

FIRST DISTRICT COURT OF APPEAL OF FLORIDA

Saini v. State of Florida

No. 1D2023-2507 (Fla. 1st DCA June 11, 2025) · No. 1D2023-2507 · Decided June 11, 2025

SUMMARY

The First District Court of Appeal of Florida denied rehearing and substituted an opinion affirming Gurleen Kaur Saini’s petit-theft conviction. The court held that the defendant’s on-the-record exchange with defense counsel, conducted in the trial court’s presence, established a voluntary, knowing, and intelligent waiver of the constitutional right to a jury trial. The court concluded that the absence of a waiver colloquy conducted directly by the judge did not require reversal.

CASE DETAILS

COURT	First District Court of Appeal of Florida
WRITING FOR THE COURT	Nordby, J.; Rowe, J.; Winokur, J.
JURISDICTION	First District Court of Appeal of Florida
DECIDED	June 11, 2025
DOCKET	1D2023-2507
DISPOSITION	affirmed
PROCEDURAL POSTURE	Saini appealed her petit-theft conviction and sentence after a county-court bench trial, arguing that the absence of an oral or written jury-trial waiver required reversal and a new trial. The appeal was decided on the State's motion for rehearing, and the court withdrew and substituted its prior opinion.
PRECEDENTIAL VALUE	Published
PARTIES	Gurleen Kaur Saini v. State of Florida

TOPICS

- criminal procedure
- sixth amendment
- appellate procedure

PRACTICE AREAS

- criminal procedure
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether a defendant's waiver of the constitutional right to a jury trial is valid when the on-the-record waiver inquiry is conducted by defense counsel rather than directly by the trial court.
2. Whether the absence of a separate oral or written waiver by the trial court required reversal of the bench-trial conviction.

HOLDINGS

1. A defendant's jury-trial waiver is sufficient when an on-the-record inquiry conducted by defense counsel in the trial court's presence establishes that the defendant understood the right, the nature of a bench trial, and the consequences of waiving a jury, even if the trial judge did not personally conduct the colloquy.
2. The Constitution does not require reversal merely because defense counsel, rather than the trial judge, conducted the on-the-record inquiry, where the inquiry occurred in the trial court's presence and demonstrated the defendant's understanding of the right and waiver consequences.

KEY QUOTATIONS

“A defendant’s waiver of her constitutional right to a jury trial must be “voluntary, knowing, and intelligent.”” (at 1)

“Although a defendant’s oral waiver may suffice, it must follow a colloquy in which the court establishes that the waiver is knowingly and intelligently made.” (at 1)

“An inquiry by counsel in the trial court’s presence showing that Saini understood her rights and the consequences of waiving those rights fails to establish any error.” (at 2)

FACTUAL BACKGROUND

Saini was arrested and charged with petit theft of less than \$100 for stealing a license-plate decal. Before trial, defense counsel and the court discussed proceeding with a bench trial, and counsel conducted an on-the-record inquiry with Saini after she was sworn. Saini confirmed that she understood the judge would determine both the facts and the law, that there would be no jury, that counsel had discussed potential benefits of a bench trial, and that her waiver decision was informed. The court conducted a bench trial, found her guilty, and imposed probation, community service, and costs.

PROCEDURAL HISTORY

Saini was charged with petit theft after being arrested for stealing a license-plate decal. Following an on-the-record inquiry conducted by defense counsel in the trial court's presence, she proceeded with a bench trial and was found guilty. The County Court for Alachua County sentenced her to six months of supervised probation, twenty-five community-service hours, and court costs. The First District Court of Appeal denied rehearing, withdrew its April 9, 2025 opinion, substituted this opinion, and affirmed.

DISPOSITION

affirmed

CASES CITED

- Tucker v. State, 559 So. 2d 218 (Fla. 1990)
- Brady v. United States, 397 U.S. 742 (1970)
- Sansom v. State, 642 So. 2d 631 (Fla. 1st DCA 1994)
- Johnson v. State, 994 So. 2d 960 (Fla. 2008)

OPINION

Saini v. State of Florida

PER CURIAM.

FIRST DISTRICT COURT OF APPEAL

STATE OF FLORIDA

_____ No. 1D2023-2507 _____

GURLEEN KAUR SAINI,

Appellant, v.

STATE OF FLORIDA,

Appellee. _____ On appeal from the County Court for Alachua
County. Walter M. Green, Judge. June 11, 2025

ON MOTION FOR REHEARING

NORDBY, J. We deny Appellant Gurleen Kaur Saini’s motion for rehearing. On our own motion, we withdraw our opinion issued April 9, 2025, and substitute the following in its place. Gurleen Kaur Saini appeals her conviction of petit theft. Saini argues that because she was tried by bench trial and the record lacks an oral or written waiver of a jury trial, she is entitled to reversal and a new trial. We disagree and affirm. I. For stealing a license plate decal, Saini was arrested and charged with petit theft less than \$100. During a trial status conference, defense counsel represented to the court that Saini would agree to a bench trial rather than a jury trial. The State, defense counsel, and the trial court discussed proceeding with a bench trial and agreed that a bench trial would be acceptable. Defense counsel then conducted an exchange with Saini, on the record, about proceeding with a bench trial and waiving her right to a jury trial. After being sworn in, Saini confirmed she discussed the option of a bench trial with counsel and was amenable to a bench trial. Saini acknowledged that she understood the judge would be the finder of fact and law at a bench trial and there would not be a jury. Defense counsel stated that he had discussed potential benefits of a bench trial with Saini. Finally, Saini confirmed that she felt that her decision to waive her right to a jury trial was informed. The case proceeded to a bench trial and the court found Saini guilty as charged. Saini was sentenced to six months of supervised probation, twenty-five community service hours, and court costs. This timely appeal follows. II. A defendant’s waiver of her constitutional right to a jury trial must be “voluntary, knowing, and intelligent.” Tucker v. State, 559 So. 2d 218, 219 (Fla. 1990) (citing Brady v. United States, 397 U.S. 742 (1970)) approved sub nom. Johnson v. State, 994 So. 2d 960 (Fla. 2008). “Although a defendant’s

oral waiver may suffice, it must follow a colloquy in which the court establishes that the waiver is knowingly and intelligently made.” Sansom v. State, 642 So. 2d 631, 632 (Fla. 1st DCA 1994). “An appropriate oral colloquy will focus a defendant’s attention on the value of a jury trial and should make a defendant aware of the likely consequences of the waiver.” Tucker, 559 So. 2d at 220. Essentially, Saini argues that reversal is required because her counsel, rather than the trial court, conducted her on-the-record inquiry for waiver of a jury trial. We find this argument unavailing. 2 Saini’s inquiry on the record satisfies the requirements of Tucker. 559 So. 2d at 219–20. Defense counsel explained the likely consequences of waiving a jury trial—the trial judge would serve as finder of fact and law. Saini acknowledged that her counsel had discussed that there could be benefits to a bench trial, and she acknowledged that her decision was informed. These facts do not demonstrate an error requiring reversal, to say the least. The record reflects that Saini knew what she was doing and now requests to be relieved from her “voluntary, knowing, and intelligent” decision. Id. at 219. An inquiry by counsel in the trial court’s presence showing that Saini understood her rights and the consequences of waiving those rights fails to establish any error. AFFIRMED. ROWE and WINOKUR, JJ., concur. _____ Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331. _____ Jessica J. Yeary, Public Defender, and Kathryn Lane, Assistant Public Defender, Tallahassee, for Appellant. James Uthmeier, Attorney General, and Miranda Lee Butson, Assistant Attorney General, Tallahassee, for Appellee. 3