

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2021-KO-01232

VS.

JEROME GRAY

IN RE: Jerome Gray - Applicant Defendant; Applying For Writ Of Certiorari, Parish of Iberville, 18th Judicial District Court Number(s) 267-16, Court of Appeal, First Circuit, Number(s) 2020 KA 0685;

February 08, 2022

Writ application granted in part. See per curiam.

WJC
JLW
JDH
SJC
JTG
JBM
PDG

Supreme Court of Louisiana
February 08, 2022



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 21-KO-1232

STATE OF LOUISIANA

v.

JEROME GRAY

**ON SUPERVISORY WRITS TO THE EIGHTEENTH
JUDICIAL DISTRICT COURT, PARISH OF IBERVILLE**

PER CURIAM:

Writ granted in part; otherwise denied. 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, 206 L.Ed.2d 583 (2020). If the non-unanimous jury verdict claim, presented in a pro se supplemental filing, 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.