

No. 26-5567

IN THE
SUPREME COURT OF THE UNITED STATES

ADRIAN SHANE CAMPBELL,
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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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 Adrian Shane Campbell was tried for one count of battery, one count of aggravated battery with a firearm, and one count of shooting into a building. R. 84-85; Tr. 202-203. 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). Jury selection ensued and petitioner’s counsel questioned the venire panel extensively and participated in jury selection, exercising cause and peremptory challenges to various prospective jurors

the petitioner deemed undesirable. Tr. 5-195. Once selected, petitioner's counsel accepted the jury as empaneled. Tr. 194-196.

The evidence at trial revealed that the victim was dating petitioner and they lived together at a Super Eight motel. Tr. 387-388. One night petitioner was standing in the doorway of the hotel room when the victim asked him to close the door and come inside. Tr. 390-391. Petitioner did not close the door, so the victim grabbed petitioner's arm to pull him inside. Tr. 391. Petitioner then became outraged and aggressive. Tr. 392. Petitioner punched the victim several times and broke her nose with his tablet. Tr. 392-394. The victim demanded petitioner leave the room and she began throwing his belongings outside when he would not comply with the request. Tr. 392-394. Petitioner exited the room, got into his car, and left the motel. Tr.394.

When the victim later exited the motel room to walk a dog, she saw petitioner return to the motel. Tr. 396. Petitioner exited his car and walked quickly toward the motel room door. Tr. 396-397. As the victim attempted to shut the door, she heard a loud pop and felt a strong pain in her left hand. Tr. 397-398. The bullet petitioner fired also caused metal fragments from the door to hit the victim in the chest. Tr. 404. The shooting was captured on video. Tr. 273-274.

Presented with this evidence, the jury returned unanimous guilty verdicts on all three counts. *See* R. 93-94; Tr. 517-518.

3. The petitioner appealed his convictions to Florida's Fourth District Court of Appeal, arguing that the

Sixth Amendment entitled him to be tried by a 12-person jury because this Court's decision in *Williams* was wrongly decided. The Fourth District affirmed in a per curiam, summary decision. Pet. App. 2. . Petitioner then petitioned this Court for a writ of certiorari.

ARGUMENT

The Court should hold this petition pending disposition of *Kian*.

Petitioner 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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