

SUPREME COURT OF LOUISIANA

No. 18-KP-0310

STATE OF LOUISIANA

versus

JAMES CLAIBORNE MAGEE

**ON SUPERVISORY WRITS TO THE TWENTY-SECOND
JUDICIAL DISTRICT COURT, PARISH OF ST. TAMMANY**

PER CURIAM:

Writ granted in part. In *McCoy v. Louisiana*, 584 U.S. —, 138 S.Ct. 1500, 1512, 200 L.Ed.2d 821 (2018), the United States Supreme Court found that counsel's admission of defendant McCoy's guilt over defendant's clearly-stated and persistent objection was a structural error that is incompatible with the Sixth Amendment thereby mandating a new trial. In light of that ruling, we grant in part to remand to the district court to determine in the first instance if *McCoy v. Louisiana* applies retroactively on state collateral review, and, if it does apply, whether this defendant is entitled to relief under that decision. In all other aspects, the application is denied.

REMANDED