

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2022 KW 0095

VERSUS

HENRY J. MCMILLAN

OCTOBER 26, 2022

In Re: Henry J. McMillan, applying for supervisory writs,
22nd Judicial District Court, Parish of Washington,
No. 15-CR7-129462.

BEFORE: GUIDRY, HOLDRIDGE, AND CHUTZ, JJ.

STAY LIFTED. WRIT DENIED. The jury unanimity rule set forth in **Ramos v. Louisiana**, __ U.S.__, 140 S.Ct. 1390, 206 L.Ed.2d 583 (2020) does not apply retroactively in Louisiana. **State v. Reddick**, 2021-01893 (La. 10/21/22), __ So.3d __.

GH
WRC

Guidry, J., concurs. As a judge of an intermediate appellate court of this state, I am constrained to concur in the denial of retroactive application of **Ramos v. Louisiana**, __ U.S. 140 S.Ct. 1390, 206 L.Ed.2d 583 (2020), in accordance with the recent majority decision of the Louisiana Supreme Court in **State v. Reddick**, 2021-01893 (La. 10/21/22), __ So.3d __. However, I write separately to express my disagreement with upholding unconstitutional non-unanimous convictions on collateral review and to express my disappointment in this state's failure to correct the lingering legacy of discrimination and injustice embodied in such convictions for the more detailed reasons expressed by Justice Griffin in her dissenting opinion to the **Reddick** decision.

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DEPUTY CLERK OF COURT
FOR THE COURT