

IN THE
Supreme Court of the United States

HAMED KIAN,

Petitioner,

v.

FLORIDA,

Respondent.

ON WRIT OF CERTIORARI TO THE DISTRICT
COURT OF APPEAL OF FLORIDA, FOURTH DISTRICT

**BRIEF OF THE FLORIDA PROSECUTING
ATTORNEYS ASSOCIATION, INC. AS *AMICUS*
CURIAE IN SUPPORT OF RESPONDENT**

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INTEREST OF *AMICUS CURIAE*

The Florida Prosecuting Attorneys Association, Inc., (“FPAA”), is a nonprofit corporation whose members are the twenty elected State Attorneys as well as over two-thousand Assistant State Attorneys. It was created to serve the needs of prosecutors and the administration of justice as prescribed by the Florida Constitution and laws of Florida. The FPAA submits this brief as an *Amicus Curiae* in support of the Respondent, the State of Florida, and in the interest of the administration of justice nationwide.¹

As the prosecutors of all criminal offenses in trial court in the State of Florida, the FPAA’s membership would be directly and negatively impacted by any opinion of this Court that would overturn its longstanding precedent recognizing the constitutionality of Florida’s use of six-member juries.

The FPAA supports the decision of the Fourth District Court of Appeal and the position of the Respondent, the State of Florida, and urges this Court to uphold its precedent in *Williams v. Florida*, 399 U.S. 78 (1970). Specifically, the FPAA files this brief to address the real-life effects that such a drastic change in the law would create and to highlight the reliance interests of Florida’s prosecutors and court system.

¹ The parties have consented to the filing of this *amicus* brief. No party or party’s counsel authored this brief in whole or in part. No party, counsel for a party, or any person other than *Amicus Curiae* and its counsel made a monetary contribution intended to fund the preparation or submission of the brief.

SUMMARY OF THE ARGUMENT

First, *Williams* was correctly decided on the merits. Over fifty years ago, this Court addressed the meaning of the phrase “trial, by an impartial jury” in the Sixth Amendment to the United States Constitution. In doing so, it engaged in precisely the kind of originalist analysis that this Court has repeatedly required in determining such constitutional questions.

The *Williams* court examined the language of competing proposals to enshrine the right to a trial by jury for criminal offenses in the Constitution. In doing so, they determined that the intent to decouple the constitutional right to trial by jury from the “accustomed requisites” of the common law, such as jury size, was the “more plausible” explanation for the language ultimately adopted by Congress and ratified by the states. There is no reason to believe that the *Williams* court’s analysis was wrong, and it should not be disturbed here.

But even if this Court were to find the historical analysis and logical reasoning of *Williams* to be flawed, *stare decisis* mandates that this Court adhere to its prior precedent. At the first step, a mere disagreement about the meaning of a constitutional term is an insufficient basis to find the precedent “grievously or egregiously wrong.”

Neither is there any evidence that six-person juries have caused any significant negative jurisprudential or real-world consequences. There is simply no reliable empirical data to support the conclusion that a defendant’s right to trial by jury is better served by

juries comprised of twelve than those comprised of six. To the contrary, the *positive* real-world consequences are obvious. For the very reasons that the Florida legislature chose to set the number of jurors at six for non-capital offenses in 1877, the financial strain on clerks' offices, the judiciary, and those citizens called for jury duty has been significantly reduced. The current jury-size framework as shaped by *Williams* and *Ballew v. Georgia*, 435 U.S. 223 (1978), functions effectively and without issue.

Finally, the reliance interests of the State of Florida—and its prosecutors in particular—are both myriad and substantial. There are presently over five-thousand convictions in the appellate pipeline in Florida alone that would likely be affected by the overturning of *Williams*. Six other states presently permit juries of fewer than twelve people for serious criminal offenses, and the reliance interests of those states would likely mirror those of Florida.

An influx of appellate claims (and the likely influx of trial cases remanded as a result) of that magnitude would create an unworkable burden on the court system as a whole. Prosecutors would not have the manpower or budget to handle that number of retrials within the mandate of the Sixth Amendment's right to Speedy Trial. The inevitable result would be a windfall to defendants at the expense of society and the public as prosecutors struggle with the impossible demand on their time and resources.

ARGUMENT

I. *Williams* was correctly decided.

Over fifty years ago, this Court held that the Sixth Amendment’s right to “trial, by an impartial jury” was satisfied by a jury comprised of six people. *See Williams*, 399 U.S. at 103.

In claiming that *Williams* was wrongly decided in that respect, the Petitioner cites to *Ramos v. Louisiana*, 590 U.S. 83, 90 (2020), for the proposition that the appropriate inquiry is to “determine what the term ‘trial by an impartial jury’ meant at the time of the Sixth Amendment’s adoption.” 590 U.S. 83, 90 (2020); Pet. Br. at 16. While the Petitioner is correct about the appropriate inquiry, he overlooks the fact that the Court in *Williams* made precisely that determination. The appropriate question for the Court is not what the right to trial by jury generally meant *at common law*. Indeed, *Williams* acknowledged unequivocally that “the size of the jury at common law came to be fixed generally at 12.” 399 U.S. at 89. To the contrary, the appropriate inquiry is what the term was intended to mean *when it was used* in the verbiage of the Sixth Amendment *by the people who used it*.

A. *Williams* undertook the appropriate historical inquiry.

First, and most importantly, the *Williams* court engaged in precisely the analysis suggested by *Ramos*. After a review of the historical record available to it, the Court determined that “there is absolutely no indication in ‘the intent of the Framers’ of an explicit

decision to equate the constitutional and common-law characteristics of the jury,” and that, “if anything, the more plausible” explanation for the Framer’s decision to abandon the substantive language regarding the “accustomed requisites” of the common law was that they *intended* to exclude them and to leave the specifics of jury size to the purview of Congress. *See id.* at 96-97. Only after determining that “the 12-man requirement cannot be regarded as an indispensable component of the Sixth Amendment,” did the Court turn to which components *are* indispensable under the Framers’ intended meaning. *Id.* at 100.

It is during that analysis that the Court turned to more practical considerations—not, as the Petitioner accuses, in an effort to abandon the original meaning of the Sixth Amendment, but rather to make clear its understanding of precisely that original meaning. *See id.* at 100-02. In that context, the Court focused on the purpose of the jury trial, which it noted was “to prevent oppression by the government,” providing the defendant with “an inestimable safeguard against the corrupt or overzealous prosecutor and against the compliant, biased, or eccentric judge.” *Id.* at 100 (citing *Duncan v. Louisiana*, 391 U.S. 145, 156 (1968)). The Court further noted that the number of jurors must “be large enough to promote group deliberation, free from outside attempts at intimidation, and to provide a fair possibility for obtaining a representative cross-section of the community” in order to ensure the right envisioned by the Framers. *Id.*

By the plain language of *Williams*, these were not the considerations of a court intent on ignoring the

plain text of the Constitution. They were just the opposite: a court's endeavor to frame—in the clearest terms possible—what the term “trial, by an impartial jury” most plausibly meant to the people who drafted it, the Congress who adopted it, the state legislatures that ratified it, and by extension, the public whom they all represent.

B. The historical record supports the conclusion in *Williams*.

Beyond the historical facts considered on the face of *Williams*, there is significant additional historical record to support its conclusion.

Without revisiting each and every example raised by the Petitioner and Respondent in their respective briefs, it suffices to say that—at the very least—the historical record cannot conclusively refute *Williams*'s conclusion. If anything, the body of references taken as a whole support its conclusion. While the Petitioner cites to numerous instances of the acceptance and use of twelve-person juries in his brief, the Respondent in turn cites to numerous historical instances of the acceptance and use of juries comprised of *other numbers* in its own brief. *See* Pet. Br. at 18-23; Resp. Br. at 10-21.

Among the most notable of the Respondent's historical references is that of *Tredymmock v. Perryman*, 3 George Croke, *Reports of Sir George Croke* 259-60 (Thomas Leach ed. 4th ed. 1793), in which the King's Bench clarified specifically that, even at common law, Parliament had the ability to alter jury size through legislative action. It bears specific mention in this

context, because it comports *precisely* with the holding in *Williams*: “Our holding does no more than leave these considerations to Congress and the States.” *Williams*, 399 U.S. at 103.

Also among the most notable references, the Respondent cites to founding-era discussions and debates regarding jury size as it pertains to both the Article III right to jury trial and the corresponding Sixth Amendment right. *See, e.g.*, 2 James Wilson, *Collected Works of James Wilson* 954 (Kermit L. Hall and Mark David Hall eds., 2007) (Wilson stated: “[w]hen I speak of juries, I feel no peculiar predilection for the number twelve,” but rather “a convenient number of citizens, selected and impartial, who . . . try the truth of facts, on which depend the property, the liberty, the reputation, and the lives of their fellow citizens.”)²; 2 Farrand’s Records 587, 628 (Madison’s Notes, Sept. 12, 1787) (George Mason reasoned that “[a] *general principle* laid down on this . . . point[] would be sufficient.” (emphasis added); Nathaniel Gorham noted that “[t]he constitution of Juries is different in different States.”); 3 Farrand’s Records 298 (Washington to Lafayette, Apr. 28, 1788). Likewise, the Respondent’s citations to founding-era dictionaries support a similar lack of specificity as to any particular number necessary to constitute a jury by definition. *See, e.g.*,

² The Petitioner suggests that Wilson may have simply meant “that a petit jury could conceivably be *larger* than twelve—not smaller.” Pet. Br. at 21 n.7. While that claim is dubious and unsupported, it is also irrelevant to the analysis. The mere fact that the number supported was *different than 12* undercuts the Petitioner’s argument that the Framers intended the term “jury” to mean “jury of twelve.”

Samuel Johnson, *A Dictionary of the English Language* (10th ed. 1792) (“[a] company of men sworn to deliver truth upon such evidence as shall be delivered”); 1 John Ash, *The New and Complete Dictionary of the English Language* (1775) (“[a] set of men sworn to enquire into any matter and declare the truth according to evidence”); William Perry, *The Royal Standard English Dictionary* (1788) (“[a] set of men sworn to deliver truth on such evidence as shall be given before them”); Webster, *A Compendious Dictionary of the English Language* (1806) (“persons sworn to deliver truth on such evidence as shall be given before them”); 2 Noah Webster, *An American Dictionary of the English Language* (1828) (“consist[ed] *usually* of 12 men” (emphasis added)).

These references all support *Williams*’s conclusion that the Framers intentionally refrained from permanently enshrining jury size in the Constitution, leaving the issue to the sound judgment of the legislature. But even if this Court were to be unpersuaded that they *confirm* the conclusion of *Williams*, it should be equally convinced that the evidence fails to conclusively support the *opposing* view.

C. The Court’s holding in *Ramos* does nothing to disturb the continued applicability of *Williams*.

Six years ago, this Court held that the Sixth Amendment right to “trial by jury,” as incorporated by the Fourteenth Amendment, mandates unanimous verdicts in serious criminal cases. *See Ramos*, 590 U.S. at 111. In reaching this conclusion, the Court an-

alyzed three separate issues. First, it looked to discern the original meaning of the word “jury,” as used in the Sixth Amendment—specifically whether it included unanimity as a necessary hallmark. *Id.* at 87-93. After determining that it did, the Court then looked to determine whether its only prior opinion upholding the use of non-unanimous verdicts, *Apodaca v. Oregon*, 406 U.S. 404 (1972), was binding precedent upon the Court. *Id.* at 101-03. Finally, the Court addressed whether, if *Apodaca* represented binding precedent, it should be upheld under the doctrine of *stare decisis*. *Id.* at 104-11.

The Petitioner argues that *Ramos* not only forms the basis for, but mandates, this Court’s reversal of *Williams*. To the contrary, not a single step of the *Ramos* analysis analogically compares to this case.

First, *Apodaca* failed to appropriately consider the original meaning of the Sixth Amendment at the outset. *Id.* at 93-95. Rather than attempting to discern what the Framers meant by the term “trial by jury” and whether it was understood to require unanimity, the Court erroneously took to “questioning whether unanimity serves an important ‘function’ in ‘contemporary society.’” *Id.* at 84. *Williams*, on the other hand, approached the issue exactly as the Petitioner asks the Court to do today.

As *Ramos* makes clear fifty years later, “the promise of a jury trial surely meant *something*—otherwise, there would have been no reason to write it down.” *Id.* at 89 (emphasis in original). Rather than turning to a

“functionalist analysis” based on the Justice’s personal opinions of whether the originally intended requirements of the Sixth Amendment “offer[ed any] meaningful improvement” over an obviously erroneous interpretation (*see id.* at 99), *Williams* sought to determine exactly what that “*something*” is. It’s holding was not that the twelve-person jury’s “costs outweigh its benefits in the modern era, so the Sixth Amendment should not stand in the way.” *See id.* at 94. It was that the *original meaning* of the word “jury” in the Sixth Amendment did not include size as an “indispensable component.” *See Williams*, 399 U.S. at 100.

Similarly, *Williams* is in stark contrast with *Apodaca* at the second stage of the *Ramos* analysis. There is simply no question that *Williams* presently stands as precedent of this Court and is therefore subject to *stare decisis* analysis. Seven Justices agreed to the holding in *Williams*, with only one Justice dissenting. *See id.* It was not a “badly fractured set of opinions,” devoid of any true majority holding. *See Ramos*, 590 U.S. at 93-94. It did not attempt to employ clearly abandoned or rejected constitutional theories like “dual-track” incorporation. *See id.* at 94. A clear majority plainly and unequivocally held that the Sixth Amendment right to trial by jury did not include the right to a jury of twelve.

And the final stage of the *Ramos* analysis results in equally dissimilar positions of *Apodaca* and *Williams*. Unlike in *Ramos*, each of the *stare decisis* factors here weighs in favor of preservation of the Court’s precedent, as is addressed in detail in Part II, below.

The logical approach and constitutional analysis of *Williams* share nothing in common with *Apodaca*. In that light, it is difficult to see how *Ramos* could ever mandate that this Court overturn the longstanding precedent of *Williams*.

II. Even if *Williams* were wrongly decided, *stare decisis* mandates upholding its precedent.

Recognizing that “*stare decisis* is not an inexorable command,” it requires the Court to “approach the reconsideration of [its] decisions . . . with the utmost caution.” *Pearson v. Callahan*, 555 U.S. 223, 233 (2009) (citing *State Oil Co. v. Khan*, 522 U.S. 3, 20 (1997)). As this Court has stated:

Stare decisis plays an important role in our case law, and we have explained that it serves many valuable ends. It protects the interests of those who have taken action in reliance on a past decision. It “reduces incentives for challenging settled precedents, saving parties and courts the expense of endless relitigation.” It fosters “evenhanded” decisionmaking by requiring that like cases be decided in a like manner. It “contributes to the actual and perceived integrity of the judicial process.” And it restrains judicial hubris and reminds us to respect the judgment of those who have grappled with important questions in the past. “Precedent is a way of accumulating and

passing down the learning of past generations, a font of established wisdom richer than what can be found in any single judge or panel of judges.”

Dobbs v. Jackson Women’s Health Org., 597 U.S. 215, 263–64 (2022) (internal citations omitted).

This Court’s framing and analysis of the traditional *stare decisis* factors has been varied over time. See *Ramos v. Louisiana*, 590 U.S. at 120-23 (Kavanaugh, J., concurring). In his concurring opinion in *Ramos*, Justice Kavanaugh narrowed the factors he identified throughout historical opinions into three broader categories of consideration. *Id.* Those considerations are 1) “is the prior decision not just wrong, but grievously or egregiously wrong?”, 2) “has the prior decision caused significant negative jurisprudential or real-world consequences?”, and 3) “would overruling the prior decision unduly upset reliance interests?”. *Id.*

In *Dobbs*, the Court focused on five similar factors. 597 U.S. at 218; see also *Janus v. American Federation of State, County, and Mun. Employees, Council 31*, 585 U.S. 878, 917-18 (2018) (same). For the sake of simplicity and to avoid repetition, we organize the *stare decisis* factors here in terms of Justice Kavanaugh’s “broader considerations,” but in doing so, address each of the traditionally examined factors.

A. If the Court’s conclusion in *Williams* is wrong, it certainly cannot be said to be grievously or egregiously so.

As addressed in part I.A. above, the *Williams* court’s opinion was no exercise in judicial activism. To the contrary, it was based upon a well-researched review of the factual record as it pertained to the intent of the Framers. *See Williams*, 399 U.S. at 93-100.

It is only *after* its determination that the Framers’ intended not “to equate the constitutional and common-law characteristics of the jury,” and that, “the more plausible” explanation for the Framers’ choice of words was their intent to permit Congress to determine characteristics such as size, that it turned to the more practical considerations. *See id.* at 96-100. And again, to the degree that *Williams*’s practical considerations amount to a “functionalist analysis,” it employed a rationale wholly dissimilar from that of *Apo-daca*, that drew the ire of this Court in *Ramos*. *See* 590 U.S. at 106. *Williams*’s focus on practical considerations were not designed to *ignore* the plain text and its original meaning, but rather to clearly *define* it. *See* 399 U.S. at 93-100.

As the Court noted at the time, “the intent of the Framers’ is often an elusive quarry.” *Id.* at 92. Justice White stated candidly, “We do not pretend to be able to divine precisely what the word ‘jury’ imported to the Framers, the First Congress, or the States in 1789.” *Id.* at 98. To the contrary, the Court could only give its best assessment based upon the evidence before it.

This Court is again faced with the same quandary. Even if modern research leads the Court to a different conclusion as to the “more plausible” explanation for the Framers’ choice of words, its effort here is nevertheless to divine the precise intent of the Framers. To reach a different conclusion and disagree with the one reached in *Williams* would be just that: a disagreement. And “[a] garden-variety error or disagreement does not suffice to overrule” the precedent of this Court. *See Ramos*, 590 U.S. at 121-22 (Kavanaugh, J., concurring).

Framed similarly, *Dobbs* discusses “[t]he nature of the Court’s error” as one of the traditional factors for consideration. *See Dobbs*, 597 U.S. at 218-19. In explaining why the nature of the Court’s error “weigh[ed] strongly in favor of overruling *Roe* [*v. Wade*, 410 U.S. 113 (1973)] and [*Planned Parenthood of Southeastern Pennsylvania v.*] *Casey*[, 505 U.S. 833 (1992)],” the Court noted that its opinions had “declared a winning side” in a “national controversy.” *Id.* *Dobbs* reasoned that the nature of the Court’s error was especially egregious because it “short-circuited the democratic process by closing it to the large number of Americans who disagreed with *Roe*.” *Id.*

Williams does no such thing. To the contrary, it “does no more than leave these considerations to Congress and the States, unrestrained by an interpretation of the Sixth Amendment that would forever dictate the precise number that can constitute a jury.” *Williams*, 399 U.S. at 103.

B. There is no evidence of significant negative jurisprudential or real-world consequences resulting from the Court’s precedent in *Williams*.

It is unnecessary to rehash here the Respondent’s recitation of the relevant studies and their conclusions addressed in its brief. But they make clear that there are simply no scientific or statistical studies concluding that juries comprised of six people disadvantage a defendant in any way as compared with juries comprised of twelve. *See* Resp. Br. at 41-44.

While *Williams* stopped short of enunciating the minimum number of jurors necessary to provide the trial by jury guaranteed by the Sixth Amendment, the Court’s opinion in *Ballew v. Georgia*, 435 U.S. at 243-45, refined the holding of *Williams* to requiring that juries be comprised of at least six jurors. Certainly, this clarification of the precedent serves to further ensure that there are no future unforeseen negative consequences.

Some of this Court’s opinions have couched this consideration, in part, in terms of the “workability” of the precedent. *See, e.g., Dobbs*, 597 U.S. at 280-81; *Montejo v. Louisiana*, 556 U.S. 778, 792 (2009); *Payne v. Tennessee*, 501 U.S. 808, 827 (1991). Certainly, a framework that mandates an impartial jury comprised of at least six members of the defendant’s community “can be understood and applied in a consistent and predictable manner.” *See Dobbs*, 597 U.S. at 281.

While *Williams* and *Ballew* have created a workable rule and have resulted in no appreciable negative consequences, there *are* significant benefits to society resulting from the Court’s precedent. Most obviously, the cost savings to the public that initially motivated Florida’s change to the six-person jury in 1877 was realized. See 1874 Senate Journal 16 (“The largest and most unsatisfactory source of expense to the treasury of the State is for jurors and witnesses.”). Hand-in-hand with the cost savings to the State of Florida is the cost and time savings to its citizens. Twelve-person juries require summoning twice the number of citizens for jury duty. While jury service is the well-respected duty and responsibility of a citizen, it is not without cost to the individual—not only in time, but in lost wages, travel expenses, and the like.

To be clear, the FPAA does not suggest that these considerations are relevant to the threshold issue of whether *Williams* was correctly or incorrectly decided. However, where the *stare decisis* analysis mandates consideration of the consequences of the precedent, it cannot be overlooked that the societal and jurisprudential effects of *Williams* are demonstrably positive.³

³ Of course, one can argue the abstract pros and cons of having larger or smaller juries. But such a policy debate is different from the “jurisprudential or real-world consequences” relevant to the *stare decisis* analysis. In fact, one might suggest that the Framers were wise to leave such policy debates to the legislature.

C. The reliance interests of the State of Florida—and its prosecutors in particular—are both myriad and substantial.

“Since 1875, the Florida Constitution has allowed the number of jurors to be ‘fixed by law.’” *Gonzalez v. State*, 982 So. 2d 77, 80 (Fla. 2d DCA 2008) (citing art. 6, sec. 12, Fla. Const. (1875)). “The law first ‘fixed’ the number of jurors at twelve for capital cases and six for ‘all other offenses’ in 1877.” *Id.* (citing ch. 2041, Laws of Fla. (1877)). In 1885, the Florida Constitution was amended to clarify that the number could be no fewer than six. *Id.*

In the 150 years that followed, this Court has done nothing but validate the constitutionality of Florida’s six-person jury framework. *See Williams*, 399 U.S. at 103; *Ballew*, 435 U.S. at 245. Florida courts have done the same, in part relying on this Court’s precedent. *See, e.g., State v. Hogan*, 451 So. 2d 844 (Fla. 1984); *Gonzalez*, 982 So. 2d at 80-86; *Walling v. State*, 105 So. 3d 660 (Fla. 1st DCA 2013). In that time, countless defendants have been tried—some convicted and some acquitted—by juries comprised of six people, with absolutely no indication whatsoever that the outcome of trial would have been different if a larger number of jurors had decided the case.

Florida courts and prosecutors continue to try non-capital cases to juries of six people today, as they are required pursuant to Florida law. *See, e.g., Serrano-Delgado v. State*, 392 So. 3d 251 (Fla. 2d DCA 2024); *Guzman v. State*, 350 So. 3d 72 (Fla. 4th DCA 2022).

As the Respondent states, there are 5,200 direct appeals of criminal convictions currently pending in the State of Florida. Resp. Br. at 35. Of those 5,200, the vast majority involve appeals of jury trials, which, with the exception of capital offenses, were tried by six-person juries. If *Williams* were to be overturned, each and every one of those defendants would have recourse on direct appeal and would very likely be remanded for trial by a new jury. Unlike the reliance interests addressed in *Ramos* resulting from the overturning of *Apodaca*, where only *some* of the “hundreds” of cases on direct appeal would be affected (see *Ramos*, 590 U.S. at 108), *every one* of the thousands of cases in Florida would be affected.⁴

As a point of reference, the entire State of Florida conducted 2,069 felony jury trials during the 2024-25 fiscal year. See Fla. Office of the State Cts. Adm’r, *Florida’s Trial Courts Statistical Reference Guide FY 2024-25* at 3-21.⁵ Given the Sixth Amendment’s guarantee of a speedy trial and this Court’s suggestion that post-accusation delay becomes “presumptively unreasonable” as it approaches one year, the burden on trial courts and prosecutors would stand to *triple*. See *Doggett v. U.S.*, 505 U.S. 647, 652 n.1 (1992).

⁴ Of course, the FPAA can speak only to the burden on prosecutors and the court system in Florida. Without a doubt, that number would be significantly higher when considering the effects of overturning *Williams* on all seven states that permit juries of fewer than twelve people for felony offenses. And that burden only increases further when considering all of the states that permit such juries for misdemeanor offenses punishable by more than six months in jail. See Resp. Br. at 36.

⁵ <https://perma.cc/Z5CU-WAUM>

This level and immediacy of increased burden is simply untenable. It would be impossible, given the staffing and budgets of the State Attorneys—and the court system in general—to try three times the number of jury trials that are normally tried in a year. Of course, that impossibility is compounded by the requirement that these new trials include twelve-person juries, which impose greater cost on the courts, require larger spaces (not only for individual petit juries, but also for *venire* panels, and for reporting and registration of all summoned jurors) that many of Florida’s courthouses are unequipped to accommodate, and take more time to empanel.

Sadly, the end result of such a burden is predictable, but unavoidable: prosecutors would have no choice but to offer significantly reduced sentences that provide unjust windfalls to criminal defendants. Of course, these societally-detrimental results would not only affect the thousands of cases that are reversed on appeal as the result of overturning *Williams*, but also the tens of thousands of cases that would *already* be occupying prosecutors’ dockets as they are hit with the deluge of trial remands.

Perhaps equally compelling may be the reliance of the hundreds, if not thousands, of victims who have already once withstood the trauma and hardship of jury trial. These citizens have endured the inconvenience, cross-examination, and in many instances, humiliation, that comes with affording criminal defendants their constitutional right to trial by jury. Such is rightfully the nature of our criminal justice system.

But it is no small thing to force each of them to endure it all a second time.⁶

Such results are a far cry from the “small price to pay” at stake in overturning *Apodaca*. See *Ramos*, 590 U.S. at 129 (Kavanaugh, J., concurring). Like the other factors, the reliance interests in this case weigh heavily against overturning *Williams*.

CONCLUSION

Williams was correctly decided. But even if this Court were to disagree, *stare decisis* mandates that this Court maintain its prior precedent. This Court should affirm.

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⁶ This is especially true as it would serve to compound the lack of faith that many victims and the public already have in a justice system that, in their eyes, moves far too slowly as it is. As *Dobbs* noted, one of the “many valuable ends” of *stare decisis* is that it “contributes to the actual and perceived integrity of the judicial process.” 597 U.S. at 264.