

STATE OF LOUISIANA

*

NO. 2016-KA-0224

VERSUS

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COURT OF APPEAL

BILLY R. LEWIS

*

FOURTH CIRCUIT

*

STATE OF LOUISIANA

APPEAL FROM
CRIMINAL DISTRICT COURT ORLEANS PARISH
NO. 433-888, SECTION "F"
Honorable Robin D. Pittman, Judge

Chief Judge James F. McKay III

ON REMAND FROM THE UNITED STATES SUPREME COURT

(Court composed of Chief Judge James F. McKay III, Judge Edwin A. Lombard,
Judge Roland L. Belsome)

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CONVICTIONS AND SENTENCES VACATED; REMANDED

JULY 8, 2020

JFM
EAL
RLB

This matter is on remand from the United States Supreme Court pursuant to *Ramos v. Louisiana*, ____ U.S. ____, 140 S.Ct. 1390, ____ L.Ed.2d ____ (2020), (holding that jury verdicts in state felony cases must be unanimous). For the reasons set forth below, defendant's convictions and sentences are vacated.

DISCUSSION

The defendant was convicted of two counts of second degree murder by a ten-to-two jury vote. On appeal to this Court, the defendant asserted three assignments of error: 1) the non-unanimous jury verdict was unconstitutional; 2) the trial court erred in denying a motion to quash regarding the time limitations to retry the defendant; and 3) the trial court erred in refusing to declare a mistrial when the state declined to call a witness whom the state promised to call in opening statements. *See State v. Lewis*, 2016-0224, (La. App. 4 Cir. 12/19/16), 209 So.3d 202. This Court affirmed the defendant's convictions and sentences.

The defendant's writ application filed with the Louisiana Supreme Court was denied. *See State v. Lewis*, 2017-0340, (La. 9/14/18), 251 So.3d 1087. While the defendant's writ application to the U.S. Supreme Court was pending, the Court rendered a decision in *Ramos*. On April 27, 2020, the U.S. Supreme Court ordered

that the defendant's cause be vacated and remanded to this Court for further consideration in light of *Ramos*. See *Lewis v Louisiana*, ____ U.S. ____ S.Ct. ____, (2020) (2020 WL 1978925).

DECREE

In light of the order issued by the U.S. Supreme Court, the defendant's convictions by non-unanimous jury verdict and respective sentences are vacated, and the case is remanded to the district court for further proceedings.

CONVICTIONS AND SENTENCES VACATED; REMANDED