>> Chief Justice Carlos Muniz: OUR THIRD CASE TODAY IS ZIELER V. STATE OF FLORIDA CASE 2023-1003.
>> Steven L. Bolotin,Appellant: GOOD MORNING. IF IT MAY PLEASE THE COURT I AM STEVEN L. BOLOTIN FROM THE PUBLIC DEFENDERS OFFICE WITH ME IS COUNCIL RACHEAL ROBUCK, A COLLEAGUE WHO ALSO WORKED ON THE CONSTITUTIONAL ISSUES THAT THE TRIAL AND THE APPELLATE LEVELS. THIS IS AN ISSUE OF FIRST IMPRESSION I DON'T THINK IT'S AN EXAGGERATION TO SAY THAT IT MIGHT BE THE ISSUE OF FIRST IMPRESSION IN FLORIDA CAPITAL SENTENCING SINCE THE DECISION FROM THE UNITED STATES SUPREME COURT IN 1972.
WHILE THIS COURT HEARD ORAL ARGUMENT IN THE CASES OF MICHAEL JACKSON AND MICHAEL HUNT IN DECEMBER ZIELERS CASE WAS THE FIRST ONE BRIEFED ON THIS ISSUE ON THE A4 STATUTE IS A FREQUENT ARGUMENT ON THIS ISSUE ON A4 STATUTE BUT IN THE SUBJECT NEVER CAME UP EITHER THE DEFENSE OR THE STATE OR THE COURT IN ITS ORAL ARGUMENTS IN JACKSON AND HUNT THERE IS ALSO THE CASE WHERE THE ISSUE REGARDING THE LACK OF SAFEGUARDS TO COMPLY WITH THE PRINCIPLES OF THE FURMAN DECISION WAS PRINCIPALLY ARGUED ABBREVIATED FORMS OF THE ARGUMENT WERE MADE IN JACKSON AND HUNTER.
THERE IS THE FIRST CASE WHERE THE ABSENCE OF MEANINGFUL SAFEGUARDS AT THE ELIGIBILITY STAGE OF THE CAPITAL SENTENCING PROCEEDING DESTRUCTION STAGE OF THE CAPITAL SENTENCING PROCEEDING, AND THE APPELLATE STAGE OF THE CAPITAL SENTENCING PROCEEDING WILL BE ADDRESSED IN ORAL ARGUMENT.
I NEED TO QUICKLY DEAL WITH ONE FACTOR THAT WAS RAISED BY THE STATE IN ITS BRIEF IN THE HUNT CASE. AND WITH THAT ADDRESSED IN THE REPLY BRIEF. WHICH IS THAT UNLIKE IN THIS CASE, UNLIKE IN THIS CASE IN THE HUNT CASE THE STATE ARGUED THAT THE CONSTITUTIONAL ISSUE WAS NOT PRESERVED BECAUSE IT WAS NOT RAISED BELOW. IT DOES NOT HAVE TO BE RAISED BELOW THE CASE LAW IS CLEAR FROM THIS COURT FOR DECADES.
THAT WHILE AS APPLIED CHALLENGED TO A CONSTITUTIONALITY STATUTE NEEDS TO BE RAISED BELOW AND IT NEEDS TO BE PRESERVED FACIAL CONSTITUTIONAL CHALLENGE CAN BE RAISED FOR THE FIRST TIME ON APPEAL.
THAT IS WHAT WE HAVE HERE I NEED TO MAKE THAT POINT . I WANT TO START YOUR THREE PRONGS HERE I ANALOGIZE IT TO WITH THE A4 STATUTE IN APRIL 2023 THE LEGISLATURE CUT THE THIRD LEG OF THE TRIPOD.
THE PROLIFERATION OF AGGRAVATING FACTORS WHICH DO NOT GENERALLY NARROW ELIGIBILITY FOR THE DEATH SENTENCE HAS PROGRESSIVELY GOTTEN WORSE AND WORSE WITH THE ADDITION OF AGGRAVATORS AND THE BREATH OF THE AGGRAVATORS OVER THE YEARS THAT IT WAS WORN DOWN TO A NUB. THEN IN 2020 THIS COURT I RESPECTFULLY SAY THIS COURT MISINTERPRETED THE US SUPREME COURT'S THEN 36-YEAR-OLD CASE OF PULLEY V. HARRIS TO DISPENSE WITH PROPORTIONALITY REVIEW THAT SAWED OFF THE SECOND LEG.
BY DOING AWAY WITH UNANIMITY I WANT TO SAY THREE YEARS AFTER THE UNITED STATE SUPREME COURT'S RAMOS CASE BY DOING AWAY WITH UNANIMITY BASED SAWED OFF THE THIRD LEG IT HAD BEEN LEANING AGAINST THE WALL NOW IT IS

JUST FALLEN.
THE REASON I SAY THAT THE COURT MISINTERPRETED THE PULLEY CASE IN THE LAWRENCE IS THAT PULLEY DID NOT SAY THAT PROPORTIONALITY REVIEW IS CATEGORICALLY NOT REQUIRED IN CAPITAL SENTENCING. WHAT IT SAID WAS THAT CALIFORNIA'S 1977 STATUTORY SCHEME DID NOT VIOLATE THE CONSTITUTION BECAUSE THERE WAS SUFFICIENT OTHER SAFEGUARDS IN CALIFORNIA IN OF THAT STATE PROPORTIONALITY WAS NOT ABSOLUTELY REQUIRED.
FLORIDA SYSTEM NOW IS VERY VERY DIFFERENT THAN CALIFORNIA IT WAS DIFFERENT THAN CALIFORNIA AT THE TIME OF JUSTICE CANADY AND.
[LISTING NAMES] I BELIEVE IN 2014, IT IS VERY DIFFERENT NOW THERE WAS A PERIOD OF THREE YEARS WHEN MAYBE IT COULD BE ARGUED THAT FLORIDA WAS MORE SIMILAR TO CALIFORNIA WHERE IT DID NOT NEED PROPORTIONALITY, PERHAPS, BECAUSE IT HAD UNANIMITY. THE PROBLEM IS IT DIDN'T HAVE GENUINELY NARROW AT LEAST IT HAS UNANIMITY NOW WHAT DOES NOT.
BEFORE PULLEY WAS DECIDED, THE FLORIDA SUPREME COURT IN A CASE CALLED BOOKER IN 1983, SAID WE DON'T NEED TO WORRY ABOUT PULLEY V. HARRIS BECAUSE THE SUPREME COURT HAS MADE IT CLEAR IT WOULD NOT APPLY TO STATES WHICH ARE ALREADY DOING PROPORTIONALITY REVIEW WHICH FLORIDA WAS SPREAD ORDERS PROPORTIONALITY REVIEW WAS CITED WITH STRONG APPROVAL AS ONE OF THE REASONS WHY THE STATUTE WAS CONSTITUTIONAL AND THE PROFIT V. FLORIDA AND THE.
[LISTING NAMES] CASE AND EVEN IN HARRIS V. ALABAMA, WHERE THE COURT IN 1995 SAID ALABAMA WAS OKAY BECAUSE IT IS MUCH LIKE FLORIDA. AND THEY BOTH DO PROPORTIONALITY REVIEW. SHORTLY AFTER PULLEY CAME OUT OTHER COURTS WILL BE IS IN THE SUPREME COURT A CASE CALLED STATE THE WELCOME MADE THE POINT THAT THIS IS LIKE RIGHT AFTER PULLEY CAME OUT THAT PULLEY DOES NOT CATEGORICALLY SAY THAT PROPORTIONALITY REVIEW IS NEVER REQUIRED IT DEPENDS ON WHETHER OR NOT THE PRESENCE OR ABSENCE OR OTHER ADEQUATE SAFEGUARDS IN THE SYSTEM AND STATUTE THERE IS ALSO A CONCURRING OPINION I BELIEVE BY JUSTICE STEWART IN A SUPREME COURT CASE THAT SAYS WE TAKE PULLEY WHICH BASICALLY STANDS FOR THE PROPOSITION THAT ALL STATES SYSTEMS ARE DIFFERENT. WE TAKE A STATES CAPITAL SENTENCING SYSTEM AS WE FIND IT.
PULLEY, EXPRESSLY LEAVES OPEN THE POSSIBILITY THAT A STATE SYSTEM CAN LACK SUFFICIENT SAFEGUARDS THAT WOULD NOT COMPLY WITH FURMAN THEY SAY THAT CALIFORNIA'S SYSTEM IS NOT OF THAT SORT. THE CRUX OF MY ARGUMENT TODAY IS THAT FLORIDA'S SYSTEM IS OF THAT SORT.
>> Justice: COUNSEL CAN I INTERRUPT YOU IF YOU'RE CLIENT HAD BEEN TRIED IN 1990 AM I CORRECT THERE WOULD NOT HAVE BEEN A SUPER MAJORITY OR UNANIMITY REQUIREMENT WITH THE DEATH RECOMMENDATION
>> Attorney: THAT'S ABSOLUTELY CORRECT THAT'S WHY I'M NOT RAISING THE EX POST FACTO ARGUMENT.
>> Justice: I GUESS ALL OF THE ARGUMENTS YOU'RE MAKING IS THAT NOT ABOUT

OUR CURRENT SYSTEM EQUALLY APPLICABLE TO THE SYSTEM WE HAD IN PLACE 1990 AND IF SO INDEED ISN'T THE SYSTEM AND AMELIORATIVE IMPROVEMENT UPON IT AND THAT THERE IS A SUPER MAJORITY REQUIREMENT NOW THAT WAS NOT IN PLACE 1990.
>> Steven L. Bolotin,Appellant: ABSOLUTELY NOT THE SYSTEM IN 1990 WHILE NOT PERFECT ARGUABLY NOT EVEN GOOD IT WAS WAY BETTER THAN THE SYSTEM TODAY BECAUSE FOR ONE THING, WE HAD PROPORTIONALITY IN THIS COURT TOOK IT VERY SERIOUSLY. THERE ARE MANY MANY CASES THAT WERE REVERSED ON PROPORTIONALITY. ONE OF THE AMELIORATIVE THINGS ABOUT THAT IS OVER THE COURSE OF TIME IT SENT A MESSAGE TO TRIAL JUDGES AND PROSECUTORS AS TO WHAT WAS A DEATH CASE AND WHAT WAS NOT A DEATH CASE. AS A RESULT GRADUALLY OVER TIME, YOU GOT FEWER AND FEWER.
>> Justice: THAT ARGUMENT WORKS IN PRINCIPLE AS FAR AS IT GOES.
I DON'T THINK WE CAN CONSIDER IT IN A VACUUM.
I THINK THE FACTS OF THIS CASE I THINK WE WOULD BE HARD-PRESSED TO SAY IN 1990 WOULD MAKE THIS NOT A DEATH CASE.
>> Steven L. Bolotin,Appellant: THAT IS WHY I'M NOT ARGUING CONSTITUTIONALITY AS APPLIED THIS IS A FURMAN ARGUMENT WHEN FURMAN WAS DECIDED IT APPLY TO EVERY STATE STATUTE THAT HAD THE DEATH PENALTY. EVERYBODY ON DEATH ROW GOT RELIEF ON FURMAN THEIR PRESENT CASE THEY DID NOT EVEN GET RETRIED UNDER THE NEW STATUTE.
THERE WERE JUST RESENTENCED TO LIFE. THAT INCLUDED CHARLES MANSON'S IT INCLUDED.
[LISTING NAMES] INCLUDE CASES AS YOU'RE SAYING THAT YOU LOOK AT AND SAID THIS IS A DEATH PENALTY CASE WHAT I HAVE BEEN ARGUING I HAVE ARGUED THIS ARGUMENT ON THE TWO PRONGS. IN CASES I THOUGHT WERE VERY VERY LITIGATED.
IN THE MICHAEL GORDON CASE AND THE TYRONE JOHNSON CASE I WOULD'VE GIVEN YOU A DIFFERENT ANSWER I WOULD'VE SAID IF THEY WERE TRIED IN A SYSTEM THAT HAD PROPORTIONALITY THEY WOULD HAVE BEEN REVERSED FOR LIFE.
THIS CASE I WILL TELL YOU I WOULD NOT HAVE ARGUED PROPORTIONALITY IF IT WAS AVAILABLE. THAT IS NOT THE POINT THIS IS NOT AN AS APPLIED CHALLENGE THIS IS A FACIAL CHALLENGE WHAT I'M SAYING HERE IS THAT NOBODY CAN CONSTITUTIONALLY BE SENTENCED TO DEATH UNDER FLORIDA DEATH PENALTY SYSTEM THE WAY IT CURRENTLY IS.
I AM MAKING AN ARGUMENT I HOPE I GET TO IT TODAY.
ON UNANIMITY ALONE THAT AFTER RAMOS IN PARTICULAR THAT THE SIX AND EIGHT AMENDMENT THERE WAS AN ARTICLE 1 SECTION 22 OF THE FLORIDA CONSTITUTION INDEPENDENTLY REQUIRED UNANIMITY. MY ARGUMENT HERE UNDER THE FURMAN SAFEGUARDS ARGUMENT IT REQUIRES SOMETHING WHAT HAS HAPPENED HERE IS THE SAFEGUARDS HAVE BEEN OBLITERATED AT ALL THREE CRUCIAL STAGES OF THE CAPITAL SENTENCING PROCEEDING.
AT THE ELIGIBILITY STAGE YOU DO NOT HAVE THE AGGRAVATING FACTORS THEY DO

NOT GENUINELY NARROW THE CLASS OF PEOPLE IS SUBJECT TO A DEATH SENTENCE TO A SMALL SUBCLASS BECAUSE VIRTUALLY EVERYBODY VIRTUALLY EVERYBODY THAT IS CONVICTED OF FIRST-DEGREE MURDER IN FLORIDA TODAY START OFF WITH AT LEAST ONE OR MORE AGGRAVATING FACTORS AND USUALLY TYPICAL DEATH CASES AS YOU SEE IT INVOLVES MULTIPLE AGGRAVATING FACTORS SOME OF WHICH MAY WELL BE IN DISPUTE OFTEN HACK IS IN DISPUTE CCP IS IN DISPUTE AVOID LAWFUL ARREST IS IN DISPUTE.
THERE IS ALSO AGGRAVATORS THAT ALMOST NEVER CAN BE DISPUTED WAS THE VICTIM CHILD?
WAS THE VICTIM OF A LAW ENFORCEMENT OFFICER?
DID THE DEFENDANT HAVE A 10-YEAR-OLD STRONG ARM ROBBERY OR BATTERY ON THE RECORD?
THE MAIN ONE THAT CAN HARDLY BE DISPUTED IN THE OVERWHELMING MAJORITY OF CASES IF THIS HAPPENED IN THE COURSE OF A ROBBERY OR A BURGLARY OR AN ARSON . OR A KIDNAPPING . OR SEXUAL BATTERY.
OR AGGRAVATED CHILD ABUSE.
IN A CASE WHERE THE DEFENDANT IS CHARGED WITH THOSE THINGS HE GOES IN THERE WITH AUTOMATIC AGGRAVATOR AND UNDER THE STATE'S THEORY CONSTITUTIONALLY YOU CAN TELL THE JURY TO GO HOME.
BECAUSE THEY FOUND ONE AGGRAVATOR IN THE GUILT PHASE. ORDINARILY THERE ARE THREE WAYS YOU CAN TODAY AFFECT SOMEBODY FOR FIRST-DEGREE MURDER IT CAN BE FELONY MURDER ONLY FELONY MURDER AND PREMEDITATED MEDITATED OR PREMEDITATED ONLY IF IT IS GENERALLY THOUGHT THAT A FELONY MURDER ONLY INVOLVES THE LOWEST LEVEL OF CULPABILITY OF THOSE THREE AND YET THOSE PEOPLE ALWAYS ARE DEATH ELIGIBLE ALWAYS DEATH ELIGIBLE BECAUSE WHAT HAPPENED THERE YOU HAVE THE FELONY MURDER STATUTE AND IT LISTS ALL THE USUAL SUSPECTS UNDERLYING FELONIES THE ONE ALMOST EVERYBODY CHARGED WITH FELONY MURDER INVOLVES.
IT INVOLVES SOME WERE ONES THAT HAVE THE AIRCRAFT , BOMB THROWING. WHAT HAPPENED IS IN LATER YEARS THERE WAS SOME AGGRAVATORS SOME FELONIES ADDED TO THE FELONY MURDER STATUTE THAT WERE NOT ADDED TO THE AGGRAVATING FACTORS.
THE STATE MAY COME IN AND SAY WE CAN POINT TO A COUPLE OF RELATIVELY RARE FELONIES THAT DON'T GET THIS AGGRAVATOR.
WAIT LOOK CLOSER.
FOR EXAMPLE ESCAPE IS ALMOST ALWAYS GOING TO HAVE THE ESCAPE AGGRAVATOR AVOID LAWFUL ARREST OR HINDER LAW ENFORCEMENT.
THE ONE MURDER OF A PUBLIC OFFICIAL WILL HAVE HINDER LAW ENFORCEMENT .
CARJACKING, THERE ARE COUPLE ADDED THERE ALWAYS GOING TO HAVE THE ROBBERY AND BURGLARY AGGRAVATING FACTORS.
RESISTING ARREST WITH VIOLENCE, IS ALMOST ALWAYS GOING TO INVOLVE THE DEATH OF A LAW ENFORCEMENT OFFICER CAN YOU CONJURE UP A CASE WHERE YOU ARE RESISTING A LAW ENFORCEMENT OFFICER THEN SOMEBODY WHO'S NOT A

LAW ENFORCEMENT OFFICER GETS KILLED IN THE COURSE OF THAT?
YES YOU CAN IMAGINE THAT. WHAT IS HARD TO IMAGINE IS IT IS ALMOST IMPOSSIBLE TO IMAGINE A FIRST-DEGREE MURDER CASE IN FLORIDA THAT WOULD NOT START OFF WITH AT LEAST ONE AGGRAVATING CIRCUMSTANCE.
YOU CAN IMAGINE ONE IT IS NOT IMPOSSIBLE BUT IT IS HARD AND THEY ARE FEW AND FAR BETWEEN THAT IS NOT GENUINE NARROWING IF YOU CUT 100% - 99.1% THAT IS NOT GENUINE NARROWING. LOOK AT SOME OTHER STATES.
>> Justice: I'M SORRY YOUR ARGUING THERE IS A NUMERICAL THRESHOLD WHAT REALLY GENUINE NARROWING.
>> Steven L. Bolotin,Appellant: I'M NOT ARGUING MATH.
>> Justice: AS I READ.
[LISTING NAMES] WHAT WE NEED TO SAY IS THIS SCHEME RATIONALLY DISTINGUISHES DEFENDANTS.
IT DOES NOT RESULT IN PUNISHMENT THAT IS ARBITRARY OR FREAKISH.
NOT THAT THERE IS A JUST TO PUSH ON YOUR YOU ARTICULATED AS A FACIAL CHALLENGE. I'M NOT SURE YOU CAN SUSTAIN THE ARGUMENT THAT IF THE SYSTEM SORTED OUT BUT 1% THAT IT WOULD NOT MEET THE.
[LISTING NAMES] TEST I'M NOT SURE THAT YOU WIN THAT ARGUMENT.
>> Steven L. Bolotin,Appellant: LET ME PUT IT THIS WAY FIRST OF ALL.
[LISTING NAMES] WAS HEAVILY PREMISED ON THE FACT THAT FLORIDA HAD PROPORTIONALITY REVIEW AND TAKES IT SERIOUSLY.
[LISTING NAMES] WAS YEARS BEFORE RAMOSE.
THE GENUINE NARROWING THING, EARLIER ON I WOULD SAY MAYBE BEFORE HURST V. FLORIDA THERE WERE TWO KIND OF STATE CAPITAL SENTENCING SYSTEMS THERE WERE 30 KINDS BUT THERE WERE TWO MAIN DICHOTOMIES WHERE YOU HAD WHAT WAS CALLED WEIGHING STATES AND NON-WEIGHING STATES. THERE WAS A MISNOMER.
EVERY STATE IS NON-WEIGHING THE DIFFERENCES YOU IT STATES LIKE CALIFORNIA WHERE THE ELIGIBILITY AND THE ELIGIBILITY DETERMINATION AND THE SUCTION DETERMINATION WERE DONE SEPARATELY . THEN YOU'VE STATES LIKE FLORIDA WHERE THEY BASICALLY RAN TOGETHER. PRIOR TO HIRSCH YOU DIDN'T HAVE A THING WHERE DEATH ELIGIBILITY WAS BASED ON THE TOTALITY OF THE AGGRAVATORS AND NOT ON THE EXISTENCE OF ONE.
THE PROOF OF THAT IS FOR YEARS AND YEARS UNDER PROPORTIONALITY THIS COURT SAID THAT IN A SINGLE AGGRAVATOR CASE DEBT IS PRESUMPTIVELY INAPPROPRIATE UNLESS THERE IS VERY LITTLE OR NOTHING IN MITIGATION AND THERE WERE MANY REVERSALS BASED ON THAT. NOW THE SCRIPT HAS BEEN FLIPPED IF YOU HAVE ONE AGGRAVATOR WHICH AGAIN I HESITATE TO USE A NUMBER BUT NEARLY EVERYBODY HAS, YOU ARE DEATH ELIGIBLE FROM THE GET-GO. ALL OF THE CASES THAT TALK ABOUT THE GENUINE NARROWING REQUIREMENT THEY DO NOT TALK ABOUT NARROWING THE SUCTION TO TALK ABOUT NARROWING DEATH ELIGIBILITY. WE DON'T HAVE THAT.
ON IF THE PROBLEM WITH THE SUCTION DECISION, WE DON'T HAVE GENUINE

NARROWING AT THE ELIGIBILITY STAGE AND WE DON'T HAVE UNANIMITY AT THE SELECTION STAGE.
THE RAMOS CASE CAME OUT IN 2020 I THINK THE CASE IS REALLY IMPORTANT.
WHAT THE STATE SAYS ABOUT THAT THE ONLY THING THEY REALLY CAN'T SAY RAMOS APPLIES TO THE GUILT PHASE IT DOES NOT APPLY TO THE CAPITAL SELECTION PHASE.
WHAT THEY WANT TO DO IN EFFECT ESSAY OKAY WITH THE JURY HAS TO DO IS FIND UNANIMOUSLY BEYOND A REASONABLE DOUBT ONE AGGRAVATOR BUT A LOT OF THE AGGRAVATORS ARE INDISPUTABLE.
DOES HE HAVE A PRIOR STRONG ARM ROBBERY ON HIS RECORD WAS THE VICTIM OF A LAW ENFORCEMENT OFFICER?
THE JURY FINDS THAT THE MAKING OF A HOME.
THE CASES THAT HAVE.
>> Justice: THEY JUST DON'T GO HOME THERE THEY ALSO MAKE AN ASSESSMENT OF WHETHER THE AGGRAVATORS OUT WEIGHT THE MITIGATORS AND MAKE A RECOMMENDATION TO THE JUDGE.
>> Steven L. Bolotin,Appellant: THE STATE'S ARGUMENT IS THAT THEY DON'T HAVE TO.
>> Justice: JUST WANT TO MAKE SURE THAT WE DON'T MISCHARACTERIZE WHAT THE SYSTEM ACTUALLY IS.
>> Steven L. Bolotin,Appellant: IN FLORIDA THEY DO MAKE A DETERMINATION AS TO EACH AGGRAVATOR BUT THAT HAS NOTHING TO DO WITH ELIGIBILITY THAT HAS ONLY TO DO WITH SELECTION THE PROBLEM WITH SELECTION OKAY THERE ARE MANY CASES THAT THE COURT HAS SEEN WHERE THE DEFENSE HAS MADE THE ARGUMENT IT IS BEEN REJECTED BY THIS COURT MANY FEDERAL CIRCUIT COURTS THAT THE WEIGHING THE FACT THAT THE AGGRAVATORS OUT WEIGHT THE MITIGATORS HAS TO BE MADE BEYOND A REASONABLE DOUBT.
I BELIEVE EVERY COURT THAT HAS CONSIDERED THAT IS NO THAT THE WEIGHING THE SELECTION IS NOT A FACTUAL FINDING LIKE DOES HE EVER BATTERY ON HIS RECORD IT IS A MORAL JUDGMENT I THINK THAT IS FAIR IT IS A MORAL JUDGMENT WHO SHOULD BE MAKING MORAL JUDGMENTS?
I AM GOING TO READ A QUOTATION WRITTEN AND OPINION OF THE SUPREME COURT WRITTEN BY JUSTICE CLARENCE THOMAS IN JONES V. UNITED STATES IN 1999. IT IS FIVE, 27 US 373 AT 382.
WE HAVE LONG BEEN OF THE VIEW THAT THE VERY OBJECT OF THE JURY SYSTEM IS TO SECURE UNANIMITY BY A COMPARISON OF THE USE AND BY ARGUMENTS AMONG THE JURORS THEMSELVES. WE FURTHER HAVE RECOGNIZED THAT IN THE CAPITAL SENTENCING PROCEEDING THE GOVERNMENT HAS A STRONG INTEREST IN HAVING THE JURY EXPRESS THE CONSCIENCE OF THE COMMUNITY AND THE ULTIMATE QUESTION OF LIFE OR DEATH.
THIS COURT IN THE LLOYD CASE A COUPLE OF YEARS AGO SITE ALSO CLARENCE THOMAS'S OPINION IN.
[LISTING NAMES] WHERE HE SAYS ESSENTIALLY THE SAME THING.
THIS IS WHAT A JURY SHOULD BE DOING.

IT SHOULD BE MAKING THE DECISION BY UNANIMOUS VOTE ON THE ULTIMATE QUESTION OF LIFE OR DEATH.
I HAVE THE ARGUMENT THE SIXTH ARGUMENT MY BRIEF IS THAT THE EIGHTH AND SIXTH AMENDMENT OF THE FLORIDA CONSTITUTION REQUIRE THAT BUT HERE MY ARGUMENT IS IT IS NOT EVEN NECESSARILY THAT UNANIMITY IS ABSOLUTELY REQUIRED IT IS JUST THAT UNANIMITY IS A VERY IMPORTANT SAFEGUARD WHICH NOW THE STATE HAS SEEN IT TO DISCARD JUST LIKE A DISCARDED PROPORTIONALITY JUST LIKE IT HAS AGGRAVATORS THAT APPLY TO EVERYBODY.
IN TERMS OF THERE IS CASE AFTER CASE TALKING ABOUT THE IMPORTANCE OF TURNING UNANIMITY TO RELIABILITY TO HAVE EVERY VOICE HEARD.
IT'S A SAFEGUARD AGAINST RACIAL DISCRIMINATION.
THE OREGON AND LOUISIANA STATUTES THAT'S ANOTHER THING ABOUT SPAS THE ANNUAL DOES THAT HAVE TO DO WITH UNANIMITY IT IS IN SIGHT.
[LISTING NAMES]OR GONE AND LOUISIANA FOR THE TWO STATES HAVE DECIDED WE WILL HAVE NONE UNANIMOUS JURY VERDICTS WILL HAVE 10/2 IN ARGUMENT NINE SPECIALLY CHANGED TO 10/2 IN LOUISIANA.
THE COURT SAID THAT THAT WAS OKAY BUT OTHER STATES DID NOT CHOOSE TO FOLLOW SUIT THE IMPORTANT THING THERE IS THAT EVEN AND ALSO THAT.
[LISTING NAMES] AND RAMOS TRACES THE HISTORY OF THE NON-UNANIMITY LAWS IN OREGON AND LOUISIANA AND IN LOUISIANA THE LEGISLATIVE HISTORY IT WAS ALL RACIAL DISCRIMINATION IN OREGON IT WAS THE KU KLUX KLAN IT WAS RACIAL AND RELIGIOUS DISCRIMINATION. ONE WAS 1890 I THINK OREGON WAS 1930.
EVEN THOSE TWO STATES EVEN LOUISIANA AND OREGON EXEMPTED CAPITAL CASES FROM THE 10/2 AND 9/3, EVEN THEN WHEN THE SUPREME COURT WAS THEY KNEW IN A CAPITAL CASE THAT LOUISIANA AND OREGON DID REQUIRE UNANIMOUS JURY VERDICTS.
THIS IS BEFORE YOU HAD THE FURMAN BIFURCATION BELIEVE IT WAS JUST LIKE ONE TRIAL IN IT LOUISIANA AND OREGON THEY DIDN'T SEPARATE WHAT YOU NEEDED FOR GUILT BUT YOU DON'T NEED FOR PENALTY.
LOST MY TRAIN OF THOUGHT.
THE STATE'S ARGUMENT IS NOT THAT IT MESSERLI HAS TO BE RAMOS IS BAD FOR THEM BOTH ON THE FIFTH IN THE SIX CONSTITUTIONAL ISSUES WHAT THEY HAVE TO SAY IS RAMOS DOES NOT MEAN THE CAPITAL SENTENCING DECISION IT ONLY REFERS TO THE GUILT PHASE. THAT STAND THAT DEBT IS DIFFERENT PRINCIPLE ON ITS HEAD.
READ THE OPINION OF THE CONNECTICUT SUPREME COURT IN THE CASE CALLED STATE V. DANIELS.
THAT WAS CITED WITH APPROVAL BY THIS COURT IN THIS DEAL. THE TALKS ABOUT THE IMPORTANCE OF A JURY UNANIMITY TO RELIABILITY OF THE SELECTION DECISION.
SO WE HAVE AT THE ELIGIBILITY STAGE WE HAVE GOT THE SAFEGUARD HAS BEEN REMOVED AT THE SELECTION STAGE THE SAFEGUARD HAS BEEN REMOVED AT THE APOLOGY STAGE WE HAVE BASED ON WHAT I WOULD SAY IS THIS COURT'S

MISAPPREHENSION OF WHAT PULLEY V. HARRIS WE HAVE NO REVIEW OVER THE APPROPRIATE DEATH SENTENCE IN A GIVEN CASE WE DON'T HAVE PROPORTIONALITY REVIEW WE DON'T HAVE WITHIN THE CASE PROPORTIONALITY REVIEW AFTER CRUISE AND IN THE HUNT CASE BY THE WEIGHT THAT HAS BEEN MISCONSTRUED BY THE STATE TO MEAN ALSO THAT YOU CANNOT USE IT AS A MITIGATING FACTOR WITH THE JURY OR THE TRIER OF FACT. THAT'S A WHOLE DIFFERENT THING FOR THIS COURT TO SAY WE WILL NOT DO IT. BUT THE COURT DID NOT SAY IT IS NOT A MITIGATING FACTOR THAT THE JURY COULD CONSIDER.
IN PROFIT, THE SUPREME COURT SAID THIS COURT TAKES ITS REVIEW OF TWO SEPARATE OUT THE FEW CASES FROM WHERE THE DEATH PENALTY IS IMPOSED FROM THE MANY CASES WHERE IT IS NOT.
TO LIMIT THE DEATH PENALTY WITH SMALL SUBCLASS OF OFFENDERS.
IN PROFIT WHICH WAS THE CASE REALLY EARLY ON THEY SAID THAT THE SUPREME COURT HAS REVERSED 8/21 CAPITAL APPEALS IT AS HEARD.
IN BERKELEY JUSTICE STEVENSON'S CONCURRING OPINION IN BERKELEY WHICH CAME QUITE A BIT AFTER FURMAN AND PROFIT SAID OUT OF 212 CASES THE COURT ONLY AFFIRMED 120 WHICH MEANS THEY REVERSED 92. AGAIN I'M NOT TRYING TO DO MATH. WHAT WE HAVE IS A SITUATION THE WYOMING SUPREME COURT HAS SAID IN A CASE CALLED OLSON THAT SAID ESTATE SUPREME COURT WILLINGNESS TO CONSIDER WHETHER THE DEATH PENALTY IS APPROPRIATE OR INAPPROPRIATE IS AN IMPORTANT DETERMINATION TO SEE WHETHER THIS REQUIRED SAFEGUARDS ARE IN PLACE AND EFFECTIVE. NOW WE HAVE A SITUATION I CITED IN THE NOTICE OF ADDITIONAL AUTHORITY JUST THE OTHER DAY THE MOST RECENT CASE CALLED KALE THAT BRINGS IT UP NOW 239 OF THE LAST 42.
THERE HAVE BEEN THREE CASES OUT OF THE LAST 42 IN WHICH DEATH SENTENCE HAS BEEN REVERSED NONE OF THEM BECAUSE THE DEATH SENTENCE WAS FOUND TO BE INAPPROPRIATE TWO OF THEM WERE WAIVER CASES ONE OF THEM WAS THE CRUISE CASE WITH THE JUDGE CONSIDERED SOMETHING FROM ANOTHER CASE THAT HE SHOULD NOT CONSIDER. THEY ALL WENT BACK AND THEY'LL HAVE COME BACK AGAIN.
CRUISE HAS BEEN AFFIRMED THE SECOND TIME AGAIN CRUISE HAS BEEN A FIRM AND THE OTHER TWO ARE BACK. EVEN THE ONE CASE THE ONE CASE THAT WAS REVERSED FOR A GUILT PHASE THAT ONE IS BACK.
WHAT WE DON'T HAVE IS WE DON'T HAVE ANY APPELLATE REVIEW OF ANY KIND REALLY OF WHETHER OR NOT THE DEATH PENALTY IS APPROPRIATE . NOT ONLY DO WE NOT HAVE PROPORTIONALITY REVIEW NOT ONLY DO WE HAVE WITHIN THE CASE PROPORTIONALITY REVIEW THIS COURT HAS ALWAYS BEEN BASICALLY SAID WE DON'T RE-WEIGH AGGRAVATING AND MITIGATING CIRCUMSTANCES FOR ENORMOUS DEFERENCE GIVEN TO THE TRIAL JUDGE AS TO WHAT AGGRAVATING CIRCUMSTANCES ARE FOUND IN WHAT MITIGATING CIRCUMSTANCES ARE FOUND AND NOT FOUND THE COURT ALSO ALMOST NEVER MESSES WITH THE WEIGHT THE TRIAL JUDGE GIVES TO AGGRAVATING AND MITIGATING CIRCUMSTANCES ENDED TYRONE JOHNSON CASE I ARGUED THAT AS TO TO MITIGATORS THE TRIAL JUDGE

ACTUALLY CONFLATED THE LAW TO USE THE TO MITIGATORS TO CANCEL EACH OTHER OUT.
HE GREATLY DIMINISHED THE WEIGHT HE GAVE TO BOTH THE JOHNSON'S LACK OF A PRIOR CRIMINAL HISTORY WHICH WAS UNDISPUTED AND HIS IMPAIRED CAPACITY AT THE TIME OF THE CRIME WHICH WAS AGAIN BASED ON THE FACTS OF THAT CASE WAS PRETTY CLEAR. THE JUDGE BASICALLY USED EACH MITIGATORS TO CANCEL OUT THE OTHER I HAD AN ARGUMENT ON THAT THE COURT DID NOT SEE FIT TO EVEN REMAND OR RECONSIDERATION.
>> Justice: I'M SORRY TO INTERRUPT YOU ARE WELCOME TO KEEP GOING DOWN TO THREE MINUTES.
>> Steven L. Bolotin,Appellant: I RESERVE THE REST OF MY TIME FOR REBUTTLE ANYTHING I DID NOT GET TO ARGUE I WILL STAND ON MY BRIEFS.
>> THANK YOU.
>> Christina Pacheco,Appellee: IF IT MAY PLEASE THE COURT. MY NAME IS CHRISTINA PACHECO. I REPRESENT THE
STATE OF FLORIDA
I HAVE THE ACTING SOLICITOR GENERAL .
AT THE COUNSEL TABLE WITH ME.
I THINK IT IS INTERESTING THAT MY FRIEND SPENT TIME EMPHASIZING THAT HE WAS NOT RAISING AN AS APPLIED CONSTITUTIONAL CHALLENGE INSTEAD IT IS A FACIAL CHALLENGE.
A FACIAL CHALLENGE MUST BE CONSTITUTIONAL IN ALL APPLICATIONS.
I'M SORRY A FACIAL CHALLENGE REQUIRES SHOWING THAT THE DEATH PENALTY STATUTE IS UNCONSTITUTIONAL IN ALL APPLICATIONS.
AS HE CONCEDES HIS ARGUMENT IS BASED ON THREE PARTS. THE PROPORTIONALITY, THE LACK OF A UNANIMOUS JURY RECOMMENDATION, AND IMPROPER NARROWING FUNCTION. BUT HE CONCEDES THAT THIS CASE IS PROPORTIONAL. HE IS NOT ARGUING THAT ZILER DEATH SENTENCE WAS ON PROPORTIONAL.
WHILE HE SPENT A LOT OF TIME GOING OVER THE AGGRAVATORS AND ARGUING THAT THEY WERE IMPROPER NARROWING FUNCTION IN THIS CASE CERTAINLY HE CANNOT CLAIM THAT NARROWING DID NOT OCCUR WHEN MR. ZILER HAS THE MOST WEIGHTY AGGRAVATORS CCP HAP A CONTEMPORANEOUS MURDER AND DURING THE COURSE OF A BURGLARY.
THEN HE ALSO CONCEDED THAT THIS WAS A 1990 CRIME WHERE.
[LISTING NAMES] WOULD'VE BEEN HAD HE NOT BEEN TO JUSTICE FOR YEARS HE WOULD HAVE BEEN SENTENCED UNDER THE PREVIOUS STATUTE REQUIRING A SIMPLE MAJORITY RECOMMENDATION.
HE DOES NOT HAVE AN AS APPLIED CHALLENGE CLEARLY AND HE DOES NOT EVEN HAVE A FACIAL CONSTITUTIONAL CHALLENGE WHEN THE STATUTE IS NOT UNCONSTITUTIONAL IN THIS CASE.
.
HE SPENT A LOT OF TIME TALKING ABOUT THE EIGHTH AMENDMENT CHALLENGE

DOES THIS COURT HAVE ANY QUESTIONS REGARDING ANYTHING THAT HE DISCUSSED?
I WOULD LIKE TO POINT OUT THAT THIS COURT HAS ADDRESSED THESE ISSUES ALL INDIVIDUALLY AND ALSO COMBINED THIS COURT HAS LONG DEEMED THAT OUR AGGRAVATING FACTORS THEY DO HAVE THE SUFFICIENT NARROWING FUNCTION AND THE STATUTE IS CONSTITUTIONAL IN THAT REGARD AND THAT COUPLED WITH THE LACK OR THE ELIMINATION OF PROPORTIONALITY REVIEW IN LAWRENCE THAT ANALYSIS WAS NOT CHANGED. AND RENDERED UNCONSTITUTIONAL ONCE WE DO? THE PROPORTIONALITY REVIEW. THEN IN TERMS OF A UNANIMOUS JURY RECOMMENDATION OF COURSE, THIS COURT RECOGNIZED THAT THAT IS NOT REQUIRED IN PAUL AND ALL THAT IS REQUIRED IS A UNANIMOUS JURY FINDING OF AN AGGRAVATING FACTOR BUT A UNANIMOUS RECOMMENDATION IS NOT REQUIRED. THAT IS IN LINE WITH THE UNITED STATES SUPREME COURT PRECEDENT IN THE KINNEY AND.
[LISTING NAMES] AND RAMOS SIMPLY DOES NOT APPLY TO ZIELER SIX AMENDMENT ARGUMENT WITH THAT REGARD.
FLORIDA CERTAINLY HAS SUFFICIENT NARROWING FUNCTIONS WITH REGARD TO THE ELIGIBILITY THE AGGRAVATORS THAT RENDERS SOMEBODY ELIGIBLE FOR THE DEATH PENALTY OUR TWO-PART SYSTEM THE JURY IS GIVEN PLENTIFUL MITIGATION THAT THEY ARE ALLOWED TO REVIEW.
PURSUANT TO A MARKET, THE JURY IS NEVER REQUIRED TO RECOMMEND A SENTENCE OF DEATH WHEN THEY DO RECOMMEND A SENTENCE OF DEATH THAT IS REVIEWED BY THE TRIAL COURT AND THE TRIAL COURT CAN OVERRIDE THAT AND WHEN THEY RECOMMEND LIFE THE COURT IS OBLIGATED TO IMPOSE THAT SENTENCE. THERE ARE CERTAINLY SUFFICIENT SAFEGUARDS IN PLACE THERE WAS NO EIGHTH AMENDMENT VIOLATION HERE NO SIXTH AMENDMENT VIOLATION . NO ERROR WHATSOEVER. IF THIS COURT HAS NO FURTHER QUESTIONS THE STATE RESPECTFULLY REQUESTS THAT THIS COURT AFFIRM ZIELER'S CONVICTION AND HIS CONSTITUTIONAL AND VERY WELL DESERVED SENTENCES OF DEATH.
>> Chief Justice Carlos Muniz: THANK YOU.
>> Steven L. Bolotin,Appellant: THE STATE FOR OBVIOUS REASONS IS TRYING TO CONVERT THIS FROM A FACIAL CONSTITUTIONAL CHALLENGE TO AND AS APPLIED CHALLENGE BRING IT IS NOT FACIAL CONSTITUTIONAL CHALLENGE IS UNCONSTITUTIONAL AS TO ALL APPLICATIONS AND THAT IS TRUE HERE FOR THE SAME REASON THAT ALL OF THE PRE-FERMAN STATUTES WERE UNCONSTITUTIONAL IN ALL OBLIGATIONS. I INTENTIONALLY DID NOT RAISE AN AS APPLIED CHALLENGE. NOBODY LOOKED IN FURMAN AND SAID OKAY WELL BERMAN PROBABLY DESERVES IT SO WE ARE NOT GOING TO PAY ANY ATTENTION TO THE PROBLEMS WITH ALL OF THE STATE STATUTES.
THE STATE ALSO IS TRYING TO IGNORE THE FACT THAT OUR ARGUMENT IS HOLISTIC IT IS A COMBINATION OF THE ABSENCE OF ANY OF THESE IMPORTANT SAFEGUARDS AND YOU ARE SAYING IT IS ALREADY DECIDED AGAINST THEM. ONE THING AT A TIME THEY ARE IGNORING CHANGES IN THE LAW SUCH AS RAMOS.

TO THE EXTENT I THINK IN ONE OF THE BRIEFS THEY REFERRED TO OUR CHALLENGE AS WELL WORN . THIS SUIT IS WELL WORN IT'S THE ONLY ONE I ONE FOR 20 YEARS. THIS ARGUMENT HERE IS AN ISSUE OF FIRST IMPRESSION.
THE STATUTE IS NEW.
WE HAVE ZIELER WE HAVE JACKSON WE HAVE HUNT EACH HAS SOMEWHAT DIFFERENT ISSUES. I WOULD ARGUE THAT THE SAFEGUARDS ISSUE AND THE UNANIMITY ISSUE ARE THE MOST THOROUGHLY ARGUED IN THE ZIELER CASE I URGE THE COURT TO CONSIDER THE ARGUMENTS MADE IN THE BRIEFS.
>> Justice: I'M SORRY TO INTERRUPT WHAT KIND OF OBJECTIVE STANDARDS WITH THE COURT APPLY IF WE WERE JUST LOOKING AS YOU SAY HOLISTICALLY AT WHAT THE STATUTE HAS IN IT AND WHAT I GUESS A DEFICIENCY IN THE STATUTE THAT ONLY BECAME A PROBLEM WHEN THE COURT ITSELF RECEDED ON PROPORTIONALITY?
HOW WOULD WE OBJECTIVELY TRY TO EVEN DECIDE THAT.
>> Steven L. Bolotin,Appellant: I'M NOT SURE YOU CAN OBJECTIVELY APPLY THE CURRENT SYSTEM EITHER. I WOULD SAY TO LOOK AT ALL THREE OF THESE THINGS AND IDEALLY I WOULD LIKE THE COURT TO SAY THAT PROPORTIONALITY WAS AN EXCELLENT WAY TO SEPARATE OUT THE DEATH CASES FROM THOSE THAT ARE NOT AND WE SHOULD BRING IT BACK ESPECIALLY SINCE PULLEY AND THE CONFORMITY CAUSE DO NOT INDICATE OTHERWISE.
ON UNANIMITY THE COURT SHOULD REQUIRE UNANIMITY BASED ON RAMOS AND BASED ON THE IMPORTANCE OF UNANIMITY TO THE MORAL JUDGMENT OF WHETHER A PERSON SHOULD BE SENTENCED TO DEATH OR NOT.
>> Justice: IT SOUNDS LIKE YOUR PROBLEM IS NOT SO MUCH IF YOU ISOLATE ANY AND KNOW WHAT YOU THINK ABOUT THE PROPORTIONALITY JURISPRUDENCE. IT IS NOT SO MUCH EAST LINK STANDING ALONE IS THE WEIGHT THEY ALL INTERACT TOGETHER THAT YOU'RE SAYING THE SYSTEM AS A WHOLE DOES NOT NARROW SUFFICIENTLY.
>> Steven L. Bolotin,Appellant: YOU HAVE A BUNCH OF LAME ANALOGIES I HAVE THE TRIPOD I HAVE THE TRIFECTA AND THE INTERLOCKING BUILDING BLOCKS . I THINK YOU HAVE TO LOOK AT IT HOLISTICALLY.
>> Justice: WHAT IS THE TARGET IS MY POINT?
IF THE TARGET YOU'RE SAYING THE OVERALL PROBLEM IS IT IS NOT SUFFICIENTLY NARROW HOW WOULD WE EVEN KNOW WHAT IS SUFFICIENT?
>> Steven L. Bolotin,Appellant: I THINK THAT IS A PROBLEM WITH THE ELIGIBILITY STAGE.
LIKE I SAID THERE ARE EQUAL LIABILITY PROBLEMS THAT THE SELECTION AND THE APPEAL STAGE MAY BE MORE SO CAN YOU DO A MATHEMATICAL GRID LIKE THE SENTENCING GUIDELINES I DON'T THINK THAT'S A GOOD IDEA. I SAY GO BACK TO THE WAY FLORIDA DID IT FROM 2017 WHEN THE UNANIMITY STATUTE WAS RELUCTANTLY ADOPTED PURSUANT TO HEARST UNTIL 2020 WHEN LAWRENCE CAME OUT I WANT TO MAKE THE POINT ALSO WHEN YOU SAY HOW CAN YOU OBJECTIVELY TELL THE FLORIDA SYSTEM IS NOT RELIABLE OR DOES NOT ADEQUATELY PROTECT AGAINST

ARBITRARY AND CAPRICIOUS INFLICTION OF DEATH?
LOOK AT THE STATUTES LOOK AT THE SYSTEMS FROM THE OTHER 26 STATES THAT HAVE THE DEATH PENALTY AND THE FEDERAL GOVERNMENT AND THAT THE FEDERAL MILITARY EVERY JURISDICTION HAS EITHER UNANIMITY OR PROPORTIONALITY MANY HAVE BOTH.
BUT FLORIDA IS THE ONLY SYSTEM THAT DOES NOT HAVE EITHER UNANIMITY OR PROPORTIONALITY.
>> Justice: IT SEEMS LIKE BOTH OF THOSE FELL UNANIMITY AND PROPORTIONALITY ARE BOTH ARGUABLY THEY INTRODUCE AS MUCH ARBITRARINESS INTO THIS OBVIOUSLY OCCASIONALLY PEOPLE ARE GOING TO NOT BE SENTENCED TO DEATH. THAT DOES NOT MEAN THE SYSTEM IS MORE FAIR OR MORE RATIONAL OR MORE MORAL IF YOU HAVE ONE PERSON VETOING OR YOU HAVE A JUDGE LOOKING THROUGH 1000 PRECEDENTS IN TRYING TO SEE IS THIS LIKE THIS OTHER CASE OR WHATEVER.
>> Steven L. Bolotin,Appellant: JUSTICE.
[LISTING NAMES] AND RAMOS MADE THE POINT THAT LOUISIANA AND OREGON WERE ON AN ISLAND. BIRCH V. LOUISIANA TALKS ABOUT HOW NEAR UNIFORM JUDGMENT OF THE NATION IS A VERY USEFUL GUIDANCE TO DETERMINE WHAT ACTRESSES ARE CONSTITUTIONAL AND WHAT ARE NOT . LOOK AT THE OTHER 26 STATES LOOK AT THE FEDERAL GOVERNMENT LOOK AT THE FEDERAL MILITARY . EVERYBODY HAS UNANIMITY AND PROPORTIONALITY EXCEPT US. MANY OF THE STATES HAVE WAY MORE LIMITED AGGRAVATING FACTORS THEN FLORIDA DOES LOOK AT THE TWO I CITED THEY ARE TWO OF THE FEW WE DON'T HAVE THE JURY DOES NOT NECESSARILY DO WITH THE SELECTION DECISION IN MONTANA AND NEBRASKA.
>> Justice: WE CAN TALK ABOUT THIS FOR HOURS.
IT IS REALLY COMPELLING IT SOUNDS LIKE IT IS A GREAT ISSUE FOR THE LEGISLATURE TO THINK ABOUT.
>> Steven L. Bolotin,Appellant: IS IN THE BRIEF I WOULD SAY LOOK AT HOW EVERY OTHER STATE DOES IT.
>> Justice: YOU CAN HAVE 30 SECONDS TO FINISH UP.
>> Steven L. Bolotin,Appellant: ONE LAST LIMINALITY. FLORIDA SYSTEM WHERE THE CHICAGO THE 2024 CHICAGO WHITE SOX OF CAPITAL SENTENCING.
CHICAGO WHITE SOX HAD THE WORST RECORD ANYBODY HAS HAD SINCE 1899 NOT 1999 BUT 1899 THEY FINISHED 20 GAMES OUT OF WHAT WOULD BE 29TH PLACE OUT OF 30 TEAMS. WE ARE THE CHICAGO WHITE SOX. EVEN ALABAMA HAS 10/2 AND NOT 8/4 THE REASON WE HAVE 8/4 IS AN OVERREACTION TO PARKLAND.
>> Justice: I RESPECTFULLY YOU NEED TO WRAP IT UP THANK YOU VERY MUCH WE APPRECIATE IT WE WILL BE IN RECESS FOR 10 MINUTES.
>> Marshal: ALL RISE.