

No. 25-7538

IN THE
SUPREME COURT OF THE UNITED STATES

ELTA GELIN LANNIS,
Petitioner,

v.

STATE OF FLORIDA,
Respondent.

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

RESPONSE TO PETITION

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QUESTION PRESENTED

More than half a century ago, this Court held that Florida's use of six-person juries satisfies the Sixth Amendment. *Williams v. Florida*, 399 U.S. 78, 86 (1970). After examining the history and purpose of the right to trial by jury, the Court concluded that the framers enshrined no 12-juror requirement in the Constitution, even though most founding-era juries consisted of 12 persons. Relying on *Williams*, Florida and five other states continue to use fewer than 12 jurors in at least some criminal trials. In Florida, where all noncapital crimes are tried before six-member juries, roughly 5,000 criminal convictions are currently pending on direct appeal.

As in *Kian v. Florida*, No. 25-6623, 2026 WL 1718018 (June 15, 2026) (cert. granted), the question presented is whether the Court should overrule *Williams* and hold that the Sixth Amendment requires the use of 12-person juries in serious criminal cases.

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Fla. Stat. § 913.10	1

STATEMENT OF THE CASE

1. In 1877, Florida began using six-person juries to try noncapital criminal defendants. *See* Act of February 17, 1877, ch. 3010, § 6, 1877 Fla. Laws 54. That same year, the Florida Supreme Court held that the use of six-person juries neither “destroy[ed] [n]or infring[ed] the right of trial by jury.” *Gibson v. State*, 16 Fla. 291, 300 (1877). Ninety years later, this Court opened another avenue to challenge the validity of Florida’s six-person juries, holding that states are bound by the jury-trial guarantee in the Sixth Amendment to the federal Constitution. *See Duncan v. Louisiana*, 391 U.S. 145, 149 (1968). But just two years after that, this Court concluded that six-person juries satisfy that guarantee. *Williams v. Florida*, 399 U.S. 78, 86 (1970). For nearly as long as states have had a Sixth Amendment duty to provide criminal jury trials, this Court’s message to the people of Florida has been clear: the jury structure that they have settled on for a century and a half fulfills that duty. Unsurprisingly then, Florida has continued its longstanding practice of using six-person juries in trials of noncapital offenses. *See* Fla. Stat. § 913.10.

2. Petitioner Elta Lannis was tried for one count of burglary with a battery. R. 32. The trial court empaneled a six-person jury as dictated by Florida law. *See* Fla. Stat. § 913.10; *State v. Hogan*, 451 So. 2d 844, 845 (Fla. 1984). Prior to jury selection Lannis filed a motion requesting a 12-person jury and objecting to a six-person jury. R. 198-206. The trial court denied the motion at trial. Tr. 11. Jury selection ensued and Lannis’s counsel questioned the venire panel extensively and participated in jury selection, exercising cause

and peremptory challenges to various prospective jurors Lannis deemed undesirable. Tr. 21-303. Once selected, Lannis's counsel accepted the jury as empaneled subject to any objections. Tr. 338-40. The trial court asked Lannis personally if she accepted the jury as selected and she answered affirmatively. Tr. 290-91.

The evidence at trial revealed that while the victim was driving she attempted to merge left but was blocked by Lannis's car. Tr. 462. Lannis climbed out of her car and approached the victim, yelling and cursing. Tr. 462-63. She then reached through the window of the victim's car and began hitting her, slapping her, and grabbing her hair. Tr. 465-67. The victim was able to drive away, but Lannis got back into her own car and pursued her into a parking lot. Tr. 469. Lannis once again exited her car and jumped on the hood of the victim's car, cursing and yelling. Tr. 469. The victim escaped by pressing the gas, causing Lannis to fall off the hood of the car. Tr. 471-72. Lannis returned to her own car for a third time and pursued the victim down the road until the victim reached a stoplight. Tr. 472-73. Lannis left her car, ran to the victim's car window, and stabbed the victim repeatedly with a pen. Tr. 474-76. Lannis leaned through the window so much that her torso was through it. Tr. 477-78, 512. Lannis only ceased attacking the victim when police officers intervened. Tr. 479-80.

Presented with this evidence, the jury returned a unanimous guilty verdict. *See* R. 215; Tr. 838-39.

3. Lannis appealed her convictions to Florida's Fourth District Court of Appeal, arguing that the

Sixth Amendment entitled her to be tried by a 12-person jury because this Court had abrogated *Williams* in *Ramos v. Louisiana*, 590 U.S. 83 (2020). *Ramos* held that the Sixth Amendment requires unanimous verdicts in state court as in federal court, overruling *Apodaca v. Oregon*, 406 U.S. 404 (1972). The Fourth District affirmed in a per curiam, summary decision. Pet. App. A. Lannis then petitioned this Court for a writ of certiorari.

ARGUMENT

The Court Should Hold This Petition Pending Disposition of *Kian*.

Lannis contends that the Court should review the Fourth District's summary decision and use it as a vehicle to overrule *Williams v. Florida*, 399 U.S. 78 (1970), which held that the Sixth Amendment permits six-person juries in criminal cases. On June 15, 2026, this Court granted review in *Kian v. Florida*, No. 25-6623, which presents the identical legal issue. Consequently, the Court should hold the petition in abeyance pending its resolution of this same issue in *Kian* and then dispose of it accordingly.

CONCLUSION

The petition for a writ of certiorari should be held in abeyance pending this Court's resolution of *Kian*.

Respectfully submitted,

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