

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2020-K-00109

VS.

DERMAINE NORMAN

IN RE: Dermaine Norman - Applicant Defendant; Applying For Writ Of Certiorari, Parish of St. John the Baptist, 40th Judicial District Court Number(s) 12337, Court of Appeal, Fifth Circuit, Number(s) 18KA00723;

July 02, 2020

Writ application granted in part. See per curiam.

WJC

JLW

JDH

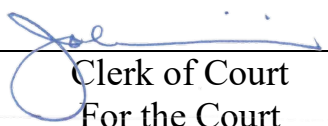
SJC

JTG

JHB

Johnson, C.J., dissents and assigns reasons.

Supreme Court of Louisiana
July 02, 2020



Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2020-K-0109

STATE OF LOUISIANA

VERSUS

DERMAINE NORMAN

**ON WRIT OF CERTIORARI TO THE FIFTH CIRCUIT,
COURT OF APPEAL, PARISH OF ST. JOHN THE BAPTIST**

PER CURIAM*

Writ granted in part. The United States Supreme Court determined in *Ramos v. Louisiana*, 590 U.S. ___, 140 S.Ct. 1390, ___ L.Ed.2d ___ (2020), that the Sixth Amendment right to jury trial, as incorporated against the States by way of the Fourteenth Amendment, requires a unanimous verdict to convict a defendant of a serious offense. In accordance with *Griffith v. Kentucky*, 479 U.S. 314, 328, 107 S.Ct. 708, 716, 93 L.Ed.2d 649 (1987), that ruling applies retroactively to all cases pending on direct review or not yet final. Defendant's conviction was not final when *Ramos* was decided. However, the court of appeal found with the benefit of the record that the district court ceased polling the jury after the first ten jurors. Thus, it is not known whether the verdict was unanimous. Accordingly, we grant the application in part to remand to the trial court, which is ordered to conduct further proceedings to ascertain whether the verdict was unanimous. The trial court shall provide a *per curiam* to this Court within ten days of ruling on the *Ramos* issue and stating the outcome. If the trial court denies relief under *Ramos*, defendant can appeal separately on that basis. The remainder of the defendant's claims will be considered by this Court once the *Ramos* issue is resolved.