

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2019-K-01690

VS.

TRAE WILLIAMS

IN RE: State of Louisiana - Applicant Plaintiff; Applying For Writ Of Certiorari,
Parish of Orleans Criminal, Criminal District Court Number(s) 522-053, Court of
Appeal, Fourth Circuit, Number(s) 2019-KA-0186;

June 12, 2020

Writ application granted. See per curiam.

JDH

BJJ

JLW

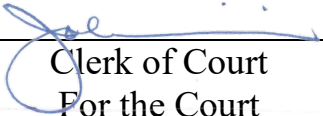
SJC

JTG

WJC

JHB

Supreme Court of Louisiana
June 12, 2020



Clerk of Court
For the Court

06/12/20

SUPREME COURT OF LOUISIANA

No. 2019-K-01690

STATE OF LOUISIANA

VS.

TRAE WILLIAMS

On Writ of Certiorari to the Court of Appeal, Fourth Circuit,
Parish of Orleans Criminal

PER CURIAM

Writ granted. The district court did not err in admitting testimony as to the victim's telephone call to his daughter of the victim's fearful state of mind and present sense impression of the altercation. *See State v. Magee*, 11-0574, p. 48 (La. 9/28/12), 103 So. 3d 285, 319. As to the hearsay testimony of the victim's statement that he had called 911 and thought that defendant and Mr. Williams were going to kill him, this testimony was not contemporaneously objected to, and thus the issue was not preserved for appeal. *See* La.C.Cr.P. art. 841. The ruling of the court of appeal, which vacated the conviction and pretermitted all remaining assignments of error, is reversed.

However, the present matter was pending on direct review when *Ramos v. Louisiana*, 590 U.S. —, 140 S.Ct. 1390, — L.Ed.2d — (2020), was decided, and therefore the holding of *Ramos* applies. *See Griffith v. Kentucky*, 479 U.S. 314, 328, 107 S.Ct. 708, 716, 93 L.Ed.2d 649 (1987). The matter is remanded to the court of appeal for further proceedings and to conduct a new error patent review in light of *Ramos v. Louisiana*. If the non-unanimous jury claim was not preserved for review in the trial court or was abandoned during any stage of the proceedings, the court of appeal should nonetheless consider the issue as part of its error patent review. *See* La.C.Cr.P. art. 920(2).