

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2018-KO-01988

VS.

KENDELL SHANNER CAGLER

IN RE: Kendell Shanner Cagler - Applicant Defendant; Applying For Writ Of Certiorari, Parish of St. Tammany, 22nd Judicial District Court Number(s) 577420, Court of Appeal, First Circuit, Number(s) 2018 KA 0427;

June 03, 2020

Writ application granted. See per curiam.

JDH

BJJ

JLW


SJC

JTG

WJC

JHB

Supreme Court of Louisiana
June 03, 2020


Clerk of Court
For the Court

06/03/20

SUPREME COURT OF LOUISIANA

No. 2018-KO-01988

STATE OF LOUISIANA

v.

KENDELL SHANNER CAGLER

**ON WRIT OF CERTIORARI TO THE FIRST CIRCUIT,
COURT OF APPEAL, PARISH OF ST. TAMMANY**

PER CURIAM:

Writ granted. The matter is remanded to the court of appeal for further proceedings and to conduct a new error patent review in light of *Ramos v. Louisiana*, 590 U.S. —, 140 S.Ct. 1390, — L.Ed.2d — (2020). If the non-unanimous jury claim was not preserved for review in the trial court or was abandoned during any stage of the proceedings, the court of appeal should nonetheless consider the issue as part of its error patent review. See La.C.Cr.P. art. 920(2).

The present matter was pending on direct review when *Ramos v. Louisiana* was decided, and therefore the holding of *Ramos* applies. See *Griffith v. Kentucky*, 479 U.S. 314, 328, 107 S.Ct. 708, 716, 93 L.Ed.2d 649 (1987). Nothing herein should be construed as a determination as to whether that ruling will apply retroactively on state collateral review to those convictions and sentences that were final when *Ramos* was decided.