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JUDGES

**Court of Appeal**  
**FIFTH CIRCUIT**  
**STATE OF LOUISIANA**  
101 DERBIGNY STREET (70053)  
POST OFFICE BOX 489  
GRETNA, LOUISIANA 70054  
WWW.FIFTHCIRCUIT.ORG

MARY E. LEGNON  
CHIEF DEPUTY CLERK

SUSAN S. BUCHHOLZ  
FIRST DEPUTY CLERK

MELISSA C. LEDET  
DIRECTOR OF CENTRAL STAFF

(504) 376-1400  
(504) 376-1498 FAX

January 25, 2021

RE: STATE OF LA VS. RON C. YOUNGBLOOD  
Appeal Number 18-KA-445

To all recipients of the opinion in the above referenced case:

On December 9, 2020, an opinion was rendered in the above case, which was on remand from the Louisiana Supreme Court. After reviewing the opinion, the following correction has been made:

**On page 2, paragraph 2, line 17 "second degree murder" was changed to read "first degree murder."**

A copy of the corrected page is enclosed. Please substitute the corrected page in the opinion previously sent.

Respectfully,

Curtis B. Pursell  
Clerk of Court

CBP/nfv

Enclosure

a jury trial—as incorporated against the states by the Fourteenth Amendment—requires a unanimous verdict to convict a defendant of a serious offense. The Court concluded, “There can be no question either that the Sixth Amendment's unanimity requirement applies to state and federal trials equally...So if the Sixth Amendment's right to a jury trial requires a unanimous verdict to support a conviction in federal court, it requires no less in state court.” *Id.*, 140 S.Ct. at 1397.

According to *Ramos*, Louisiana will have to retry defendants who were convicted of serious offenses by non-unanimous juries and whose cases are still pending on direct appeal. In a *per curiam* opinion, the Louisiana Supreme Court granted Defendant’s writ, finding “[t]he present matter was pending on direct review when *Ramos v. Louisiana* was decided, and therefore the holding of *Ramos* applies.” *State v. Youngblood*, 296 So.3d at 1022. The supreme court remanded the matter and directed this Court conduct a new errors patent review in light of *Ramos*.

In this matter, the jury was polled on the record on the last day of Defendant’s trial. The September 29, 2017 transcript shows that Defendant was convicted of attempted first degree murder (count one) by a verdict of 11-1, and the verdicts for count two and count three were unanimous. Because the jury verdicts for counts two (for which Defendant was found not guilty) and three were unanimous, we find that there is no error, and no corrective action is required pursuant to *Ramos*. Accordingly, we will not disturb our original opinion regarding count three. But, because the verdict for count one was not unanimous, and the instant case is still on direct review we find that, pursuant to *Ramos*, Defendant is entitled to a new trial on count one.<sup>1</sup>

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<sup>1</sup> As part of the errors patent review, this Court considered sufficiency of the evidence as required by *State v. Raymo*, 419 So.2d 858 (La.1982) and *State v. Hearold*, 603 So.2d 731 (La.1992). We find that the State offered evidence at trial that a jury could find sufficient to establish all of the elements of the crimes of which Defendant was accused. Therefore, Defendant is not entitled to an acquittal under *Hudson v. Louisiana*, 450 U.D. 40, 101 S.Ct. 970, 67 L.Ed.2d 30 (1981).