No. 26-5849

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
FLORIDA DISTRICT COURT OF APPEAL,
FOURTH DISTRICT

RESPONSE TO PETITION

JAMES UTHMEIER
Attorney General of Florida

CELIA A. TERENZIO
Chief Assistant Attorney General
Counsel of Record

SORRAYA M. SOLAGES-JONES
Senior Assistant Attorney General

OFFICE OF THE
ATTORNEY GENERAL
STATE OF FLORIDA
1515 N. Flagler Drive,
Suite 900
West Palm Beach, FL
33401
Phone: (561) 837-5016
CrimAppWPB@
myfloridalegal.com

Counsel for Respondent

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 twelve-juror requirement in the Constitution, even though most founding-era juries consisted of twelve persons. Relying on *Williams*, Florida and five other states continue to use fewer than twelve 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,* 146 S. Ct. 2732 (2026) (cert. granted), the question presented is whether the Court should overrule *Williams* and hold that the Sixth Amendment requires the use of twelve-person juries in serious criminal cases.

TABLE OF CONTENTS

QUESTION PRESENTED ii

TABLE OF AUTHORITIES iv

STATEMENT OF THE CASE 1

THE COURT SHOULD HOLD THIS PETITION PENDING DISPOSITION OF *KIAN* 3

THIS COURT SHOULD HOLD THE PETITION IN ABEYANCE PENDING THIS COURT'S RESOLUTION IN *KIAN V. FLORIDA*, CASE NO. 25-6623 3

CONCLUSION 3

TABLE OF AUTHORITIES

Cases

Duncan v. Louisiana,
391 U.S. 145 (1968) 1

Gibson v. State,
16 Fla. 291 (1877) 1

Kian v. Florida,
146 S. Ct. 2732 (2026) ..... i, 3

State v. Hogan,
451 So. 2d 844 (Fla. 1984) 1

Williams v. Florida,
399 U.S. 78 (1970) ..... i, 1, 2, 3

Statutes

Act of February 17, 1877, ch. 3010, § 6,
1877 Fla. Laws 54 1

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. The petitioner, Chaz Jamal Blake, was tried for burglary of an occupied dwelling and felony petit theft. (R. 75–77). 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 Mr. Blake did not file any objection to the jury size. (Pet'r App. at 5a).

Mr. Blake conceded to taking the victim sheriff's deputy's package from his front porch at the outset of trial. (T. 91). The evidence at trial also revealed that the victim's property was surrounded by a chain-link fence with the exception of an opening for the driveway. (T. 107, 109). There was a clear view of the victim's front porch from the sidewalk. (R. 370; T. 147). Mr. Blake stealthily entered the victim's property without his permission to steal the package. The victim went home to make lunch and had not been home for more than ten minutes. (T. 105, 127). There was no package on the victim's front porch when he arrived. (T. 110). The victim did not give Mr. Blake permission to enter onto his property, nor did Mr. Blake have permission to take the package. (T. 124, 128). Another deputy and longtime friend happened to drive by and observed Mr. Blake walking away from the victim's front door carrying a box. (T. 132, 136, 143). Mr. Blake got on a bike and pedaled fast out of the victim's driveway. (T. 132–33). The deputy knocked on the victim's door to alert him. (T. 110, 137). The two canvassed the area to look for Mr. Blake and the package. (T. 137–38). Upon finding Mr. Blake, he admitted to taking the package: "That box, sir. I threw it down that box. Okay. My girl said not to do it." (T. 91, 97–98, 122). Mr. Blake further provided the approximate area where he discarded the package. (T. 138–39).

Presented with this evidence, the jury returned a verdict of guilty of burglary of a structure (a lesser included offense) and felony petit theft. (R. 75–77, 166–67; T. 232). The jury further determined that Mr. Blake was a violent career criminal. (R. 69–72, 103–04, 107–08, 168–70, 264; T. 293–94). The trial court adjudicated Mr. Blake guilty

and sentenced him to a mandatory minimum of thirty years for burglary and a concurrent five years for theft. (R. 164, 219–23).

3. Mr. Blake appealed his convictions to Florida's Fourth District Court of Appeal, arguing in part that he was deprived of his right to a twelve-member jury and that *Williams* is contrary to the original meaning of the Sixth Amendment. (Pet'r App. at 3a). The Fourth District issued a *per curiam* affirmance and denied further rehearing, issuance of a written opinion, and certification. (Pet'r App. at 1a, 2a). Mr. Blake then petitioned this Court for a writ of certiorari.

THE COURT SHOULD HOLD THIS PETITION PENDING DISPOSITION OF *KIAN*

Mr. Blake contends that the Court should review the Fourth District's 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,

JAMES UTHMEIER
Attorney General of Florida

CELIA A. TERENZIO
Chief Assistant Attorney General
Counsel of Record

SORRAYA M. SOLAGES-JONES
Senior Assistant Attorney General

OFFICE OF THE ATTORNEY GENERAL
STATE OF FLORIDA
1515 N. Flagler Drive, Suite 900
West Palm Beach, FL 33401
Phone: (561) 837-5016
CrimAppWPB@myfloridalegal.com

Counsel for Respondent

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