

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

**17-1135**

**STATE OF LOUISIANA**

**VERSUS**

**AARON ORLANDO RICHARDS**

**\*\*\*\*\*  
ON REMAND FROM THE UNITED STATES SUPREME COURT  
FIFTEENTH JUDICIAL DISTRICT COURT,  
PARISH OF LAFAYETTE, NO. 130590  
HONORABLE DAVID MICHAEL SMITH, DISTRICT JUDGE**

**\*\*\*\*\*  
SYLVIA R. COOKS  
JUDGE  
\*\*\*\*\***

Court composed of Sylvia R. Cooks, Chief Judge, Billy H. Ezell and John E. Conery, Judges.

**CONVICTION AND SENTENCE VACATED; REMANDED FOR NEW TRIAL.**

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Aaron Orlando Richards**

## **COOKS, Chief Judge.**

Aaron Orlando Richards (Defendant), was indicted for the first-degree murder of Timothy Falgout, a violation of La.R.S. 14:30. On April 11, 2017, a jury found Defendant guilty as charged by a non-unanimous 10-2 verdict. He was subsequently sentenced to life imprisonment at hard labor without the benefit of parole, probation, or suspension of sentence. Defendant appealed, and on June 6, 2018, this court affirmed his conviction and sentence. *State v. Richards*, 17-1135 (La.App. 3 Cir. 6/6/18), 247 So.3d 878, writ denied, 18-1036 (La. 4/22/19), 268 So.3d 294. After the Louisiana State Supreme Court denied his writ application, Defendant filed a writ of certiorari with the United States Supreme Court on July 25, 2019, Docket Number 19-5301. Defendant's appeal was pending when the U.S. Supreme Court rendered its decision in *Ramos v. Louisiana*, 590 U.S. \_\_\_, 140 S.Ct. 1390 (2020). The high court in *Ramos* held a unanimous jury verdict is constitutionally required to convict a defendant of a serious offense, overruling a Louisiana Supreme Court ruling that upheld a non-unanimous verdict. Shortly after its ruling in *Ramos*, on April 27, 2020, the United States Supreme Court remanded Defendant's case to this court stating:

On petition for writ of certiorari to the Court of Appeal of Louisiana, Third Circuit. Motion of petitioner for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated, and case remanded to the Court of Appeal of Louisiana, Third Circuit for further consideration in light of *Ramos v. Louisiana*, 590 U.S. \_\_\_, 140 S.Ct. 1390, 206 L.Ed 2d 583 (2020). Justice Alito, concurring in the decision to grant, vacate, and remand: In this and in all other case [sic] in which the Court grants, vacates, and remands in light of *Ramos v. Louisiana*, I concur in the judgment on the understanding that the Court is not deciding or expressing a view on whether the question was properly raised below but is instead leaving that question to be decided on remand. Justice Thomas would deny the petition for a writ of certiorari.

*Richards v. Louisiana*, \_\_\_U.S.\_\_\_, 140 S.Ct. 2714 (2020).

We have previously held that as part of an error patent review, the jury's verdict should be reviewed to determine whether the required number of jurors concurred in the verdict. *See State v. Goodley*, 398 So.2d 1068 (La.1981). Although the concurring justices did not join in all parts of the majority opinion, the Supreme Court in *Ramos* unambiguously determined that non-unanimous verdicts are not permissible under the Sixth Amendment to the Constitution and that prohibition applies to the states through the Fourteenth Amendment. Accordingly, Defendant's conviction and sentence for first degree murder via a non-unanimous jury verdict is vacated and the case is remanded for a new trial.

**CONVICTION AND SENTENCE VACATED; REMANDED FOR  
NEW TRIAL.**