674, at *3 (4th Cir. Aug. 20, 2024); *United States* v. *Watkins*, 111 F.4th 300, 313 (4th Cir. 2024); *Frazer*, 98 F.4th at 115; *Alt*, 58 F.4th at 919; *United States* v. *Brooks*, No. 21-4569, 2023 WL 20874, at *2 (4th Cir. Jan. 3, 2023); *United States* v. *Johnson*, 827 F. App'x 586, 591 (7th Cir. 2020); *United States* v. *Melo*, 954 F.3d 334, 350 (1st Cir. 2020); *Brown* v. *Davis*, No. 6:20-CV-00022, 2021 WL 1192890, at *5 (S.D. Tex. Mar. 30, 2021); *United States* v. *Sheikh*, No. 19 CR 655, 2024 WL 3566607, at *5 (N.D. Ill. July 29, 2024); *Drummond,* 285 A.3d at 635; *Davis*, 975 N.W.2d at 9, 16; *State* v. *Fader*, 2024-Ohio-4921, ¶ 16 (Ohio Ct. App. 2024); *State* v. *Lopez*, 2024-Ohio-4967, ¶ 37 (Ohio Ct. App. 2024); *Ramirez* v. *State*, 392 So. 3d 156, 156–157 (Fla. Dist. Ct. App. 2024); *Commonwealth* v. *Carney*, 219 N.E.3d 262, 262 (Mass. App. Ct. 2023); *People* v. *Brown*, 239 N.E.3d 609, 628 (Ill. App. Ct. 2023); *Bradley* v. *State*, No. 14-22-00457-CR, 2023 WL 7498204, at *9 (Tex. App. Nov. 14, 2023); *McCammon* v. *State*, 299 So. 3d 873, 897 (Miss. Ct. App. 2020).

are tried. And because that right is intertwined with the reasonable-doubt standard itself, the current scattershot state of the law grievously undermines "the moral force of the criminal law." *In re Winship*, 397 U.S. at 364.

2. At least thirty-eight jurisdictions have addressed the question presented: ten federal courts of appeals, and twenty-eight state supreme courts. Courts are entrenched in their various camps, holding to their positions over dissenting opinions and calls to adopt a different rule. *See Birge*, 182 N.E.3d at 638 (Neville, J., dissenting); *Sebby*, 89 N.E.3d at 697 (Karmeier, C.J., dissenting); *Alt*, 58 F.4th at 921 (Kirsch, J., concurring). Others have reconsidered their positions after this Court's passing statement in *Victor*. *See Paulson*, 28 S.W.3d at 573. Still others have acknowledged the far-reaching split over the question presented. *See Mills*, 732 A.2d at 850–851; *Winegart*, 665 N.E.2d at 900–901; *Alt*, 58 F.4th at 921 (Kirsch, J., concurring); *Birge*, 182 N.E.2d at 638 (Neville, J., dissenting).

These competing opinions have sufficiently ventilated the question presented. The courts that prohibit or discourage reasonable-doubt definitions do so on the ground that the standard is self-defining. *See, e.g.*, *Glass*, 846 F.2d at 387; *Downs*, 69 N.E.3d at 788; *Romano*, 909 P.2d at 125; *Watts*, 370 P.3d at 110; *Martin*, 854 So.2d at 1010; *Frazer*, 98 F.4th at 115; *Fields*, 660 F.3d at 96–97; *Desimone*, 119 F.3d at 226; *Mejia*, 597 F.3d at 1340.

The courts that require an instruction or encourage such instructions do so because the reasonable-doubt standard is fundamental to a fair trial. *See, e.g.*, *Smith*, 709 A.2d at 79–80; *Ruffin*, 906 A.2d at 364;

Drummond, 285 A.3d at 635; *Mills*, 732 A.2d at 851. Judges have also observed that, as an empirical matter, "jurors are often confused about the meaning of reasonable doubt when that concept is not defined in the trial judge's instructions." *Mills*, 732 A.2d at 851 (quotation marks omitted); *see also Birge*, 182 N.E.3d at 630 ("[J]urors struggle with the concept of beyond a reasonable doubt").

Further percolation would not aid in this Court's review. All the arguments have been aired over the course of three decades, and the courts are still fractured. Only this Court's intervention will resolve the widespread—and acknowledged—confusion among the courts on this important constitutional issue.

B. This Case Provides An Excellent Vehicle To Resolve The Question Presented.

This case is an ideal vehicle for the Court to resolve this pressing question. Sandoval-Rodriguez preserved at every stage his argument that the Constitution requires trial judges to define reasonable doubt upon request. *See* Pet. App. 17a-18a; JA1353-56; Pet. App. 13a. The District Court considered that argument on the record before—reluctantly—rejecting it. Pet. App. 17a-19a. The Fourth Circuit then upheld that decision on appeal, observing that circuit precedent "forecloses" Sandoval-Rodriguez's argument, Pet. App. 13a-14a, and citing precedent discouraging trial judges from defining reasonable doubt on the ground that doing so "is more dangerous than leaving a jury to wrestle with only the words themselves," *Frazer*, 98 F.4th at 115 (internal quotation marks omitted).

This case also uniquely illustrates the concrete stakes of not defining reasonable doubt upon request.

In light of the substantial weaknesses in the Government's case, Sandoval-Rodriguez's defense centered around the Government's failure to prove guilt beyond a reasonable doubt. The jury then deadlocked *twice*—and informed the trial judge after that second deadlock that it could "*never* reach a unanimous verdict." JA1658 (emphasis added). The jury resolved the case only after the trial judge gave the jury an *Allen* charge, which repeated the reasonable-doubt standard without clarifying it. JA1664. This is a jury that would have "benefit[ted] from an instruction defining this seminal phrase." *Alt*, 58 F.4th at 922 (Kirsch, J., concurring). But the jury never received one, and Sandoval-Rodriguez will now spend the rest of his life in prison.

III. THE QUESTION PRESENTED IS IMPORTANT AND THE DECISION BELOW IS WRONG.

The Fourth Circuit's refusal to require a reasonable-doubt definition upon request is wrong. The Fifth and Sixth Amendments protect criminal defendants from being convicted by a jury unless the government proves their guilt beyond a reasonable doubt. A definition explaining the near certitude that standard requires is necessary to vindicate these Amendments' guarantee. The Fourth Circuit's contrary rule turns the reasonable-doubt requirement into an amorphous standard whose meaning varies from case to case. There is no justification for that arbitrary—and unconstitutional—approach.

A. Defendants Are Constitutionally Entitled To A Reasonable-Doubt Definition Upon Request.

1. The reasonable-doubt standard is one of the most vital safeguards of our Constitution. It protects citizens from "arbitrary" and "dubious" convictions. *Brinegar*, 338 U.S. at 174; *Erlinger*, 602 U.S. at 832. It also gives teeth to the presumption of innocence—the "bedrock 'axiomatic and elementary principle' whose 'enforcement lies at the foundation of the administration of our criminal law.'" *In re Winship*, 397 U.S. at 363 (internal quotation marks omitted).

Without the reasonable-doubt standard, individual liberty and the criminal justice system could not comfortably coexist. A "free society" requires that "every individual going about his ordinary affairs have confidence that his government cannot adjudge him guilty of a criminal offense without convincing" a jury of his "guilt with utmost certainty." *Id.* at 364; *Erlinger*, 602 U.S. at 830–832. And the "moral force of the criminal law [can]not be diluted by a standard of proof that leaves people in doubt whether innocent men are being condemned." *In re Winship*, 397 U.S. at 364.

The Fifth and Sixth Amendments thus afford criminal defendants the right to "insist that [their] guilt be established beyond a reasonable doubt," *Herrera* v. *Collins*, 506 U.S. 390, 398 (1993), before they can be deprived of their liberty, *Sullivan*, 508 U.S. at 277–278.

2. For the reasonable-doubt standard to fulfill its crucial promise under our Constitution, jurors must understand what it means.

As this Court explained in *Jackson* v. *Virgina*, a "doctrine establishing so fundamental a substantive constitutional standard" requires that "a properly instructed jury" "rationally apply that standard to the facts in evidence." 443 U.S. at 317; *see also Victor*, 511 U.S. at 29 (Blackmun, concurring in part and dissenting in part) ("To be a meaningful safeguard, the reasonable-doubt standard must have a tangible meaning that is capable of being understood by those who are required to apply it"). If a reasonable likelihood exists that a juror applied the standard to "allow a finding of guilt based on a degree of proof below" the near certitude the Constitution requires, *Cage* v. *Louisiana*, 498 U.S. 39, 41 (1990), there "has been no jury verdict" or conviction within the meaning of the Fifth and Sixth Amendments, *Sullivan*, 508 U.S. at 280; *In re Winship*, 397 U.S. at 364.

"While judges and lawyers are familiar with the reasonable doubt standard, the words 'beyond a reasonable doubt' " are not obvious to jurors. *Victor*, 511 U.S. at 26 (Ginsburg, J., concurring in part and concurring in judgment); *accord Wills* v. *State*, 620 A.2d 295, 297 (Md. 1993) (the term "'reasonable doubt' [is] not, at least in [its] legal sense, street familiar"). It is thus "unrealistic to expect a lay jury to properly grasp and apply the stark words" without any guidance. *Ruffin*, 906 A.2d at 369 (internal quotation marks omitted). And it is even more unrealistic to assume that every juror on a panel will understand "beyond a reasonable doubt" to require the same level of certainty from one juror to the next.

Refusing to supply a definition when requested therefore "relegate[s] the most fundamental, and perhaps decisive, principle in a criminal trial to [the]

random interpretation" of individual jurors. *Smith*, 709 A.2d at 79. And it creates the very arbitrariness the reasonable-doubt requirement was designed to prevent. *Erlinger*, 602 U.S. at 832.

Put simply, the Fifth and Sixth Amendments promise criminal defendants that they cannot lawfully be convicted by a jury unless the government proves their guilt beyond a reasonable doubt. *Sullivan*, 508 U.S. at 277–278. When criminal defendants invoke this right by requesting a reasonable-doubt definition, the refusal to grant that request deprives them of the Fifth and Sixth Amendments' core guarantee. This Court should therefore reverse the decision below and require trial courts to define reasonable doubt upon request to comply with the Fifth and Sixth Amendments. At the very least, this Court should exercise its supervisory authority over federal courts to require federal trial judges to take this critical step. *See, e.g.*, *Victor*, 511 U.S. at 26–27 (Ginsburg, J., concurring in part and concurring in judgment).

B. There Is No Principled Basis For Refusing To Define Reasonable Doubt Upon Request.

The Fourth Circuit's contrary rule lacks any principled basis. It is not supported by history or this Court's precedent. It is out of step with evidence of jury behavior. And it creates an illogical rule that defies common sense.

1. The Fourth Circuit's Rule Is Not Required By History Or This Court's Precedent.

Start with history and precedent. The Fourth Circuit has justified its rule by contending that (1) English and Australian courts, "with which we share a common lineage," similarly dissuade trial courts from defining reasonable doubt, and (2) this Court's

precedents disfavor reasonable-doubt definitions. *United States* v. *Walton*, 207 F.3d 694, 697–698 & n.5 (2000) (en banc).[7] The Fourth Circuit is misguided on both fronts.

a. The relevant "lineage" question under the Constitution is not whether English and Australian courts currently define reasonable doubt, but whether Anglo-American courts did so around the time "the Bill of Rights was adopted." *See, e.g.*, *United States* v. *Gaudin*, 515 U.S. 506, 516–517 (1995). Here, historical practice weighs in *favor* of explaining the concept of reasonable doubt. In the Boston Massacre trials of 1770—the earliest known case invoking the term "reasonable doubt"—the court shed light on the degree of certainty required by describing the jury's need to "be fully satisfied upon the evidence" presented. John Adams, Trowbridge's and Oliver's Charges to the Jury, *in* 3 *The Legal Papers of John Adams* 292, 304, 309 (L. Wroth & H. Zobel eds., 1965).

Likewise, leading treatises from our Nation's early history, which nineteenth century courts commonly cited, did not just state the requisite standard of proof. They explained the reasonable-doubt standard as proof upon evidence sufficient to "satisfy the mind and conscience of a common man[,] and so to convince him, that he would venture to act upon that conviction, in matters of the highest concern and importance to his

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[7] In *Walton*, the Fourth Circuit, sitting en banc, affirmed the judgment below by an equally divided court. 207 F.3d at 695. Judge Ervin issued a plurality opinion joined by five other judges. *Id.* Fourth Circuit panels have repeatedly treated Judge Ervin's opinion as controlling. *See, e.g.*, *Frazer*, 98 F.4th at 115; *United States* v. *Hornsby*, 666 F.3d 296, 311 (4th Cir. 2012); *United States* v. *Lighty*, 616 F.3d 321, 380 (4th Cir. 2010).

own interest." 1 Simon Greenleaf, *Law of Evidence* 4–5 (Boston, Little & Brown 1844); 1 Thomas Starkie & Teron Metcalf, *Practical Treatise on the Law of Evidence, and Digest of Proofs, in Civil and Criminal Proceedings* 514 (London, Stevens & Norton 1826); *see also, e.g.*, *State* v. *Rover*, 11 Nev. 343, 345–346 (1876); *State* v. *Dineen*, 10 Minn. 407, 416 (1865).

In 1887, this Court further noted that "it has been the general practice in this country of courts holding criminal trials to give [an] explanation or illustration" of reasonable doubt. *Hopt*, 120 U.S. at 440.[8] For good reason: "[I]n many instances, especially where the case is at all complicated, some explanation or illustration of the rule may aid in its full and just comprehension." *Id.* at 440.

Given this significant pedigree of courts defining reasonable doubt, history cannot justify refusing to provide a definition upon a defendant's request.

b. Nor can this Court's precedent. Although this Court has at times questioned the ability of reasonable-doubt definitions to clarify the government's burden of proof, *see, e.g.*, *Holland*, 348 U.S. at 140, it has also *praised* certain definitions—and, with one exception, has upheld every definition it has faced. *See, e.g.*, *Miles*, 103 U.S. at 312 (explaining that while "[a]ttempts to explain the term 'reasonable doubt' do not usually result in making it any clearer to the

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[8] *See, e.g.*, *Commonwealth* v. *Goodwin*, 80 Mass. (14 Gray) 55, 56–57 (1859); *State* v. *Nash*, 7 Clarke 347, 358, 385 (Iowa 1858); *Donnelly* v. *State*, 26 N.J.L. 463, 509 (1857); *State* v. *Knight*, 43 Me. 11, 31, 35–36 (1857); *Commonwealth* v. *Harman*, 4 Pa. 269, 274 (1846); *State* v. *Cochran*, 13 N.C. (2 Dev.) 63, 64–65 (1828); *People* v. *Quakenboss*, 1 Wheeler Cr. Cas. 91, 94 (N.Y. City Hall Ct. 1822); *see also Rover*, 11 Nev. at 345–346 (collecting cases).

minds of the jury," the "language used in this case, however, was certainly very favorable to the accused, and is sustained by respectable authority"); *Hopt*, 120 U.S. at 441 ("[A]n illustration like the one given in this case * * * would be likely to aid them to a right conclusion"); *Victor*, 511 U.S. at 5 (explaining that "[i]n only one case" has the Court found a reasonable-doubt definition unconstitutional).

More importantly, this Court has never held—much less suggested—that the Constitution does not require trial judges to define reasonable doubt upon request. *Victor* is not to the contrary. For one thing, *Victor*'s passing statement—that "the Constitution neither prohibits trial courts from defining reasonable doubt nor requires them to do so as a matter of course"—was not a holding. *Victor*, 511 U.S. at 5. The question before the Court was whether the definitions provided by the trial courts were constitutional, not whether a reasonable-doubt definition was constitutionally required from the start. *Id.*

For another, by including the "as a matter of course" caveat, *Victor* apparently contemplated that there may be situations where a reasonable-doubt definition is constitutionally necessary. *Id.* A defendant's request presents such a case. While it may be one thing to offer no reasonable-doubt definition when the defendant opts not to seek one, when a defendant affirmatively invokes his rights by requesting such an instruction, it is a violation of the Fifth and Sixth Amendment to refuse such a request for the reasons just described. *See supra*, p. 27-29.

2. The Fourth Circuit's Rule Rests On Flawed Assumptions About Jury Behavior.

The Fourth Circuit has also suggested that leaving reasonable doubt undefined helps effectuate the Fifth and Sixth Amendments. *See Walton*, 207 F.3d at 698. In the Fourth Circuit's view, the meaning of reasonable doubt is "self-evident," *Reives*, 15 F.3d at 45, and efforts to define the term "generally do more to obscure than to illuminate," *Walton*, 207 F.3d at 698 (internal quotation marks omitted). But this view rests on nothing more than assumptions. And they are deeply flawed at that.

a. "A great deal of research now demonstrates that reasonable doubt is not self-defining." Lawrence T. White & Michael D. Cicchini, *Is Reasonable Doubt Self-Defining?*, 64 Vill. L. Rev. 1, 17 (2019). To the contrary, "jurors are often confused about the meaning of reasonable doubt when that term is left undefined." *Victor*, 511 U.S. at 26 (Ginsburg, J., concurring in part and concurring in judgment) (internal quotation marks omitted). Empirical studies have repeatedly found that ordinary people construe the reasonable-doubt standard as requiring approximately 65% certainty of guilt, and that they often fail to meaningfully distinguish "beyond a reasonable doubt" from "preponderance of the evidence" and "clear and convincing evidence"—standards that govern *civil* cases, not criminal trials. White & Cicchini, *supra*, at 8, 16 (collecting studies).

The real world bears this out. In one Illinois case, a jury expressly asked the trial judge whether reasonable doubt amounts to "80%, 70%, or 60%" certainty. *Downs*, 69 N.E.3d at 786. After the judge refused to answer the question in light of Illinois' prohibition

against defining reasonable doubt, the jury voted to convict. *Id.* at 786.

Such results are intolerable. Under the Constitution, the reasonable-doubt standard requires "near certitude," and it forms "the decisive difference between criminal culpability and civil liability." *Jackson*, 443 U.S. at 315; *In re Winship*, 397 U.S. at 363 ("[A] person accused of a crime * * * would be at a severe disadvantage, a disadvantage amounting to a lack of fundamental fairness, if he could be adjudged guilty and imprisoned for years on the strength of the same evidence as would suffice in a civil case"). Leaving reasonable doubt undefined flies in the face of these fundamental rules.

b. The refusal to define reasonable doubt is especially egregious where workable definitions exist. Researchers have found that mock jurors understand the reasonable-doubt standard to require a substantially higher degree of certainty when instructed according to the Federal Judicial Center's definition that Justice Ginsburg endorsed in *Victor*. Irwin A. Horowitz & Laird C. Kirkpatrick, *A Concept in Search of a Definition: The Effects of Reasonable Doubt Instructions on Certainty of Guilt Standards and Jury Verdicts*, 20 Law & Hum. Behav. 655, 660–669 (1996) (observing around 80% certainty among those receiving this instruction compared to 55-62% certainty among those receiving no definition).

Moreover, courts across the country have adopted, after careful examination, model instructions that adequately explain the high degree of proof required by the reasonable-doubt standard. *See, e.g.*, *Smith*, 709 A.2d at 82 (D.C.); *Ruffin*, 906 A.2d at 361 n.1, 366, 371 (Md.); *Bennett*, 165 P.3d at 1248–49 (Wash.); *Russell*,

23 N.E.3d at 877–878 (Mass.); N.M. Stat. Ann. Crim. Uniform Jury Instructions § 14-5060; *Reyes*, 116 P.3d at 313–314 (Utah); *McLaughlin*, 2024 MT 259N ¶¶ 22–23 & n.2 (Mont.); *Merwin*, 962 P.2d at 1031–32 (Idaho); *Putz*, 662 N.W.2d at 616 (Neb.); *Addison*, 87 A.3d at 86 (N.H.); Ohio Rev. Code Ann. § 2901.05(E).

The fact that these courts have all been able to identify "clear, simple, accepted, and uniform" instructions, *Bennett*, 165 P.3d at 1249; *Reyes*, 116 P.3d at 314, severely undermines the Fourth Circuit's assumption that "reasonable doubt" is a term incapable of being defined.

3. The Fourth Circuit's Rule Defies Common Sense.

Finally, the Fourth Circuit's approach paradoxically treats the reasonable-doubt standard *less* favorably than other legal standards and terms. The Fourth Circuit defines terms well within a layperson's everyday knowledge, like "willfully," "imminent," and "alibi." *See, e.g.*, Ruschky & Shealy, *Pattern Jury Instructions for Federal Criminal Cases, District of South Carolina* at 21, 118, 636 (2024). It also defines the relevant standards of proof in the civil context. *American Energy, LLC* v. *Office of Workers' Comp. Programs*, 106 F.4th 319, 327 (4th Cir. 2024) (defining "preponderance of the evidence"); *United States* v. *Hall*, 664 F.3d 456, 461 (4th Cir. 2012) (defining "clear and convincing evidence"). But when it comes to reasonable doubt—the "highest standard of proof, the standard that governs whether liberty is taken away," *Sebby*, 89 N.E.3d at 697 (Karmeier, C.J., dissenting)—the Fourth Circuit affirmatively discourages courts from providing any definition, preferring to let each

individual jury "appl[y] its own definition" from case to case. *Walton*, 207 F.3d at 699.

The result is a system that arbitrarily subjects criminal defendants to jurors' "own individual conceptions of reasonable doubt," *id.*, whether those conceptions accurately understand the near certitude required or allow convictions based on certainty approaching only 60%. Indeed, under the Fourth Circuit's rule, co-defendants separately tried for the same crime, based on the same evidence, could receive different verdicts solely because the juries adopted different conceptions of the government's burden of proof.

That perverse system is not, and cannot be, the law.

CONCLUSION

The petition for a writ of certiorari should be granted and the decision below reversed.

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SEPTEMBER 2025