

No.

IN THE SUPREME COURT OF THE UNITED STATES

CHAZ JAMAL BLAKE, PETITIONER,

v.

STATE OF FLORIDA, RESPONDENT.

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

APPENDIX TO PETITION FOR A WRIT OF CERTIORARI

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DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

CHAZ JAMAL BLAKE,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D2025-0686

[June 18, 2026]

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Scott Ira Suskauer, Judge; L.T. Case No. 502023CF010736AXXXMB.

Daniel Eisinger, Public Defender, and Gary Lee Caldwell, Assistant Public Defender, West Palm Beach, for appellant.

James Uthmeier, Attorney General, Tallahassee, and Sorraya M. Solages-Jones, Senior Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

Affirmed.

KLINGENSMITH, SHEPHERD and LOTT, JJ., concur.

* * *

Not final until disposition of timely-filed motion for rehearing.

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 110 SOUTH TAMARIND AVENUE, WEST PALM BEACH, FL 33401

July 17, 2026

CHAZ JAMAL BLAKE,
Appellant(s),
v.
STATE OF FLORIDA,
Appellee(s).

CASE NO. - 4D2025-0686
L.T. No. - 502023CF010736AXXXMB

BY ORDER OF THE COURT:

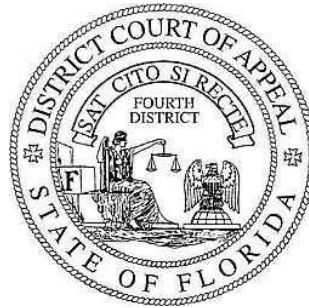
ORDERED that Appellant's July 2, 2026 motion for rehearing, issuance of written opinion, and certification is denied.

Served:
Crim App WPB Attorney General
Gary Lee Caldwell
Sorraya M Solages-Jones

AM

I HEREBY CERTIFY that the foregoing is a true copy of the court's order.


LONN WEISSBLUM, Clerk
Fourth District Court of Appeal
4D2025-0686 July 17, 2026



VII. APPELLANT WAS DEPRIVED OF HIS RIGHT TO A
TWELVE-MEMBER JURY.

Appellant filed a written objection to trial by a six-member jury under the Sixth and Fourteenth Amendments. R 313–21. Before the jury was sworn, counsel said he accepted the jury subject to the pre-trial objection. T 308.

Appellant acknowledged below, and here acknowledges, that Florida law authorizes trials by six-member juries, and that the Supreme Court held in *Williams v. Florida*, 399 U.S. 78 (1970), held they are allowed under the federal constitution.

Appellant contends, as he did below, that *Williams* is contrary to the original meaning of the Sixth Amendment. *See Cunningham v. Florida*, 144 S. Ct. 1287–88 (2024) (Gorsuch, J., dissenting from denial of certiorari). Accordingly, section 913.10, Florida Statutes, which authorizes six-member juries in non-capital criminal cases, is facially unconstitutional.

Appellant also recognizes that this Court has rejected similar claims. *See, e.g., Guzman v. State*, 350 So. 3d 72 (Fla. 4th DCA 2022). Nonetheless, he maintains that the correct view is set out in Justice Gorsuch’s dissent in *Cunningham*.

Even if Appellant were raising the issue for the first time on appeal, the error would be fundamental. Waiver of the constitutional right of trial by the proper number of jurors must be made personally by the defendant. *See Blair v. State*, 698 So. 2d 1210, 1217 (Fla. 1997) (finding valid defendant's agreement to verdict by five-member jury valid when made "in a colloquy at issue here, including a personal on-the-record waiver," and sufficient to pass muster under the federal and state constitutions," and his decision was made "toward the end of his trial, after having ample time to analyze the jury and assess the prosecution's case against him. He affirmatively chose to proceed with a reduced jury as opposed to a continuance or starting with another jury.") and *Wallace v. State*, 722 So. 2d 913 (Fla. 2d DCA 1998) (reversing on grounds of fundamental error where defendant was tried by five-member jury and judge did not inform the defendant of his right to six-person jury).

In the present case, reversible error occurred and the convictions and sentences should be reversed.

VII. APPELLANT WAS DEPRIVED OF HIS RIGHT TO A
TWELVE-MEMBER JURY.

Appellant relies on the initial brief. He agrees with Appellee, however, that the initial brief erroneously stated that the defense raised this issue below. As it was not raised below, the issue before this Court is one of fundamental error. Undersigned counsel apologizes for the error.

VIII. THE VIOLENT CAREER CRIMINAL SENTENCE
SHOULD BE REVERSED BECAUSE IT IS BASED ON AN
UNCONSTITUTIONAL STATUTE.

Appellant's issues are properly before this Court.

Appellee says (AB 37–38) arguments concerning Appellant's VCC designation could not be raised by a rule 3.800(b) motion. This is incorrect. *See e.g.,; Jackson v. State*, 983 So. 2d 562, 572–73 (Fla. 2008) (holding a rule 3.800(b) motion may raise claim “that a sentencing statute was unconstitutional”); and *State v. Johnson*, 616 So. 2d 1, 3–4 (Fla. 1993) (holding a defendant may raise constitutionality of a sentencing statute for the first time on appeal); *Benning v. State*, 768 So.2d 478 (Fla. 2d DCA 2000) (holding defendant could raise challenge to constitutionality of sentencing guidelines as fundamental error); *Hollingsworth v. State*, 293 So. 3d 1049, 1051 (Fla. 4th DCA 2020) (holding rule 3.800(b) motion was