IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT OF FLORIDA

RHONDA CHARMANE JEWELL,

Appellant,

CASE NO. 1D2024-3279
L.T. No. 02-2023-CF-333-A

vs.

STATE OF FLORIDA,

Appellee.

_____/

ON APPEAL FROM THE CIRCUIT COURT
FOR THE EIGHTH JUDICIAL CIRCUIT,
BAKER COUNTY, FLORIDA

REPLY BRIEF OF APPELLANT RHONDA JEWELL

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TABLE OF CONTENTS

TABLE OF CITATIONS

Cases **Page(s)**

Statutes

Other Authorities

INTRODUCTION

The State of Florida works hard to avoid the substance of Rhonda Jewell's claims. It "restates" them to respond to straw men. It asserts that issues argued and decided below are "unpreserved." It ignores governing principles and cases as if they simply do not exist.

Through all its restating and avoiding, the State fails to answer four critical points that are dispositive of this appeal.

First, the State does not dispute the Legislature evinced no intent to dispense with *mens rea* in enacting Florida Statute § 316.6135(4). Instead, it argues there is no indication of "intent to *include* a mens rea requirement." Answering Brief ("AB") 15 (emphasis added). The State disregards both the "longstanding presumption," *Rehaif v. United States*, 588 U.S. 225, 229 (2019), that criminal statutes include *mens rea* unless the Legislature evinced a clear intent to omit one, and Florida's policy that criminal statutes must be "strictly construed . . . most favorably to the accused," Fla. Stat. § 775.021(1); *see* Opening Brief ("OB") 28-41. Because the Legislature made no "clear statement" to dispense with *mens rea*, *Staples v. United States*, 511 U.S. 600, 618 (1994), § 316.6135(4) must be construed to require proof Ms. Jewell acted knowingly.

Second, the State does not dispute—nor has it ever disputed—that it introduced no evidence Ms. Jewell left A.P. in the vehicle knowingly. Instead, it claims her insufficiency argument—the basis for her motion for judgment of acquittal (JOA) below, *see* OB.16-19—is "unpreserved," AB.11. That argument is frivolous, and the State's failure to adduce any evidence Ms. Jewell knowingly left A.P. in the vehicle requires a judgment of acquittal on both counts.

Third, the State also does not dispute that even if its evidence were legally sufficient, the jury's acquittal on Count I necessarily resolved the knowledge issue in Ms. Jewell's favor, collaterally estopping the State from retrying her for §316.6135(4) or felony murder predicated on it. *See* OB.46-47 n.11.

Finally, the State fails to respond to Ms. Jewell's reliance on *Mahaun v. State*, 377 So. 2d 1158 (Fla. 1979), and thus effectively concedes that her felony-murder conviction was unconstitutional under *Mahaun* because "the underlying felony" contained no "intent requirement" that was "proven," *id.* at 1160; *see* OB.52-54.

ARGUMENT

I. Ms. Jewell Is Entitled To Judgment Of Acquittal.

A. Properly construed, § 316.6135(4) required the State to prove Ms. Jewell knowingly left A.P. in the vehicle.

The State does not acknowledge the "longstanding presumption" that criminal statutes contain a *mens rea*, *Rehaif*, 588 U.S. at 229; does not address the cases applying it; and does not contend the Legislature evinced *any* intent, much less a clear one, to dispense with *mens rea* in enacting § 316.6135(4). Instead, it either ignores or attempts to sidestep these governing legal principles.

First, the State's protracted historical discussion of § 316.6135 is irrelevant. AB.13-15. There's no dispute the Legislature added a felony provision—subsection (4)—to § 316.6135. The only question is whether, in doing so, it evinced any intent to omit *mens rea. Brown v. State*, 150 So. 3d 281, 285 (Fla. 1st DCA 2014).

The State cites a Senate Committee "staff analysis" prepared when subsection (4) was added. AB.14-15. "Assuming that staff analyses can ever assist in determining legislative intent," *Kasischke*

v. State, 991 So. 2d 803, 810 (Fla. 2008),[1] the State does not even claim this document shows intent to dispense with *mens rea*. Rather, the State argues "[n]either the text of the revised statute, nor the staff analysis, reflects an intent to *include* a mens rea requirement." AB.15 (emphasis added). But again, legislative intent to include *mens rea* is *presumed* absent indication otherwise—not vice versa.

The State invites the Court to *infer* legislative intent to permit convictions without proof of *mens rea* based on the Legislature's purported purpose of protecting children from the "significant risk" of being left unattended in vehicles. AB.15. This Court should decline to do so, for two reasons. First, to overcome the presumption, legislative intent to omit *mens rea* must be "clear." *See Staples*, 511 U.S. at 618; *State v. Giorgetti*, 868 So. 2d 512, 518-20 (Fla. 2004). Assumptions about the statute's general objectives hardly constitute

[1] Staff analyses are prepared by unelected employees of one legislative chamber, *American Home Assur. Co. v. Plaza Materials Corp.*, 908 So. 2d 360, 376 (Fla. 2005) (Cantero, J., concurring in part and dissenting in part), and state expressly they do "not reflect the intent" of even that chamber—much less the entire Legislature, Appellee's App'x 4-5; *see also Gartman v. Southern Tactical Range, LLC*, __ So. 3d __, 2025 WL 2055200, *5 (Fla. 1st DCA July 23, 2025) (rejecting parties' reliance on staff analyses because they are "not determinative of final legislative intent" (cleaned up)).

a "clear statement" of intent to dispense with *mens rea*. *Staples*, 511 U.S. at 618; *see also* § 775.021(1) (requiring that criminal statutes be "strictly construed . . . most favorably to the accused").

Second, even assuming the State's depiction of § 316.6135(4)'s purposes is accurate, it doesn't follow that the Legislature intended to sweep in unknowing conduct. Indeed, if the goal is to *prevent* hot-car deaths, criminalizing unknowing conduct would make little sense, as deterrence through punishment assumes conscious choice. *See* Brief of Kids & Car Safety as Amicus Curiae Supporting Appellant, 5-8, 22-23. The more rational inference is the one consistent with the common-law presumption—that the Legislature intended § 316.6135(4) to target persons who *knowingly* leave children unattended in vehicles, because it is only for them that deterrence and punishment make sense.

Next, the State argues the trial court's ruling should be upheld because it followed the standard jury instruction. AB.15-22. But as Ms. Jewell explained, standard instructions are only "a guide" and do not "relieve the trial court of its responsibility" to construe the statute correctly. *Steele v. State*, 561 So. 2d 638, 645 (Fla. 1st DCA

1990); *see* OB.40-41; *Polite v. State*, 973 So. 2d 1107, 1118 (Fla. 2007); *Lett v. State*, 29 So. 3d 455, 456 (Fla. 1st DCA 2010).

The State also claims the ruling was an exercise of discretion, citing cases involving defense-theory instructions. AB.7, 19-21. But Ms. Jewell did not seek a defense-theory instruction; she sought an instruction on "an essential element of the predicate crime," T.1096-97; *see* R.707, T.890, T.995, which, under the Due Process Clause, the State must prove beyond a reasonable doubt, *In re Winship*, 397 U.S. 358, 364 (1970). A court has no discretion to omit an essential element of the offense. *See Polite*, 973 So. 2d at 1111.

The State's claim that Ms. Jewell must show "no reasonable judge" would have ruled differently—the standard for reviewing "evidentiary gatekeep[ing]" decisions—is even further afield. AB.21 (quoting *May v. State*, 326 So. 3d 188, 193 (Fla. 1st DCA 2021)). Ms. Jewell does not appeal an evidentiary ruling; she appeals the erroneous construction of § 316.6135(4), resulting in her conviction of two serious felonies without proof she committed them knowingly. Those are legal errors reviewed *de novo*. *Polite*, 973 So. 2d at 1111.

Finally, the State lists various "defenses" it claims someone charged with § 316.6135(4) can assert. AB.23-25. Although it calls

them "affirmative defenses," AB.17, 21, 24, they are really just arguments negating offense elements. *See Roberts v. State*, 262 So. 3d 875, 875 n.2 (Fla. 1st DCA 2019) ("An affirmative defense does not concern itself with the elements of the offense at all; it concedes them. In effect, an affirmative defense says, 'Yes, I did it, but I had a good reason.'" (cleaned up)).[2] Regardless, the availability of factual "defenses" to § 316.6135(4) is irrelevant. Ms. Jewell's "concern" isn't that the statute provided "no defense," AB.25, but that the trial court's construction relieved the State of its burden to prove *mens rea*. That construction raises serious "constitutional quandaries," which this Court is "obligated" to "avoid." *Giorgetti*, 868 So. 2d at 518; OB.30, 37-38, 47-52; *infra* pp.10-17.[3]

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[2] Generally, affirmative defenses are legislatively provided. *See, e.g.*, *State v. Adkins*, 96 So. 3d 412, 422-23 (Fla. 2012) (discussing Fla. Stat. § 893.101(2) (making lack of knowledge of illicit nature of controlled substance an affirmative defense to Florida drug crimes)).

[3] Notably, the State does not claim Ms. Jewell could have asserted, as an affirmative defense, that she did not knowingly leave A.P. in the car—likely because she would have proved such a defense. AB.23-25. Regardless, such an affirmative defense would not save the statute from unconstitutionality, as it would impermissibly shift the burden of disproving *mens rea* onto the accused. *See State v. Cohen*, 568 So. 2d. 49, 52 (Fla. 1990); *Roberts*, 262 So. 3d at 875 n.2.

B. The State concedes both that it introduced insufficient evidence of knowledge and that it is collaterally estopped from retrying Ms. Jewell.

The State does not dispute it introduced no evidence Ms. Jewell knowingly left A.P. in the car. Instead, it contends she failed to preserve that argument below. AB.11-12. That is meritless.

Ms. Jewell's insufficiency argument was the basis for her JOA motion on Counts I and III. OB.16-19; T.883-90. Counsel specifically highlighted the pending motion arguing that § 316.6135(4) requires Ms. Jewell "to knowingly leave" A.P in the vehicle, and argued that "Count III has not been proven" because the State presented "no evidence" she did so. T.890; *see* AB.10 (quoting this argument). Counsel reiterated these arguments at the renewed JOA, asserting that "knowledge is an essential element of the predicate crime" and that "there's been no evidence presented" that "Ms. Jewell knowingly left" A.P. in the vehicle. T.1097. The State's claim that she failed to obtain a "ruling from the trial court," AB.12, is perplexing. She clearly did so: the court denied both JOA motions, concluding (wrongly) that the evidence was sufficient to go to the jury. R.894, 1098.

The State's theory appears to be that, because the court construed § 316.6135(4) during the charge conference rather than

the JOA motions, Ms. Jewell's sufficiency challenge is somehow "unpreserved." AB.11. It cites no support for that theory. "To be preserved, the issue or legal argument must be raised and ruled on by the trial court." *Rhodes v. State*, 986 So. 2d 501, 513 (Fla. 2008) (cleaned up). Here, both questions—whether § 316.6135(4) requires knowledge, and whether the State presented sufficient evidence Ms. Jewell acted knowingly—were unquestionably "raised and ruled on by the trial court." *Id.* That those rulings did not occur simultaneously does not render either issue "unpreserved." AB.11.

Finally, Ms. Jewell argued that, insufficiency aside, the jury's acquittal on Count I necessarily meant it did not find she knowingly left A.P. in the vehicle, thereby precluding the State from relitigating that issue under Double Jeopardy. OB.46-47 n.11; *see Ashe v. Swenson*, 397 U.S. 436, 445 (1970) (where acquittal decided the "single rationally conceivable issue in dispute before the jury," government is collaterally estopped from retrying that issue). The State does not respond, thus conceding this argument. *See Rosier v. State*, 276 So. 3d 403, 406 (Fla. 1st DCA 2019); *Powell v. State*, 120 So. 3d 577, 592 n.6 (Fla. 1st DCA 2013) ("Points which have not been briefed are waived, abandoned, or forfeited." (cleaned up)).

II. If § 316.6135(4) Does Not Require Knowledge, Then Ms. Jewell's Convictions Were Unconstitutional.

A. The State's arguments miss the point.

Ms. Jewell argued that if this Court declines to construe § 316.6135(4) to require she acted knowingly, then it is unconstitutional as applied because it punished her for conduct that was at most simple negligence if not wholly innocent. OB.47-52.

The State again fails to engage with these arguments, instead embarking on semantic side-discussions about whether § 316.6135(4) is a "strict liability statute" and whether "strict liability offenses" are permissible in the abstract, AB.28-41—questions neither presented nor necessary to resolving this appeal.

1. First, the State reverses course from arguing that § 316.6135(4) contains no *mens rea*, AB.15-16, now claiming it contains a variety of *mens rea* elements and thus is not "a strict liability statute," AB.28. Specifically, the State asserts—falsely—that § 316.6135(4) requires proof the accused "intends to put a child in a car," AB.29, "intend[s] to be a person responsible" for the child, AB.30, and "driv[es] with the knowledge that the child is in the car," AB.40. Section 316.6135(4) contains no such elements. As the State

itself recognizes, the standard jury instructions required the jury to find only that Ms. Jewell was responsible for A.P.; A.P. was younger than six; she left A.P. unattended in the vehicle over fifteen minutes; and A.P. suffered great bodily harm. R.777; T.1184; *see* AB.15-16.[4]

Moreover, even if the State's invented intent elements existed, they wouldn't cure the statute's unconstitutionality. The *actus reus* the statute criminalizes is not *being responsible* for the child, *putting* the child in the vehicle, or *driving* with the child in the vehicle—innocent acts most parents engage in daily. It is the act of *leaving the child unattended* in the vehicle for over fifteen minutes. Fla. Stat. § 316.6135(1). Accordingly, *that* is the act that "must be conscious to be criminal," not some prior, wholly innocent act the statute doesn't punish. *Elonis v. United States*, 575 U.S. 723, 734 (2015); *see also Commonwealth v. Arnold*, 284 A.3d 1262, 1275-76 (Pa. Super. Ct. 2022) (where prohibited act was bringing contraband into prison, testimony accused forgot pill was in sock negated *mens rea*; earlier

[4] Thus, while the State is correct that § 316.6135(4) applies only to someone "responsible for the child's care," it is incorrect that such person would escape liability if a child they unknowingly left in a vehicle had "gain[ed] unknown entry into" it. AB.29. The statute requires no proof the accused knew the child entered the vehicle, much less that they "intend[] to put [the] child" there. AB.29.

knowledge of pill's presence did not establish that act of bringing it into prison was knowing).

The State argues someone in Ms. Jewell's circumstance—who knows the child is present but loses awareness of them while driving and unknowingly leaves them behind—has "fail[ed]" in their "duty" to care for the child. AB.29. That's just another invented element; the jury wasn't required to find Ms. Jewell breached any duty. *See* R.777; T.1184. Indeed, it's hardly clear it would have had it been so instructed. Given the expert testimony on prospective memory failures, the jury may well have deemed her memory lapse not a breach of any duty but an innocent (albeit tragic) human cognitive error.[5] *See* OB.14-16, 51-52.

Regardless, breach of duty is a civil negligence concept, not a criminal one, *see Jenkins v. W.L. Roberts, Inc.*, 851 So. 2d 781, 783

[5] The State posits a host of "precautionary measures" one could take to avoid forgetting a child, AB.30, but these presume the parent or caregiver anticipates forgetting in the first place. As Kids and Car Safety explained, efforts to encourage such measures have been stymied by the dangerous misperception most parents harbor that only bad caregivers can forget a child. Brief of Kids & Car Safety as Amicus Curiae Supporting Appellant, at 9-10, 21-23. More to the point, the State's "precautionary measures" are legally irrelevant, as § 316.6135(4) neither gives notice of them nor imposes any obligation to undertake them.

(Fla. 1st DCA 2003), and the Florida Supreme Court has repeatedly held that "statutes criminalizing simple negligence," *State v. Smith*, 638 So. 2d 509, 510 (Fla. 1994)—that is, "unintentional conduct which was not generated by culpable negligence," *State v. Hamilton*, 388 So. 2d 561, 563-64 (Fla. 1980)—are unconstitutional. *See* OB.50-51; R.766 (defining culpable negligence vis-à-vis simple negligence). The State neither acknowledges nor rebuts that authority.

2. Next, the State cites a slew of cases purportedly addressing whether "strict liability offenses are unconstitutional." AB.31. Ms. Jewell does not argue all "strict liability" offenses are unconstitutional. She argues *this* felony statute is unconstitutional *as applied to her* because it punished unknowing conduct. OB.47-52. None of the State's cases undermines that argument.

First, citing *Statler v. State*, 349 So. 3d 873 (Fla. 2022), and *Baker v. State*, 377 So. 2d 17 (Fla. 1979), the State argues that so long as a statute achieves some "social betterment," the Legislature can constitutionally dispense with scienter. AB.31-36. Neither case supports that broad proposition. *Baker* held the DWI manslaughter statute did *not* "impose[] strict criminal liability for mere negligence"

because "operating a motor vehicle while intoxicated involves culpability." 377 So. 2d at 20. *Statler* similarly upheld Florida's sexual-battery statute precisely *because* it criminalized "indisputably active, purposeful conduct" and did not punish unwitting or innocent acts. 349 So. 3d at 884-85.

Indeed, the "social betterment" language the State quotes merely restates what Ms. Jewell already observed: that courts have upheld strict liability for "public welfare offenses" regulating "harmful or injurious items" like drugs or chemicals, on the rationale that those handling them are on notice of their "strict regulation," and their penalties are minor and not reputation-damaging.[6] *Staples*, 511 U.S. at 607-08; OB.53-54. Section 316.6135(4), however, is not a "public welfare offense" regulating dangerous goods. It is a third-degree felony—one that can predicate a murder conviction and is itself punishable by five years' imprisonment, a "serious consequence," *Giorgetti*, 868 So. 2d at 519, the Florida Supreme

[6] As the Supreme Court noted, however, "'strict liability' is really a misnomer," as even in "public welfare offenses" it has required proof the accused "know he is dealing with some dangerous or deleterious substance" and thus has "avoided construing criminal statutes" to criminalize wholly unknowing conduct. *Staples*, 511 U.S. at 607 n.3.

Court has deemed "incongruous with crimes that require no mens rea," *Chicone v. State*, 684 So. 2d 736, 742-43 (Fla. 1996); *see Staples*, 511 U.S. at 618 (the "public welfare offense" label "hardly seems apt . . . for a crime that is a felony," which is "as bad a word as you can give to man or thing" (cleaned up)).

The State's sweeping rule would not only contradict centuries of common law, it would upend the American legal system. Every criminal statute theoretically "serve[s] a societal purpose," AB.34—deterring crime, protecting society, punishing and rehabilitating wrongdoers. That the State can posit some public-policy rationale supporting a serious felony statute does not answer whether eliminating the bedrock tenet of *mens rea* is constitutional.

The State's reliance on *Feliciano v. State*, 937 So. 2d 818 (Fla. 1st DCA 2006), is also misplaced. AB.34-35. *Feliciano* upheld Florida's law barring someone 24 years or older from engaging in sexual activity with a 16- or 17-year-old, concluding that due process does not require proof they knew the minor's age. 937 So. 2d at 818-19. But the issue is not that Ms. Jewell didn't know some fact making her conduct criminal; it's that she didn't know she had engaged in the prohibited conduct—leaving A.P. unattended in the car—*at all*.

The statutory-rape cases are not analogous, as none involved a claim the accused was unaware he had engaged in sexual activity at all.

The State's invocation of *Adkins*, AB.36-40, fails for similar reasons. *Adkins* held it was constitutional for the Legislature to criminalize the knowing possession of illegal substances without "proof of knowledge of the illicit nature of the substances." *State v. Adkins*, 96 So. 3d 412, 421 (Fla. 2012); *see* OB.31 n.7, 49. *Adkins* recognized, however, that *Chicone*'s holding that the *possession itself* must be knowing remained valid—in other words, that the Legislature had not eliminated the statute's *general* intent requirement. *Adkins*, 96 So. 3d at 416.

Thus, the State's insistence that the Legislature could enact § 316.6135(4) without a "specific intent," AB.40, misses the point. Ms. Jewell's convictions were unconstitutional not because § 316.6135(4) lacked a "specific intent" requirement, *see* OB.48, but because it lacked a *general* intent requirement: the State did not have to prove she even knew she did "the act itself." *Linehan v. State*, 442 So. 2d 244, 247 (Fla. 2d DCA 1983) ("specific intent" is "some intent other than the intent to do the act itself"). "Although the legislature may punish an act without regard to any particular (specific) intent,

the State must still prove general intent, that is, that the defendant intended to do the act prohibited." *Brown*, 150 So. 3d at 285 (cleaned up). Because § 316.6135(4), as construed, did not require the State to do so, it was unconstitutional as applied.

B. The State has waived any response to Ms. Jewell's argument that her felony-murder conviction is unconstitutional under *Mahaun*.

Ms. Jewell also argued that her felony-murder conviction was unconstitutional under *Mahaun v. State*, 377 So. 2d 1158, 1160 (Fla. 1979), which held that "the intent requirement of the underlying felony must . . . be proven" for a third-degree felony-murder conviction to be constitutional. OB.52-53.

The State does not even cite *Mahaun*; its only response is that Ms. Jewell was "properly convicted of third-degree murder because the jury found her guilty under both statutes." AB.42. But the problem is that, as construed, § 316.6135(4) contains no "intent requirement," and *Mahaun* makes clear that a third-degree felony-murder conviction predicated on such an offense cannot stand. 377 So. 2d at 1160. The State's silence amounts to a concession on this point. *See Rosier*, 276 So. 3d at 406; *Powell*, 120 So. 3d at 592 n.6.

III. This Court Must Invalidate Ms. Jewell's Felony-Murder Conviction Under The Merger Doctrine.

Ms. Jewell argued that her felony-murder conviction is also invalid under the merger doctrine. OB.54-60. The State continues to conflate this principle with Double Jeopardy. *See* AB.44-47; R.1031-33 (making same error below).

As Ms. Jewell—and the Florida Supreme Court—have explained, felony-murder merger is a "statutory construction" principle concerning the scope of the felony-murder rule, which "is distinct from double jeopardy," a constitutional principle concerning the permissibility of dual convictions. *State v. Sturdivant*, 94 So. 3d 434, 437 & n.3 (Fla. 2012); *see* OB.55 n.12; R.1033. Ms. Jewell does not raise a double-jeopardy claim nor dispute that dual convictions for felony murder and the underlying felony are constitutionally permissible in Florida.[7] Her claim is that the Legislature did not intend third-degree felony murder to be predicated on felonies coextensive with the homicide—not that she "does not like" being convicted of two offenses. AB.45.

[7] The State's focus on Florida Statute § 775.021(4) is thus puzzling. Ms. Jewell acknowledged § 775.021(4) abrogated the single-homicide rule. OB.55 n.12.

The State argues that the fact that Florida's third-degree felony-murder statute does not explicitly enumerate predicates, whereas the first-degree statute analyzed in *Sturdivant* does, is "a distinction without a difference." AB.48. This is clearly wrong; enumeration was the factor *Sturdivant* identified as determinative of whether merger applies. *See* 94 So. 3d at 437.

The State's suggestion that § 316.6135(4) is equivalent to an "explicitly enumerated" predicate, *id.*, because Florida's third-degree statute "excludes felonies," AB.48, 50, also makes little sense. Where the Legislature "explicitly enumerate[s]" predicates, its intent is "unambiguous[]." *Sturdivant*, 94 So. 3d at 440. Section 316.6135(4), however, is not explicitly enumerated as a predicate for third-degree felony murder, which is a "general catch-all" provision, *Sturdivant*, 94 So. 3d at 437-38, encompassing "any felony" beyond those enumerated in the first- and second-degree statutes, Fla. Stat. § 782.04(4). Thus, the Legislature did not "unambiguously indicate[] its intent to elevate" every § 316.6135(4) violation into felony murder as it did with the explicitly-enumerated felony at issue in *Sturdivant*. 94 So. 3d at 440.

Finally, the State asserts "the third-degree murder statute has never been found unconstitutional" or "unenforceable," AB.49, but Ms. Jewell does not claim it is. Her argument is that merger precludes predicating third-degree felony murder on offenses coextensive with the homicide. Because the State does not dispute the § 316.6135(4) violation was coextensive with the homicide, Ms. Jewell's felony-murder conviction must be reversed.

IV. The State Agrees Ms. Jewell Preserved Her Constitutional Challenge To Trial By A Six-Person Jury.

Ms. Jewell acknowledges *Williams v. Florida*, 399 U.S. 78 (1970), forecloses this claim but preserves it in the event *Williams* is overturned. OB.61; *see, e.g.*, Petition for Certiorari, *Minor v. Florida*, No. 24-7489 (presenting issue). The State's extended discussion of *Williams* is unnecessary; it concedes this claim is preserved. AB.53.

CONCLUSION

This Court should reverse Ms. Jewell's convictions, vacate her sentence, and remand with directions to enter a judgment of acquittal on both remaining counts.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that a true and correct copy of the foregoing brief was filed electronically and sent via email from the Florida Courts' E-Filing Portal system on all counsel of record listed below, this 9th day of September, 2025:

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CERTIFICATE OF COMPLIANCE

I certify that this brief is in conformity with all font and word count provisions pursuant to Fla. R. App. P. 9.045, and complies with Fla. R. App. P. 9.100.

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