

No. 19-8338

In the Supreme Court of the United States

CHARLES P. MAYEUX,
Petitioner

vs.

STATE OF LOUISIANA,
Respondent

ON PETITION FOR A WRIT OF CERTIORARI
TO THE LOUISIANA SUPREME COURT

**BRIEF IN RESPONSE
BY THE
STATE OF LOUISIANA**

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QUESTION PRESENTED

Whether this Court's decision in *Ramos v. Louisiana*, 140 S. Ct. 1390 (2020), requires reversal of a non-unanimous jury conviction in a case pending on direct review?

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INTRODUCTION

A twelve-person jury convicted Petitioner Charles Mayeux of the second-degree murder of his wife by a 10-2 vote. His case remains on direct appeal. Pursuant to *Ramos v. Louisiana*, 140 S. Ct. 1390 (2020) and *Griffith v. Kentucky*, 479 U.S. 314 (1987), the State of Louisiana agrees he is entitled to a new trial.

STATEMENT OF THE CASE

A grand jury indicted Mayeux for second-degree murder¹ and he pleaded not guilty. After a five-day trial, a twelve-person jury convicted him of the charge by a 10-2 vote. The court sentenced him to the mandatory sentence of life in prison, without benefit of parole, probation or suspension of sentence.

Mayeux appealed, and the state courts affirmed his conviction and sentence. Pet. App. at 3a, 6a, 10a–36a. This petition for certiorari followed.

While his appeal was pending in this Court, the Court held that the Sixth Amendment requires jury verdicts in felony cases to be unanimous and the Court incorporated that guarantee against the States. *See Ramos v. Louisiana*, 140 S. Ct. 1390 (2020).

CONCESSION OF ERROR

In *Griffith v. Kentucky*, this Court explained that “failure to apply a newly declared constitutional rule to criminal cases pending on direct review violates basic norms of constitutional adjudication.” 479 U.S. 314, 322 (1987); *see also Teague v. Lane*, 489 U.S. 288, 311 (1989) (plurality opinion). Mayeux was convicted by a non-

¹ LA. R.S. 14:30.1.

unanimous 10-2 jury verdict, and his conviction is currently pending on direct review. In light of this Court's holding in *Ramos*, the State concedes that the Court should grant certiorari, vacate the lower court judgment, and remand for further proceedings.

Respectfully submitted,

/s/ Elizabeth Baker Murrill

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