

The Supreme Court of the State of Louisiana

STATE OF

No.2019-K-01819

LOUISIANA VS.

KIRBY THOMAS

IN RE: Kirby Thomas - Applicant Defendant; Applying For Writ Of Certiorari,
Parish of Assumption, 23rd Judicial District Court Number(s) 17-123, Court of
Appeal, First Circuit, Number(s) 2019 KA 0409;

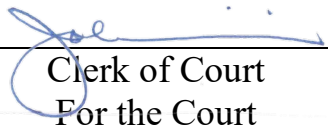
June 22, 2020

Writ application granted in part; denied in part. See per curiam.

WJC
BJJ
JLW
JDH
SJC
JTG
JHB

Johnson, C.J., concurs and assigns reasons.

Supreme Court of Louisiana
June 22, 2020


Clerk of Court
For the Court

06/22/20

SUPREME COURT OF LOUISIANA

No. 2019-K-01819

STATE OF LOUISIANA

versus

KIRBY THOMAS

**ON WRIT OF CERTIORARI TO THE FIRST CIRCUIT
COURT OF APPEAL, PARISH OF ASSUMPTION**

PER CURIAM:

Writ granted in part. Defendant's convictions were not final when *Ramos v. Louisiana*, 590 U.S. —, 140 S.Ct. 1390, — L.Ed.2d — (2020), was decided, and therefore the holding of *Ramos* applies to any non-unanimous verdicts in these proceedings. 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*. The remand order does not pertain to defendant's conviction for attempted manslaughter, which was by unanimous verdict. The application is otherwise denied.

REMANDED