No.

IN THE SUPREME COURT OF THE UNITED STATES

PATRICK T. BROCKMAN, PETITIONER,

v.

STATE OF FLORIDA, RESPONDENT.

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

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether *Williams v. Florida*, 399 U. S. 78 (1970), should be overturned. The Court has granted certiorari in a case that raises the same question presented here. See *Kian v. Florida*, No. 25-6623, 2026 WL 1718018 (U.S. June 15, 2026). The Court should stay proceedings in this case until it issues its decision in *Kian*.

PARTIES TO THE PROCEEDING

The parties to the proceeding before the Court are as follows:

Patrick T. Brockman, Petitioner.

State of Florida, Respondent.

RELATED PROCEEDINGS

Seventeenth Judicial Circuit of Florida: *State v. Brockman*, 502022CF008532AXXXMB (Fla. 15th Cir. Ct.).

Fourth District Court of Appeal of Florida: *Brockman v. State*, No. 4D2025-1192, 2026 WL 2120193 (Fla. 4th DCA July 23, 2026).

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PETITION FOR A WRIT OF CERTIORARI

Petitioner (Patrick T. Brockman) respectfully petitions for a writ of certiorari to review the judgment of the Fourth District Court of Appeal of Florida in this case.

OPINION BELOW

The decision of Florida's Fourth District Court of Appeal has not yet been published in the Southern Reporter. It is reported as *Brockman v. State*, No. 4D2025-1192, 2026 WL 2120193 (Fla. 4th DCA July 23, 2026). A copy is provided in the appendix. See 2a.

JURISDICTION

The Court has jurisdiction to review final judgments or decrees "rendered by the highest court of a state in which a decision could be had." 28 U. S. C. § 1257(a).

Florida's Fourth District Court of Appeal affirmed Petitioner's conviction and sentence on July 23, 2026. 2a. Subsequently, the Fourth District denied Petitioner's motion for rehearing, written opinion, certification, and/or to stay the mandate on August 24, 2026. 3a. Although the Florida Supreme Court is the highest state court in Florida in which a decision could have been had, the Florida Supreme Court has held that it does not have jurisdiction to review district courts of appeal decisions entered without a written opinion. See *Jackson v. State*, 926 So. 2d 1262, 1266 (Fla. 2006); *Mallet v. State*, 280 So. 3d 1091, 1092 (Fla. 2019) (holding that the Florida Supreme Court is "a court of limited jurisdiction"). Petitioner could thus not seek higher review at the Florida Supreme Court, meaning the Fourth District Court of Appeal was the highest state court in Florida where Petitioner could seek a decision. The Court has jurisdiction.

CONSTITUTIONAL AND STATUTORY PROVISIONS

The Sixth Amendment

The Sixth Amendment provides: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury."

Section 913.10, Florida Statutes

> Twelve persons shall constitute a jury to try all capital cases, and six persons shall constitute a jury to try all other criminal cases.

Fla. Stat. § 913.10.

STATEMENT OF THE CASE

Respondent (the State) charged Petitioner with Second Degree Murder with a Firearm (Count I), Attempted Second Degree Murder with a Firearm (Count II), Carjacking with a Firearm (Count III), and Felon in Possession of a Firearm or Ammunition (Actual Possession) (Count IV). A six-person jury found Petitioner guilty as charged of Counts I and III, but not guilty of Count II. Respondent *nolle prossed* Count IV. The trial court sentenced Petitioner to life, with credit for 936 days, for Count I, and 30 years, with a 10 year minimum mandatory, for Count III.

On appeal, Florida's Fourth District Court of Appeal affirmed Petitioner's convictions and sentences. 2a. Subsequently, Petitioner moved for rehearing, written opinion, certification, and/or to stay the mandate, which the Fourth District denied. See 3a.

REASONS FOR GRANTING THE PETITION

In *Williams v. Florida*, 399 U. S. 78 (1970), the Court held that a criminal defendant charged with a felony is not entitled to a twelve-person jury. The Court in *Williams* relied on the functionalist approach to constitutional interpretation. In subsequent cases, the Court has called that approach to constitutional interpretation into question. *Williams* was wrong when it was decided, and it is wrong now.

The Court's holding in *Williams* should be overturned for three reasons.

First, the *Williams* Court ignored a centuries-old tradition—one that the Framers were very familiar with, and one that the Framers would have intended to be included amongst the protections guaranteed by the Sixth Amendment.

Second, the *Williams* Court relied on the functionalist approach to interpreting the Constitution. Such an approach has produced results that are contrary to the plain-and-ordinary meaning of the Sixth Amendment. Indeed, the Court has cast doubt on the functionalist approach in subsequent cases—such as in *Ramos v. Louisiana*, 590 U. S. 83 (2020).

And finally, Florida's six-person-jury law was enacted to exclude African Americans from serving as jurors. After the collapse of Reconstruction, and once federal troops had left the state, Florida immediately attempted to circumvent all of the progress made to guarantee equality to African Americans. *Williams* has thus allowed a law that the legislature intended to continue an unequal justice system to continue.

The Court should grant certiorari, overturn *Williams*, end the functionalist approach, and hold Florida's six-person-jury law unconstitutional.

a. *Williams* marked a departure from well-established precedent.

When the Framers adopted the words and phrases in the Constitution, they intended that those words and phrases should be understood "in their normal and ordinary[,] as distinguished from technical[,] meaning." *United States v. Sprague*, 282 U. S. 716, 731 (1931); see *New York State Rifle & Pistol Assn. v. Bruen*, 597 U. S. 1, 34 (2022) ("Constitutional rights are enshrined with the scope they were understood to have when the people adopted them." (quoting *District of Columbia v. Heller*, 554 U. S. 570, 634–35 (2008))). So to

properly interpret the Sixth Amendment right to a trial by jury, the Court must look at the understanding of that phrase when the Framers adopted the Sixth Amendment.

"For almost all of this Nation's history[,] and centuries before that, the right to [a] trial by jury for serious criminal offenses meant the right to a trial before [twelve] members of the community." *Khorrami v. Arizona*, 143 S. Ct. 22, 27 (2022) (Gorsuch, J., dissenting from the denial of certiorari). In fact, William Blackstone wrote that the right to a twelve-person jury is an ancient right that goes all the way back to the feudal system of trial. 3 William Blackstone, *Commentaries on the Laws of England* 349 (1769) ("a tribunal composed of twelve good men and true"). According to Blackstone, being tried by a twelve-person jury "is the most transcendent privilege which any subject can be enjoy or wish for, that he cannot be affected in his property, his liberty or his person, but by the unanimous consent of twelve of his neighbours and equals." *Id.*, at 379.

So at the time the Framers drafted, voted on, and adopted the Sixth Amendment to the United States Constitution, the ordinary meaning of "trial by jury" would have been that a criminal defendant

charged with a felony was entitled to a trial by a twelve-person jury.[1] *Thompson v. Utah*, 170 U. S. 343, 349–50 (1898); *Khorrami v. Arizona*, 143 S. Ct. 22, 27 (2022) (GORSUCH, J., dissenting from the denial of certiorari); *accord Gibson v. State*, 16 Fla. 291, 300 (1877) (holding that historically, the right to a jury trial meant "a jury, according to the common law, to be composed of twelve persons"); Robert H. Miller, *Comment, Six of One Is Not a Dozen of the Other: A Reexamination of* Williams v. Florida *and the Size of State Criminal Juries*, 146 U. Pa. L. Rev. 621, 633 (1998) (discussing twelve-member juries in ancient Greek and Roman trials (myth and real)).

Because that understanding had been accepted at the time the Framers adopted the Sixth Amendment, the Court reasoned that "[i]t

[1] Later, the Framers of the Fourteenth Amendment applied the jury-trial right (and the right to a twelve-person jury in a felony trial) to the states through the Fourteenth Amendment's Due Process Clause. See *Duncan v. Louisiana*, 391 U. S. 145, 149 (1968) ("Because we believe that trial by jury in criminal cases is fundamental to the American scheme of justice, we hold that the Fourteenth Amendment guarantees a right of jury trial in all criminal cases which—were they to be tried in a federal court—would come within the Sixth Amendment's guarantee.").

must" have been "that the word 'jury'" in the Sixth Amendment referred to a twelve-person jury. *Thompson*, 170 U. S., at 350. For the most part, the Court's precedents adhered to the Sixth Amendment's plain and ordinary meaning, holding in several cases that the Sixth Amendment guaranteed a criminal defendant charged with a felony a twelve-person jury. In 1900, the Court explained that "there [could] be no doubt" that the Sixth Amendment's jury-trial clause protected "a jury composed, as at common law, of twelve jurors." *Maxwell v. Dow*, 176 U. S. 581, 586 (1900). Thirty years later, the Court reiterated that "the phrase 'trial by jury'" in the Constitution incorporated the "essential elements" of juries that "were recognized in this country and England," including the requirement that they "consist of twelve men." *Patton v. United States*, 281 U. S. 276, 288 (1930). And as recently as 1968, the Court remarked that "by the time our Constitution was written, [trial by jury] in criminal cases had been in existence for several centuries and carried impressive credentials traced by many to Magna Carta," such as the necessary inclusion of twelve members. *Duncan v. Louisiana*, 391 U. S. 145, 151–52 (1968).

Nevertheless, the *Williams* Court held that a criminal defendant charged with a felony is not entitled to a twelve-person jury. By doing

so, the Court ignored a centuries-old tradition—one that the Framers were very familiar with.

That departure from well-established precedent was wrong then, and it is wrong now. The Court should grant certiorari, overturn *Williams*, and restore the Sixth Amendment right to a twelve-person jury.

b. *Williams* relied on the functionalist approach, which the Court has since backed away from.

Even more troubling than the fact that the Court went against a well-established historical tradition in *Williams*, was the fact that the Court did not rely on the plain-and-ordinary meaning of the Sixth Amendment to make that decision. Instead, the Court relied on the functionalist approach.

Under that approach, the common understanding of juries at the time the Constitution was adopted no longer matters. Instead, the relevant question now is whether the "function" served by a jury is furthered by a jury of twelve people. According to the Court in *Williams*, although it recognized that the Framers "may well" have had "the usual expectation" when drafting the Sixth Amendment that jury trials would have twelve-person juries, 399 U. S., at 98–99, such

"purely historical considerations" were not dispositive, *id.*, at 99. Rather, the Court concluded that the "essential feature" of a jury is it leaves justice to the "commonsense judgment of a group of laymen" and thus allows "guilt or innocence" to be determined via "community participation and [with] shared responsibility." *Id.*, at 100–01. That function could be served just as effectively with a six-person jury. *Id.*, at 101–102 & n.48.

Since *Williams*, not only has the theory undergirding the functionalist approach been heavily criticized, see *Burch v. Louisiana*, 441 U. S. 130, 137 (1979) (acknowledging that *Williams* and its progeny "departed from the strictly historical requirements of jury trial"), the functionalist approach itself has been revealed to not be a workable approach to constitutional interpretation. In *Ballew v. Georgia*, 435 U. S. 223 (1978), for example, the Court—in holding that the core "function" of the Sixth Amendment was disturbed by a five-person jury, *id.*, at 245—admit[ted]" that it "d[id] not pretend to discern a clear line between six members and five," *id.*, at 239; see also *id.*, at 245–46 (POWELL, J.) (agreeing that five-member juries are unconstitutional, while acknowledging that "the line between five- and six-member juries is difficult to justify").

Although *Ballew* did not overturn *Williams*, it revealed issues with the functionalist approach. The *Ballew* Court noted that recent research has shown that (1) "smaller juries are less likely to foster effective group deliberation," *id.*, at 233; (2) smaller juries may be less accurate and cause "increasing inconsistency" in verdict results, *id.*, at 234; (3) the chance for hung juries decreases with smaller juries, disproportionally harming the defendant, *id.*, at 236; and (4) decreasing jury sizes "foretell[] problems . . . for the representation of minority groups in the community," undermining a jury's likelihood of being "truly representative of the community," *id.*, at 236–37.

Indeed, the Court later acknowledged the impracticability of the functionalist approach in *Ramos v. Louisiana*, 590 U. S. 83 (2020). There, the Court held that the Sixth Amendment's "trial by an impartial jury" requirement encompasses what the term "meant at the time of the Sixth Amendment's adoption." *Id.*, at 90. Crucially, the Court noted that its job is not to "distinguish between [1] the historic features of common law jury trials that [it thinks] serve 'important enough functions to migrate silently into the Sixth Amendment and [2] those that don't.'" 590 U. S., at 98.

The same reasoning applies to the right to a twelve-person jury at trial. When the Founders enshrined the jury-trial right in the Constitution, they did not attach a rider stating that future judges could adapt it based on latter-day social science views.

Williams itself identified the "function" of the Sixth Amendment as leaving justice to the "commonsense judgment of a group of laymen" and thus allowing "guilt or innocence" to be determined via "community participation and [with] shared responsibility." 399 U. S., at 100–01. That function is thwarted by reducing the number of jurors to six.

Smaller juries are less representative of the community, and they are less consistent than larger juries. See, *e.g.,* Shamena Anwar, et al., *The Impact of Jury Race In Criminal Trials*, 127 Q.J. Of Econ. 1017, 1049 (2012) (finding that "increasing the number of jurors on the seated jury would substantially reduce the variability of the trial outcomes, increase black representation in the jury pool and on seated juries, and make trial outcomes more equal for white and black defendants"); Diamond et al., *Achieving Diversity on the Jury: Jury Size and the Peremptory Challenge*, 6 J. of Empirical Legal Stud. 425, 427 (Sept. 2009) (stating that "reducing jury size inevitably has

a drastic effect on the representation of minority group members on the jury"); Higginbotham et al., *Better by the Dozen: Bringing Back the Twelve-Person Civil Jury*, 104 Judicature 47, 52 (Summer 2020) ("Larger juries are also more inclusive and more representative of the community. . . . In reality, cutting the size of the jury dramatically increases the chance of excluding minorities.").

Other important considerations also weigh in favor of the twelve-person jury. Twelve-person juries deliberate longer, recall evidence better, and rely less on irrelevant factors during deliberation. See Smith & Saks, *The Case for Overturning* Williams v. Florida *and the Six-Person Jury*, 60 Fla. L. Rev. 441, 465 (2008).

Minority views are also more likely to be thoroughly expressed in a larger jury, as "having a large minority helps make the minority subgroup more influential," and, unsurprisingly, "the chance of minority members having allies is greater on a twelve-person jury." *Id.*, at 466. Finally, larger juries deliver more predictable results. In the civil context, for example, "[s]ix-person juries are four times more likely to return extremely high or low damage awards compared to the average." Higginbotham et al., *supra*, at 52.

Blackstone wrote:

> [A] competent number of sensible and upright jurymen, chosen by lot from among those of the middle rank, will be found the best investigators of truth, and the surest guardians of public justice. For the most powerful individual in the state will be cautious of committing any flagrant invasion of another's right, when he knows that the fact of his oppression must be examined and decided by twelve indifferent men . . . .

Blackstone, *supra*, at 380. The Court should grant certiorari, overturn *Williams*, end the functionalist approach, and hold that the Sixth Amendment entitles a criminal defendant charged with a felony to a twelve-person jury.

> c. Six-person jury laws, like Florida's, can be traced to the Jim Crow-era, and contributed to a systematic effort to exclude African-Americans from jury service.

"Florida does what the Constitution forbids." *Cunningham v. Florida*, 144 S. Ct. 1287, 1287 (2024) (GORSUCH, J., dissenting from the denial of certiorari). In addition to overturning a well-understood right, as well as relying on a mode of constitutional interpretation that produced results counter to the Sixth Amendment's purpose, the Court's decision in *Williams* also allowed Florida to continue to keep African Americans off juries.

In *Khorrami v. Arizona*, 143 S. Ct. 22 (2022), Justice Gorsuch observed that "[d]uring the Jim Crow[-]era, some States restricted the

size of juries and abandoned the demand for a unanimous verdict as part of a deliberate and systematic effort to suppress minority voices in public affairs." *Id.*, at 27 (GORSUCH, J., dissenting from denial of certiorari) (citations omitted). Florida's six-person-jury law arose in that context.

The common law rule of a jury of twelve was still kept in Florida while federal troops remained in the state. In 1875, however, the Jury Clause of the 1868 constitution was amended to provide that the number of jurors "for the trial of causes in any court may be fixed by law." See *Florida Fertilizer & Mfg. Co. v. Boswell*, 34 So. 241, 241 (Fla. 1903). The Florida Legislature enacted chapter 3010, section 6, Laws of Florida (1877) (which contained the jury-of-six provision) on February 17, 1877—less than a month after the last federal troops were withdrawn from Florida. *Gibson v. State*, 16 Fla. 291, 294, 297–98 (1877); see Jerrell H. Shofner, *Reconstruction and Renewal, 1865–1877*, in *The History of Florida* 273 (Michael Gannon, ed., first paperback edition 2018) (stating that "there were [no federal troops] in Florida after 23 January 1877"). The six-person jury thus first saw light at the birth of the Jim Crow-era—as former Confederates regained power in southern states and state prosecutors made a

concerted effort to prevent African Americans from serving as jurors.

On its face, the 1868 Florida Constitution extended the franchise to African American men. But the historical context shows that it was part of the overall resistance to efforts during Reconstruction to protect the rights of African American citizens.

The 1868 Florida Constitution was the product of a remarkable series of events including a coup in which leaders of the white southern (or native) faction took possession of the assembly hall in the middle of the night, excluding Radical Republican delegates from the proceedings. See Richard L. Hume*, Membership of the Florida Constitutional Convention of 1868: A Case Study of Republican Factionalism in the Reconstruction South*, 51 Fla. Hist. Q. 1, 5–6 (1972); Shofner, *supra*, at 266. A reconciliation was effected as the "outside" whites "united with the majority of the body's native whites to frame a constitution designed to continue white dominance." Hume, *supra*, at 15.

The purpose of the resulting constitution was spelled out by Harrison Reed, a leader of the prevailing faction and the first governor elected under the 1868 constitution. He wrote to Senator Yulee that the new constitution was constructed to bar blacks from legislative

office: "Under our Constitution the Judiciary & State officers will be appointed & the apportionment will prevent a negro legislature." *Id.*, at 15–16.

Furthermore, when the Florida Legislature reduced the size of juries in felony trials from twelve to six in 1877, it also re-established the "integrity, fair character, sound judgment and intelligence" test for jury service. See Laws of Fla., ch. 3010 (1877). This discretionary standard was "used to eliminate almost every black citizen from the southern trial venire." Douglas L. Colbert, *Challenging the Challenge: Thirteenth Amendment as a Prohibition against the Racial Use of Peremptory Challenges*, 76 Corn. L. Rev. 1, 89-90 (1990). And it worked. In fact, after the enactment of Florida's six-person jury law, it was so rare for an African American to serve on a jury that it was worthy of a news article when it happened:

- "It is strange that the presence of a negro on the jury should not have attracted sufficient attention to have caused an inquiry into his eligibility as a jury man." *That Federal Jury*, Panama City Pilot, Nov. 27, 1924, at 1.

- "At one point it looked as though the first negro juror in Monroe County was to be selected." *Child Molesting Trial Jury Chosen*, Key West Citizen, Dec. 11, 1952, at 1, 3.
- "A negro juror was picked today to try Felix Combs, a negro roustabout, for raping a Clearwater woman. Selection of Henry Davis of Tarpon Springs marked one of the few times a negro has been selected for jury duty." *Negro Juror*, Sanford Herald, Oct. 4, 1948, at 1.
- "The names of several Negroes were included in the 1950 jury list. Last fall, the county's first Negro juror served when Calvin Smith was named on the venire which heard a cattle rustling case in Circuit Court." *First Two Women are Picked for Possible Jury Duty in County*, Citrus Cnty. Chron., Feb. 16, 1950, at 1.

This history brings into view another negative consequence of smaller juries: it denies a great number of citizens the "duty, honor, and privilege of jury service." See *Powers v. Ohio*, 499 U. S. 400, 415 (1991). Many consider jury service an "amazing and powerful opportunity and experience—one that will strengthen your sense of humanity and your own responsibility." United States Courts, *Juror Experiences*, https://www.uscourts.gov/services-forms/jury-

service/learn-about-jury-service/juror-experiences (last visited Jan. 6, 2026). Jury service, like civic deliberation in general, "not only resolves conflicts in a way that yields improved policy outcomes, it also transforms the participants in the deliberation in important ways—altering how they think of themselves and their fellow citizens." John Gastil & Phillip J. Weiser, *Jury Service as an Invitation to Citizenship: Assessing the Civic Values of Institutionalized Deliberation*, 34 Pol'y Stud. J. 605, 606 (2006). Jury service is a "means of affording every citizen the chance to step into the state's shoes, to see the inner workings of the justice system, and to feel first-hand the power of self-government." *Id.*, at 619. "In other words, the jury is a sacred, institutionalized opportunity for citizens to experience the transformative power of public deliberation." *Ibid.*

In *Williams*, the defendant attempted to correct Florida's blatant workaround of the Reconstruction Amendments, but the Court refused to do so. Instead, the Court held that section 913.10 is constitutional.

In view of the foregoing, the Court should take the opportunity to grant the petition, recede from *Williams*, restore the ancient right to a jury of twelve, and reverse Petitioner's convictions.

d. *Williams* is bad precedent and should be overturned by the Court.

Florida's appellate courts have uniformly refused to hold that a defendant charged with a felony is constitutionally entitled to a twelve-person jury. See, *e.g.*, *Brown v. State*, 359 So. 3d 408, 410 n.1 (Fla. 1st DCA 2023). Those decisions are binding on Florida's trial courts. See *Pardo v. State*, 596 So. 2d 665, 666 (Fla. 1992) ("[I]n the absence of interdistrict conflict, district court decisions bind all Florida trial courts."). The Court is thus Petitioner's last and only hope to overturn *Williams*.

Although *Williams* has been on the books for several decades, that does not preclude it from being subject to criticism. The Court has long held that precedent that is contrary to the plain-and-ordinary meaning of the text of the Constitution must be overturned.

Stare decisis is "the means by which [the Court] ensure[s] that the law will not merely change erratically, but will develop in a principled and intelligible fashion." *Vasquez v. Hillery*, 474 U. S. 254, 265 (1986). "That doctrine permits society to presume that bedrock principles are founded in the law rather than in the proclivities of individuals, and thereby contributes to the integrity of our constitutional

system of government, both in appearance and in fact." *Id.*, at 265–66.

In *Dobbs v. Jackson Women's Health Organization*, 597 U. S. 215 (2022), however, the Court noted that "stare decisis is not an inexorable command" and "is at its weakest when [the Court] interpret[s] the Constitution." *Id.*, at 264. "[W]hen it comes to the interpretation of the Constitution—the 'great charter of our liberties,' which was meant to endure through the long lapse of the ages—[the Court] place[s] a high value on having the matter settled right." *Ibid.* (cleaned up). And "when one of [the Court's] constitutional decisions goes astray, the country is usually stuck with the bad decision unless [the Court] correct[s] [the] mistake." *Ibid.* "Therefore, in appropriate circumstances [the Court] must be willing to reconsider and, if necessary, overrule constitutional decisions." *Ibid.* "All Justices now on this Court agree that it is sometimes appropriate for the Court to overrule erroneous decisions." *Ramos*, 590 U. S., at 116.

Among the factors the Court considers when deciding whether to overrule constitutional decisions are "the antiquity of the precedent, the reliance interests at stake, and of course whether the decision was well reasoned." *Montejo v. Louisiana*, 556 U. S. 778, 792–93

(2009). In addition, the Court also considers whether "experience has pointed up the precedent's shortcomings." *Pearson v. Callahan*, 555 U. S. 223, 233 (2009). Relying on those principles, the Court in *Dobbs* overturned *Roe v. Wade*, 410 U. S. 113 (1973), which had been the law of the land for nearly fifty years.

As has already been stated, *Williams* has proven to be "fundamentally misguided." See *Loper Bright Enterprises v. Raimondo*, 603 U. S. 369, 407 (2024). Primarily, *Williams* does not comport with an originalist interpretation of the Constitution. Up until *Williams* was decided, the Court had long recognized that the text of the Sixth Amendment entitled a criminal defendant charged with a felony a twelve-person jury. *Williams*, for the first time in American jurisprudence, held otherwise.

Even more egregious was the fact that the Court based its decision on a functionalist approach—an approach that *Ramos* has called into question.

Finally, the Court's decision in *Williams* allowed Florida to continue to purposely exclude African Americans from jury service.

The Court should revisit *Williams*. Upon revisiting *Williams*, the Court should overturn it and return to an originalist interpretation of the Sixth Amendment.

CONCLUSION

The petition for a writ of certiorari should be granted or held pending the disposition of *Kian v. Florida*, No. 25-6623, 2026 WL 1718018 (U.S. June 15, 2026).

Respectfully submitted,

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