

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2019-K-02093

VS.

ELVIN D. VILLAFRANCA

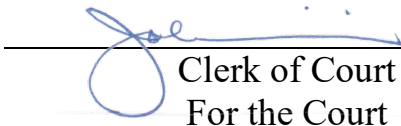
IN RE: Elvin D. Villafranca - Applicant Defendant; Applying For Writ Of Certiorari, Parish of Jefferson, 24th Judicial District Court Number(s) 15-4323, Court of Appeal, Fifth Circuit, Number(s) 18-KA-500;

June 03, 2020

Writ application granted. See per curiam.

- SJC
- BJJ
- JLW
- JDH
- JTG
- WJC
- JHB

Supreme Court of Louisiana
June 03, 2020


Clerk of Court
For the Court

06/03/20

SUPREME COURT OF LOUISIANA

No. 2019-K-02093

STATE OF LOUISIANA

v.

ELVIN D. VILLAFRANCA

**ON WRIT OF CERTIORARI TO THE FIFTH CIRCUIT,
COURT OF APPEAL, PARISH OF JEFFERSON**

PER CURIAM:

Writ granted. 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*, 590 U.S. —, 140 S.Ct. 1390, — L.Ed.2d — (2020). 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).

The present matter was pending on direct review when *Ramos v. Louisiana* 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). Nothing herein should be construed as a determination as to whether that ruling will apply retroactively on state collateral review to those convictions and sentences that were final when *Ramos* was decided.