

FLORIDA FIRST DISTRICT COURT OF APPEAL

Drinkard v. State of Florida

No. 1D2024-1844 (Fla. 1st DCA May 6, 2026) · No. 1D2024-1844 · Decided May 6, 2026

SUMMARY

The Florida First District Court of Appeal affirmed Justin Drinkard’s murder and trespassing convictions. The court held that the trial court did not abuse its discretion in denying a post-verdict interview of a juror who failed to disclose a misdemeanor reckless-driving conviction and that the Sixth Amendment did not require a twelve-person jury in this noncapital case.

CASE DETAILS

COURT	Florida First District Court of Appeal
WRITING FOR THE COURT	Per curiam; Osterhaus, C.J.; Roberts, J.; Bilbrey, J.
JURISDICTION	Florida First District Court of Appeal
DECIDED	May 6, 2026
DOCKET	1D2024-1844
DISPOSITION	affirmed
PROCEDURAL POSTURE	Drinkard appealed his convictions for second-degree murder and armed trespass of an occupied dwelling, challenging the denial of his motion for a post-verdict juror interview and his request for a twelve-person jury.
STANDARD OF REVIEW	A denial of a motion to interview jurors is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published
PARTIES	Justin Drinkard v. State of Florida

TOPICS

- criminal procedure
- jury selection
- sixth amendment
- appellate procedure
- standard of review

PRACTICE AREAS

- criminal procedure
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying Drinkard's post-verdict motion to interview a juror who allegedly failed to disclose a prior misdemeanor conviction during voir dire.
2. Whether the Sixth Amendment required a twelve-person jury for Drinkard's Florida criminal trial.

HOLDINGS

1. The trial court did not abuse its discretion in denying Drinkard's motion to interview Juror 105 because Drinkard failed to make a prima facie showing that the juror's nondisclosed misdemeanor conviction was relevant and material to jury service in his case.
2. The Sixth Amendment does not require a twelve-person jury in a noncapital Florida criminal trial; the trial court therefore properly denied Drinkard's request for a twelve-person jury.

KEY QUOTATIONS

“A juror’s nondisclosure of information is considered material where ‘the omission of the information prevented counsel from making an informed judgment—which would in all likelihood have resulted in a peremptorily challenge.’” (2)

“Under these circumstances, we see no prima facie showing by Drinkard of a material nondisclosure of information, or abuse of discretion by the trial court.” (3)

FACTUAL BACKGROUND

Drinkard was convicted of second-degree murder and armed trespass of an occupied dwelling after a three-day trial. After the verdict, his jury investigator learned that Juror 105 had failed to disclose a prior misdemeanor conviction arising from an alcohol-related reckless-driving offense. Drinkard sought to interview the juror and also argued that the Sixth Amendment required a twelve-person jury.

PROCEDURAL HISTORY

After a three-day April 2024 trial, a jury found Drinkard guilty of second-degree murder and armed trespass of an occupied dwelling. After the verdict, a jury investigator discovered that Juror 105 had not disclosed a prior misdemeanor alcohol-related reckless-driving conviction. The circuit court denied Drinkard's motion to interview the juror and denied his request for a twelve-person jury; the First District Court of Appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- Martin v. State, 322 So. 3d 25, 32, 37 (Fla. 2021)
- De La Rosa v. Zequeira, 659 So. 2d 239, 241-42 (Fla. 1995)
- Bass v. State, 304 So. 3d 786, 790 (Fla. 1st DCA 2018)
- Hampton v. State, 103 So. 3d 98, 112-13 (Fla. 2012)

- State v. Hamilton, 574 So. 2d 124, 130 (Fla. 1991)
- Murray v. State, 3 So. 3d 1108, 1121-22 (Fla. 2009)
- Foster v. State, 132 So. 3d 40, 63 (Fla. 2013)
- Johnston v. State, 63 So. 3d 730, 738-39 (Fla. 2011)
- Garnett v. McClellan, 767 So. 2d 1229, 1231 (Fla. 5th DCA 2000)
- Williams v. Florida, 399 U.S. 78 (1970)
- Salmon v. State, 387 So. 3d 393 (Fla. 1st DCA 2024)
- Roberts ex rel. Estate of Roberts v. Tejada, 814 So. 2d 334, 339, 341, 345 (Fla. 2002)
- Wilcox v. Dulcom, 690 So. 2d 1365, 1366 (Fla. 3d DCA 1997)
- Birch ex rel. Birch v. Albert, 761 So. 2d 355, 359 (Fla. 3d DCA 2000)
- Khorrami v. Arizona, 143 S. Ct. 22, 23 (2022)
- Cunningham v. Florida, 144 S. Ct. 1287, 1287 (2024)
- Lainhart v. State, 351 So. 3d 1282, 1284 (Fla. 1st DCA 2022)
- Lessard v. State, 232 So. 3d 13, 14 (Fla. 1st DCA 2017)
- Phillips v. State, 316 So. 3d 779, 786 (Fla. 1st DCA 2021)

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