IN THE DISTRICT COURT OF APPEAL
FIRST APPELLATE DISTRICT OF FLORIDA

Appellate Case No. 1D1024-3279
L.T. No. 02-2023-CF-000333

RHONDA CHARMANE JEWELL,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

BRIEF OF AMICI CURIAE THE SENTENCING PROJECT AND SEVEN INDIVIDUAL LAW PROFESSORS IN SUPPORT OF APPELLANT RHONDA JEWELL

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INTEREST OF AMICI CURIAE

Amici curiae The Sentencing Project and Seven Individual Law Professors are subject-matter experts regarding criminal law, criminal procedure, wrongful convictions, and/or the rights of women and caregivers.

The Sentencing Project is a national nonprofit organization established in 1986 to engage in public policy research, education, and advocacy to promote effective and humane responses to crime. The Sentencing Project has produced a broad range of scholarship assessing the merits of extreme sentences in jurisdictions throughout the United States. Because this case concerns the ability to impose severe sentences without any showing of culpable intent, it raises questions of fundamental importance to The Sentencing Project.

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Frank Rudy Cooper is William S. Boyd Professor of Law and Director of the Program on Race, Gender, and Policing at the University of Nevada Las Vegas William S. Boyd School of Law. He is an expert in criminal procedure and masculinity studies.

Caitlin Glass is a Visiting Lecturer and Clinical Instructor at Boston University School of Law, where she Directs the Antiracism and Community Lawyering Practicum. Among other things, her scholarship explores legal, theoretical, empirical, and moral critiques of imputed liability doctrines like felony murder.

Aliza Hochman Bloom is an assistant professor of law at Northeastern University School of Law. She is an expert on criminal procedure, Fourth Amendment doctrine, and criminal sentencing reform.

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Kate Mogulescu is a Professor of Clinical Law at Brooklyn Law School where she directs the Criminal Defense & Advocacy Clinic. Her work and scholarship focus largely on gender, sentencing and reentry issues in the criminal legal system, with a focus on gender-based violence, intimate partner abuse, sex work and human trafficking.

INTRODUCTION

The felony-murder doctrine is a stark exception to the fundamental principle of criminal law that culpability depends on the accused's state of mind. While generally lack of intent reduces the severity of offenses for which a person may be found liable—as well as the extent of their punishment—the felony-murder doctrine permits a person to be convicted of murder for a death they never intended.

In general, the felony-murder doctrine has been justified based on the idea that if a person commits a felony, their intent to commit

that felony justifies the murder conviction that flows from it. Indeed, the Florida Supreme Court has said as much. *See Mahaun v. State*, 377 So.2d 1158 (Fla. 1979) (upholding the constitutionality of Florida's third-degree felony-murder statute on the ground that "[a]ny felony murder charge must be based upon an underlying felony" and "the intent requirement of the underlying felony must…be proven").

Yet Rhonda Jewell's conviction—which rests on an underlying felony that, as interpreted by the trial court, required no proof of intent at all, see Fla. Stat. Ann. § 316.6135(4)—flouts these doctrinal underpinnings of the felony-murder doctrine and the constitutional limitations that constrain it. Ms. Jewell is beloved caregiver who will suffer for the rest of her life with the knowledge that she caused a terrible accident resulting in the death of her best friend's grandchild. By elevating this accident to a murder, the prosecution and court below have stretched Florida's third-degree felony-murder law beyond any reasonable theoretical or constitutional grounding.

This case requires a re-articulation of the principle set forth in *Mahaun*: that a felony murder conviction cannot rest on an underlying felony that does not require proof of a culpable *mens rea*.

SUMMARY OF ARGUMENT

Amici seek to assist the Court's consideration of this case by highlighting three key points. In Part I, amici discuss the theoretical and doctrinal foundations of the felony-murder doctrine, illustrating that felony murder convictions cannot coherently rest on felonies that lack an intent requirement. In Part II, amici present research illustrating the risk of selective enforcement where felony murder convictions are based on felonies that lack an intent requirement. Finally, in Part III, amici illustrate the ways that biases against women and caregivers may influence prosecutions in cases like the one before this Court.

ARGUMENT

I. A felony murder conviction cannot constitutionally rest on an underlying felony that did not require proof of a culpable *mens rea*.

Ms. Jewell's felony-murder conviction is based on a strict liability underlying felony, defying the theoretical underpinnings that validate the theory of felony murder in the first place. Without a finding of culpable intent as to the underlying felony, felony murder convictions raise due process concerns and result in excessive punishment.

The traditional justification provided for felony murder is that where an unintended death occurs during a felony, the intent to commit that felony provides the *mens rea* necessary to hold the accused culpable for murder.[1] The theory of transferred culpability undergirds not only the rationale but the moral justification offered for felony murder. *See, e.g.*, *Elonis v. United States*, 575 U.S. 723, 734 (2015) (the "central thought" of the criminal law is that a defendant must be "blameworthy in mind" to be guilty) (citing *Morissette v. United States*, 342 U.S. 246, 252 (1952)).[2] As the U.S. Supreme Court has explained, "[t]he contention that an injury can amount to a crime only when inflicted by intention . . . is as universal and persistent in mature systems of law as belief in freedom of the human will and a consequent ability and duty of the normal individual to choose between good and evil." *Morisette*, 342 U.S. at

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[1] *See* Nelson E. Roth & Scott E. Sundby, *The Felony-Murder Rule: A Doctrine at Constitutional Crossroads*, 70 CORNELL L. REV. 446, 453 (1985) ("This theory posits that the intent to commit the felony is 'transferred' to the act of killing in order to find culpability for the homicide.").

[2] *See also, e.g.*, Larry Alexander, *Insufficient Concern: A Unified Conception of Criminal Liability*, 88 CALIF. L. REV. 931 (2000); John Shepard Wiley, Jr., *Not Guilty by Reason of Blamelessness: Culpability in Federal Criminal Interpretation*, 85 VA L. REV. 1021 (1999).

250. These fundamental theoretical underpinnings of the felony-murder doctrine also drive its limitations, such as conditioning felony-murder liability on foreseeability of death and demanding a felonious purpose independent of the accidental injury to a person. *See People v. Stevens*, 272 N.Y. 373 (1936) (affirming a felony murder conviction for fatally shooting someone during a robbery); *People v. Parks*, 95 N.Y.2d 811, 812 (2000) (same).

Consistent with the felony-murder doctrine's theoretical foundations, the Florida Supreme Court's jurisprudence makes clear that the permissibility of a felony murder conviction rests on the presumption that proof of culpable intent is required at least with respect to the felony underlying the murder charge. In *Mahaun v. State*, 377 So.2d 1158 (Fla. 1979), the Florida Supreme Court explained that "[a]ny felony murder charge must be based upon an underlying felony" and "the intent requirement of the underlying felony must…be proven." *Id.* Accordingly, a felony without any "intent requirement" cannot serve as the predicate offense for felony murder. *Id.* The reasoning of *Mahaun* illustrates that a felony murder conviction cannot constitutionally rest on a strict liability felony, as Ms. Jewell's does. When a predicate felony lacks a culpability element that needs to be proven to a jury beyond a reasonable doubt, there is

no intent to be transferred to a murder charge, and the doctrine's theoretical grounding and deterrence rationale are completely absent.

A felony murder conviction based on a strict liability felony is not only theoretically unsound—it is also unconstitutional. The constitutional guarantee of due process requires the prosecution to prove each element of a charged offense beyond a reasonable doubt. *Patterson v. New York*, 432 U.S. 197, 210 (1977). Scholars have argued that the felony-murder doctrine generally raises due process concerns because it "completely bypasses the presumption of innocence as to [the *mens rea* element of a homicide] upon proof of a different element, the occurrence of a killing during the commission of a felony."[3] Such concerns are amplified tenfold where the prosecution never provides proof of culpable intent.[4]

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[3] Roth & Sundby, *supra* note 1, at 469–70.

[4] *See generally, e.g.*, Jeffrey S. Parker, *The Economics of Mens Rea*, 79 VA. L. REV. 741, 741–42 (1993) ("[M]ens rea plainly dominates in the legal determination whether an injurious act will be subject to criminal sanctions"); Francis Bowes Sayre, *Mens Rea*, 45 HARV. L. REV. 974, 974 (1932) ("It is therefore a principle of our legal system, as probably it is of every other, that the essence of an offence is the wrongful intent, without which it cannot exist") (quoting 1 Bishop, Criminal Law (9th ed. 1930) § 287).

Additionally, a felony murder conviction resting on a strict liability felony necessarily results in excessive punishment. Carceral sentences are intended to vary in response to the moral culpability and responsibility that society attaches to conduct. *See, e.g.*, *Miller v. Alabama*, 567 U.S. 460, 490 (2012) (Breyer, J., concurring) ("*Graham* recognized that lack of intent normally diminishes the 'moral culpability' that attaches to the crime in question"); *Enmund v. Florida*, 458 U.S. 782, 798, 801 (1982) ("It is fundamental that causing harm intentionally must be punished more severely than causing the same harm unintentionally" (quotation & citation omitted)). In turn, diminished culpability reduces the retributive purpose of a punishment. *Tison v. Arizona*, 481 U.S. 137, 149 (1987). Punishing someone for third-degree murder without requiring proof of culpable intent defies the retributive principle that the law should clearly and precisely reflect the wrongdoing of the accused.[5]

[5] Matthew Dyson, *The Contribution of Complicity*, 86 J. CRIM. L. 389, 392 (2022) (arguing that offenses should be labeled with several audiences in mind—"the criminal justice system, the offender and the wider public, including any victim(s)"—and "[o]n each level, offences generally, and participation in offences in particular, should be defined in a way that differentiates enough to obviously capture the wrongdoing they purport to prohibit").

The deterrent rationale for felony murder is also absent where a felony murder conviction rests on a strict liability felony, since people cannot be deterred from engaging in actions that they do not intend. As *mens rea* scholar Michael Serota put it, "however strained the relationship between deterrence and criminal laws generally, the case for thinking that *strict liability* criminal laws would meaningfully deter is even more attenuated."[6]

For these reasons, several courts have imposed limits designed to tether the felony-murder doctrine to the described theoretical and constitutional limitations. *See Commonwealth v. Brown*, 485 Ma. 805 (2017) (prospectively narrowing the application of the felony-murder doctrine to require proof of malice as to the death); *People v Aaron*, 409 Mich 672 (1980) (same); *see also State v. Tyshon Jones*, 451 Md. 680 (2017) (holding that "if the assaultive act causing the injury is the same act that causes the victim's death, the assault is merged

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[6] Michael Serota, *Strict Liability Abolition*, 98 N.Y.U. L. REV. 112, 147 (2023); *see also* Executive Order of May 9, 2025, *Fighting Overcriminalization in Federal Regulations*, §2(c) ("Strict liability offenses are 'generally disfavored.'"); *id.* § 5(b) (directing that rules "should explicitly state a *mens rea* requirement for each element of a criminal regulatory offense, accompanied by citations to the relevant provisions of the authorizing statute"), *available at* https://www.whitehouse.gov/presidential-actions/2025/05/fighting-overcriminalization-in-federal-regulations/.

into the murder and therefore cannot serve as the predicate felony for felony-murder purposes").

Likewise, this Court must recognize *Mahaun's* limitation of felony murder to underlying felonies with a *mens rea* element and hold that either the prosecution was required to prove a culpable mental state in this case or that the felony murder conviction in this case rests on a strict liability felony and therefore cannot stand.

II. Felony murder laws are already susceptible to excessive punishment and bias, and the potential for bias is amplified where the underlying felony is a strict liability offense that criminalizes accidents.

In Florida, a person can be charged with felony murder if they were engaged in a felony and a death occurred, even if the death was accidental. Indeed, third-degree felony murder is reserved specifically for cases where the accused acted "without any design to effect death." Fla. Stat. § 782.04(4). In this respect, the felony-murder doctrine relieves the state of its burden to prove one of the most clearly defined indicators of culpability: *mens rea*—that is, intent to kill or knowledge that a death could occur. The prosecution's burden is reduced even further where, as here, a felony murder conviction was based on a strict liability felony. Fla. Stat. § 316.6135(4).

By eviscerating any meaningful distinction between accidents

and homicides, Florida's third-degree felony murder statute enables prosecutors to bring murder charges that are influenced by subjective biases and result in arbitrary outcomes. Since it is "a basic premise of our criminal justice system" that the law must "punish[] people for what they do, not who they are," *Buck v. Davis*, 580 U.S. 100, 123 (2017), Florida's double-strict-liability felony-murder scheme cannot withstand constitutional scrutiny.

a. Felony-murder affords prosecutors a low burden of proof, making felony murder charges and convictions susceptible to bias

The felony-murder doctrine's low burden of proof invites charging decisions based on biases or other factors that have nothing to do with legal culpability. It is well-accepted that cognitive biases can impact decision-making in the criminal legal process.[7] Social psychology research shows that biases are especially likely to influence decision-making under the precise circumstances presented by the felony-murder doctrine—that is, when "decisional criteria are uncertain," and when "decisions . . . involve high levels of

[7] *See, e.g.,* Katherine B. Spencer, Amanda K. Charbonneau, and Jack Glaser, *Implicit Bias and Policing*, 10 SOC. & PERSONALITY PSYCH. COMPASS 50, 54-55 (2016) (discussing how biases influence judgments in policing through processes of misattribution, disambiguation, cognitive depletion, and automatic activation).

discretion or subjectivity."[8] This is borne out by research showing clear racial disparities in felony-murder charging and convictions that are not explainable by differences in the severity or culpability of the alleged conduct.[9]

Put simply, because felony murder charges "are constrained by fewer legal elements, prosecutors need less evidence to pursue and sustain them."[10] By dispensing with the requirement to prove *mens rea*, strict liability felony murder offenses offer even fewer legal requirements to limit prosecutors' charging decisions. These features of the felony-murder doctrine may leave felony murder prosecutions especially susceptible to the influence of bias, including gender-based biases and biases against caregivers as discussed further below. *See infra* Part III.

b. The potential for excessive punishment and bias is amplified here, where the underlying felony was a strict liability offense that criminalizes accidents

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[8] Perry Moriearty, Kat Albrecht, and Caitlin Glass, *Race, Racial Bias, and Imputed Liability Murder*, 51 FORDHAM URB. L.J. 675, 681 (2024).
[9] *See, e.g.*, Catherine M. Grosso, et al., *Death by Stereotype: Race, Ethnicity, and California's Failure to Implement Furman's Narrowing Requirement*, 66 UCLA L. REV. 1394, 1438 (2019) (employing regression analyses and concluding that the data "suggest[ed] robust patterns of differential charging of aggravators by defendant race"); *id.* at 1440 ("The results overall confirm the heterogeneity of the application of special circumstances, but the disparate treatment model suggests that race and ethnicity affect charging").
[10] Moriearty et al, *supra* note 8, at 681.

The risk of excessive punishment and bias is amplified in the context of Florida's third-degree felony murder statute, which not only dispenses with the requirement to prove intent to cause a death but also—according to the prosecution and court below—intent to commit any felony at all. By permitting accidents to be treated as homicides, third-degree felony murder invites prosecutors to decide who deserves severe punishment without providing any meaningful guidance as to the greater or lesser culpability of the accused.

This case exemplifies the concern about arbitrariness in the application of Florida's third-degree felony-murder law. The felony charge of leaving a child unattended in a car resulting in great bodily harm, Fla. Stat. Ann. § 316.6135(4), was designed to address the precise conduct in Ms. Jewell's case. The choice to bring a felony murder charge elevated her sentencing exposure by more than a decade, from a maximum of 5 years to a maximum of 20 years.[11] By contrast, another woman in Florida recently received a five-year

[11] Leaving a child unattended in a hot car resulting in grave bodily harm is a third-degree felony with a maximum penalty of 5 years in prison. Fla. Stat. Ann. § 775.082(3)(e). Third-degree felony murder is a second-degree felony carrying a maximum penalty of 15 years in prison. Fla. Stat. Ann. §§ 782.04(4), 775.082(3)(d). Ms. Jewell was convicted of both and received consecutive sentences that amount to 17 years.

sentence after leaving her grandchild unattended in a car, resulting in the child's death, even though another child had previously died in her care.[12] In Ms. Jewell's case, it is unclear what objective legal indicia of culpability motivated the prosecution to add a felony-murder charge on top of an already serious felony charge. This comparison illustrates the significant risk of arbitrary outcomes where a felony murder conviction rests on a strict liability felony.

III. Research suggests a heightened potential for biases against women and paid caregivers in cases involving accidental deaths of children.

Well-documented implicit biases against women and paid caregivers can influence charging decisions and convictions. According to the National Registry of Exonerations, nearly 75% of known exonerated women—innocent women who were proven not guilty following their conviction—were wrongly convicted where no crime occurred.[13] There was no criminal act in these cases; instead a

[12] Ryan Burkett, Kellie Cowan, and Kimberly Kuizon, *Florida grandmother sentenced to prison for baby's hot car death*, April 3, 2025, Fox13 News, https://www.fox13news.com/news/florida-grandmother-be-sentenced-babys-hot-car-death.

[13] Amber Baylor, Valena Beety, Susan Sturm, *Remarks on Manifesting Justice: Wrongly Convicted Women Reclaim Their Rights*, 43 COLUM. J. GENDER & L. 134, 136 (2023).

natural occurrence such as a fire, health condition, or an accident such as a fall, led to the tragic result.

For example, Kristine Bunch, a single mother in Indiana, lost her young son in a house fire. Within a week, police arrested Kristine, and prosecutors charged her with arson and felony murder. Prosecutors argued to the jury that Ms. Bunch did not want to be a mother, and emphasized that the State did not need to prove motive for the felony murder charge.[14] In sentencing Ms. Bunch, the judge did not see her as a grieving mother. Instead, he sentenced the newly pregnant Ms. Bunch to 60 years in prison, stating, "I understand that you have arranged to have yourself impregnated . . . . You thought it would work to your advantage somehow in this process. It will not. You will not raise that child."[15] Seventeen years later, new defense counsel exposed fire myths and falsified evidence from the State's forensic analyst: Ms. Bunch was exonerated.[16]

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[14] Molly Reddin, *Why Is It So Hard for Wrongfully Convicted Women to Get Justice?*, MOTHER JONES (July/Aug 2015), https://www.motherjones.com/politics/2015/08/wrongfully-convicted-women-exonerations-innocence-project/.

[15] *Id.*

[16] Rob Warden, *Kristine Bunch,* NAT'L REGISTRY OF EXONERATIONS (Jan. 4, 2021), https://www.law.umich.edu/special/exoneration/pages/casedetail.aspx?caseid=4085.

When Sabrina Butler's 9-month-old baby stopped breathing, she rushed him to the hospital for care. At the hospital, doctors and then detectives assumed that Ms. Butler, a young Black woman in Columbus, Mississippi, had murdered her baby boy. Ms. Butler was immediately put in jail, despite having another son at home, and she was not allowed to attend her deceased son's funeral. A jury convicted Ms. Butler of capital murder and sentenced her to death for allegedly killing her son through abuse.[17] After serving six years on death row, Ms. Butler obtained a new trial because the prosecutor had told the jury that her refusal to testify was a sign of her guilt. At the second trial with new defense counsel, experts confirmed that the baby's death was due to a rare genetic kidney condition. Indeed, Ms. Butler's older child had the same condition. She was acquitted.

Women convicted where no crime occurred are usually caregivers, particularly of children.[18] The criminal charge begins when police, medical personnel, or prosecutors erroneously label an

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[17] Maurice Possley, *Sabrina Butler,* NAT'L REGISTRY OF EXONERATIONS (August 21, 2019), https://exonerationregistry.org/cases/10314.

[18] Valena E. Beety, *"Unfit": Gender, Ableism, and Reproductive Wrongful Convictions*, __ U.C.L.A. L. REV. ___ (forthcoming 2026), *available at* https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5160665.

accident as a criminal act. This accident is misinterpreted as willful harm.

Research shows that in cases of accidental child death, how the state immediately perceives the adult will shape the nature of the charges and outcome of the case. An example is illustrative of these divergent frames. Melonie Ware of Decatur, Georgia, was an experienced day-care provider in her home.[19] She was caring for a nine-month-old baby when he became unresponsive; Ms. Ware immediately called 9-1-1 and the child was taken to the hospital, where he tragically died. That night, police brought Ms. Ware in for questioning, and prosecutors charged her with felony murder. Prosecutors claimed that Ms. Ware shook the child to death, and that his death was a clear case of Shaken Baby Syndrome/Abusive Head Trauma. A jury convicted Mes. Ware of felony murder and she was sentenced to life in prison. Her conviction was reversed for ineffective assistance of counsel, and at retrial, experts demonstrated that the child died from sickle cell anemia. Doctors knew at the time of the child's death that he had sickle cell anemia, but had downplayed its

[19] Alexandra Gross, *Melonie Ware,* NAT'L REGISTRY OF EXONERATIONS (October 11, 2011), https://exonerationregistry.org/cases/11014.

importance. Ms. Ware was acquitted.[20] In each of these cases, police, medical personnel, and prosecutors immediately inferred that the female caretaker intentionally killed the child and started the process of severe punishment, even when there was insufficient evidence to prove intentional harm.

The gender of a female defendant can make her particularly vulnerable to a wrongful conviction because she is perceived both as violating the law and as violating gendered social norms. [21] Prosecutors can rely on tropes that the female defendant failed as a

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[20] Other examples of women caretakers who were wrongly convicted of killing a baby in their care under the theory of Shaken Baby Syndrome/Abusive Head Trauma include Audrey Edmunds in Wisconsin, Julie Baumer in Michigan, Jennifer Del Prete in Illinois, Mary Weaver in Iowa, and Kim Hoover-Moore in Ohio. The child deaths were all later proven to be accidental or natural. *See* "Explore Exonerations," https://tinyurl.com/ysuxdz7c.

[21] *See* Jeannette F. Swent, *Gender Bias at the Heart of Justice: An Empirical Study of State Task Forces*, 6 S. CAL. REV. L. & WOMEN'S STUDIES 1, 35 (1996) (describing gender bias as "sex stereotypes, the perceived relative worth of women . . . and misconceptions about their economic and social positions"); *see also* Ryan E. Newby, *Evil Women and Innocent Victims: The Effect of Gender on California Sentences for Domestic Homicide*, 22 HASTINGS WOMEN'S L. J. 113, 120 (2011) (Any "advantage conferred by femininity," is afforded only to women who "conform to traditional gender roles" and stereotypes); Sergio Herzog & Shaul Oreg, *Chivalry and the Moderating Effect of Ambivalent Sexism: Individual Differences in Crime Seriousness Judgments*, 42 L. & SOC'Y. REV. 45, 50 (2008) (noting that sexism "involves . . . discrimination based on hostility toward, and negative stereotyping of, women.").

caretaker or mother, or that she was in fact ruthless and manipulative.[22] As demonstrated by the examples above, women generally are treated more severely for failing gendered expectations of caretaking than men.[23]

Similarly, implicit biases against paid caretakers—as the State treated Ms. Jewell here, despite her close personal connection to the victim's family—may influence prosecutions in accidental child deaths. Indeed, a study of incidents of children dying in hot cars between 2000 to 2016 found that paid providers were more likely to be charged than parents, and paid providers were the most likely to receive a prison sentence of greater than five years.[24] An Associated Press analysis studying such incidents from 1997 to 2007 found that mothers were convicted and sentenced more harshly than fathers,

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[22] Kathryn A. Farr, *Defeminizing and Dehumanizing Female Murderers: Depictions of Lesbians on Death Row*, 11 WOMEN & CRIM. JUST. 49, 56 (2000); *see also* Andrea L. Lewis & Sara L. Sommervold, *Death, But is it Murder? The Role of Stereotypes and Cultural Perceptions in the Wrongful Convictions of Women*, ALBANY L. REV. 1035, 1056 (2015).

[23] Rob Tillyer et al., *Differential Treatment of Female Defendants,* 42 CRIM. JUST. & BEHAVIOR 705, 706 (2015).

[24] Monica McCoy et al., "Case Examination of Factors Impacting Charges in Cases Involving Children Left in Hot Cars," https://static1.squarespace.com/static/65789e268a44340b2eca10cd/t/65c55c364fb9f4679d24a1f3/1707433015694/Charges.pdf (last visited June 5 2025).

and that paid providers were more likely than parents to be charged and convicted.[25] Indeed, in 84% of these cases involving a paid caregiver, the caregiver was charged, and in 96% of these charged cases, the caregiver was convicted.[26]

Notably, the jury did not convict Ms. Jewell of any crime that required a culpable mental state. As noted by Janette Fennell, the founder and president of Kids and Cars, a nonprofit group that tracks child deaths and injuries in and around automobiles, "When you look at overall who this is happening to, it's some very, very, very good parents - might I say, doting parents."[27] These cases exemplify how powerful implicit biases against female caretakers can be, particularly when coupled with strict liability felony murder charges.

CONCLUSION

Ms. Jewell's conviction for third-degree felony murder should be vacated.

Dated: June 6, 2025

Respectfully submitted,

/s/ Aliza Hochman Bloom

Aliza Hochman Bloom

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[25] Monika Mathur, Martha Mendoza, Allen G. Breed, "Sentences Vary When Kids Die in Hot Cars," ASSOCIATED PRESS (2007), https://www.noheatstroke.org/ap_sentencing.

[26] *Id.*

[27] *Id.*

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CERTIFICATE OF COMPLIANCE

Consistent with the Florida Rules of Appellate Procedure, undersigned counsel certifies as follows:

1. This brief is 4,336 words and thus complies with the word limit set forth in Rule 9.370.

2. This brief is in Bookman Old Style 14-point font and thus complies with the typeface requirements of 9.045.

June 6, 2025

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CERTIFICATE OF SERVICE

I hereby certify that on June 6, 2025 I electronically filed the foregoing document with the Florida First District Court of Appeals and served a copy of the brief on all parties.

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