

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

STATE OF LOUISIANA

NO. 2021 KW 0955

VERSUS

MARLON CARTER

OCTOBER 12, 2021

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In Re: Marlon Carter, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 04-15-0006.

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**BEFORE: GUIDRY, HOLDRIDGE, AND CHUTZ, JJ.**

**WRIT APPLICATION STAYED IN PART AND DENIED IN PART.** The decision whether to apply **Ramos v. Louisiana**, \_\_ U.S. \_\_, 140 S.Ct. 1390, 206 L.Ed.2d 583 (2020) retroactively and grant postconviction relief on state collateral review to defendants convicted by non-unanimous juries in all or certain circumstances remains with the Louisiana Supreme Court. A state court may give broader effect to new rules of criminal procedure than is required by the relevant opinion. See **Danforth v. Minnesota**, 552 U.S. 264, 128 S.Ct. 1029, 169 L.Ed.2d 859 (2008). We hereby stay the writ application in part, as it concerns relator's claim that **Ramos** is retroactive to cases on state collateral review. With respect to relator's claims of ineffective assistance of counsel, the writ application is denied.

JMG  
GH

**Chutz, J.**, dissents from imposing a stay and would deny the writ application in its entirety.

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DEPUTY CLERK OF COURT  
FOR THE COURT