No.: 20-7125

In The
Supreme Court of the United States

RASHAN WILLIAMS
Petitioner

v.

STATE OF LOUISIANA
Respondent

ON PETITION FOR A WRIT OF CERTIORARI TO THE LOUISIANA COURT OF APPEAL, FIRST CIRCUIT

PRO-SE BRIEF IN OPPOSITION TO THE ATTORNEY GENERAL'S BRIEF IN OPPOSITION

Rashan Williams #422041
MPEY/Ash-4
Louisiana State Penitentiary
Angola, Louisiana 70712-9818

June 16, 2021

PREPARED BY:
David Constance #304580 Offender Counsel Substitute III
Main Prison Legal Aid Office
Criminal Litigation Team
La. State Penitentiary
Angola, LA 70712

INTERESTED PARTIES

District Attorney's Office
22nd Judicial District Court
701 N. Columbia St.
Covington, LA 70433

Attorney General's Office
P.O. Box 94005
Baton Rouge, LA 70804-9005

Darrel Vannoy, Warden
Louisiana State Penitentiary
General Delivery
Angola, LA 70712

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NOTICE OF PRO-SE FILING

Mr. Williams requests that this Honorable Court view these Claims in accordance with the rulings of *Haines v. Kerner*, 404 U.S. 519, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972). Mr. Williams is a layman of the law and untrained in the ways of filings and proceedings of formal pleadings in this Court. Therefore, he should not be held to the same stringent standards as those of a trained attorney.

INTRODUCTION

Pursuant to rule 15.6, Petitioner Rashan Williams files this Pro-Se *Reply Brief* to the *Attorney General's Brief in Opposition.*

This Honorable Court held in *Ramos v. Louisiana*, 140 S.Ct. 1390 (2020), that, "a conviction based upon a non-unanimous jury verdict – in state or federal court – violates the Sixth and Fourteenth Amendments." However, in *Edwards v. Louisiana*, 141 S.Ct. 1547 (2021), this Court deemed that the right to a non-unanimous jury verdict was not retroactive to individuals whose convictions have become final.

Pro Se Petitioner, Rashan Williams respectfully prays that a Writ of Certiorari issue to review Mr. Williams' contention that the holing in *Ramos v. Louisiana*, where the Justices had agree that the right to a unanimous jury verdict ***has always*** been guaranteed by the Sixth Amendment to the United States Constitution, and made applicable to the states through the Fourteenth Amendment.

Furthermore, this Court must determine that Mr. Williams does not have to meet the criteria of *Teague v. Lane*, 489 U.S. 288 (1989) due to the fact that a defendant's right to a unanimous jury verdict cannot be considered a "new rule of law" in accordance to federal standards since the inception of the Bill of Rights to the United States Constitution. Mr. Williams asks: "How can you consider a constitutionally mandated guarantee, which has been the standard for hundreds of years be considered a 'new rule of law?"'

This Court must consider the fact that if the non-unanimous jury verdict was unconstitutional in

Ramos, then it's use in Mr. Williams' case is also unconstitutional due to the fact that Mr. Williams was convicted under the same Louisiana Constitution provisions and Louisiana statutes as Evangelisto Ramos.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourteenth, Fifth and Sixth Amendments to the United States Constitution.

STATEMENT OF THE CASE

Mr. Williams relies upon his Statement of the Case as stated in his Original Petition for Writs of Certiorari to this Honorable Court. However, Mr. Williams would also note that on January 8, 2021, Mr. Williams filed his Original Petition. On February 11, 2021, Mr. Williams' case was docketed with this Court as designated as Docket Number 20-7125, and on June 2, 2021, the Attorney General's Office filed its Brief in Opposition, which was received by Mr. Williams on June 7, 2021.

Mr. Williams humbly requests that this Honorable Court find his pleadings good and proper, and that this Court grant him relief in this matter.

LAW AND ARGUMENT

ISSUE NO. 1

Mr. Williams was convicted by a non-unanimous jury in violation of his rights under the Fifth, Sixth, and Fourteenth Amendments and equivalent provisions of the Louisiana Constitution.

Mr. Williams is an African-American man who was tried for a murder, 1 juror voted to acquit. Had Mr. Williams been tried in federal court or any of 48 states, that 11-1 verdict would not have sufficed to convict him. But Louisiana allowed non-unanimous jury verdicts at the time, making the dissenting jurors' votes meaningless. Mr. Williams was convicted and sentenced to life in prison without the benefit of Probation, Parole, or Suspension of Sentence.

First and foremost, it is quite unfathomable that the Attorney General's Office would actually call into question of the United States Supreme Court's jurisdiction in this matter. The United States

Supreme Court is the ultimate authority in the Law of this nation.

This case meets the test for retroactive application enunciated by the Supreme Court in *Teague v. Lane*, 489 U.S. 288 (1989). It is time we abandoned our use of *Teague* in favor of a retroactivity test that takes into account the harm done by the past use of a particular law. By either route, Louisiana should give *Ramos* retroactive effect.

In 1992, Louisiana adopted *Teague*'s test for determining whether decisions affecting rights of criminal procedure would be retroactively applied to cases in state collateral review. *State ex rel. Taylor v. Whitley*, 606 So.2d 1292, 1296 (La. 1992). In relevant part, *Teague* only requires retroactive application of a new rule if it is a "watershed rule of criminal procedure" that "implicates the fundamental fairness [and accuracy]" of the criminal proceeding. *Teague*, 489 U.S. at 311-312.

Ramos meets that definition. It plainly announced a watershed rule. "The Sixth Amendment right to a jury trial is 'fundamental to the American scheme of justice' and incorporated against the States under the Fourteenth Amendment." *Ramos*, 140 S.Ct. at 1397 (citing *Duncan v. Louisiana*, 391 U.S. 145, 148-50 (1968). Therefore, the remaining question under *Teague* is whether the *Ramos* rule implicates fundamental fairness and accuracy. Because the United States Supreme Court denied the instant Writ Application, we do not have a full briefing on this issue. However, the existing *Ramos* record alone supports the conclusion that it does. The law that *Ramos* struck was designed to discriminate against African-Americans and it has been successful. For the last 120 years, it has silenced and sidelined African-Americans in criminal proceedings and cause questionable convictions throughout Louisiana.

The post-Reconstruction Louisiana Constitutional Convention of 1898 sought to "establish the supremacy of the white race." *Ramos*, 140 S.Ct. at 1394. It "approved non-unanimous juries as one pillar of comprehensive and brutal program of racist Jim Crow measures against African-Americans, especially in voting and jury service." *Id.*, at 1417 (Kavanaugh, J., concurring in part). "[A]ware that

this Court would strike down any policy of overt discrimination against African-American jurors as a violation of the Fourteenth Amendment, the delegates sought to undermine African-American participation on juries in another way. With a careful eye on racial demographics, the convention delegates sculpted a 'facially race-neutral" rule ... in order "to ensure that African-American juror service would be meaningless."' *Id.*

Data showing that votes of African-American jurors have been disproportionately silenced is compelling evidence that the use of pre-***Ramos*** rule affected the fundamental fairness and accuracy of criminal trials. "In light of the racist origins of the non-unanimous jury, it is no surprise that non-unanimous juries can make a difference in practice, especially in cases involving black defendants, victims, or jurors." *Id.*, at 1417 (Kavanaugh, J., concurring in part). The whole point of the law was to make it easier to convict African-American defendants at criminal trials, even when some of the jurors themselves were African-American. By Louisiana's Constitutional Convention of 1974, which reauthorized the use of the Jim Crow law, the expected ease of convicting African-Americans in Louisiana had come to simply be described as "judicial efficiency." ***State v. Hankton***, 122 So.3d 1193 (La. App. 4th Cir. 8/2/13).

But despite "race neutral" language justifying the law in 1974, it has continued to have a detrimental effect on African-American citizens.[1] "Then and now non-unanimous juries can silence the voices and negate the votes of black jurors, especially in cases with black defendants or black victims, and only one or two black jurors. The 10 jurors "can simply ignore the views of their fellow panel members of a different race or class." ***Johnson v. Louisiana***, 406 U.S. 356, 397 (1972)(Steward, J.,

[1] Data on non-unanimous jury verdicts contained in the record of ***State v. Melvin Carter Maxie***, 11th Judicial District Court, No. 13-CR-72522 and submitted to the Supreme Court in the Joint Appendix in ***Ramos v. Louisiana***, shows that African-Americans have been 30 percent more likely to be convicted by non-unanimous juries than white defendants and that African-American jurors cast "empty" votes at 64 percent above the expected rate whereas white jurors cased "empty" votes at 32 percent less that the expected rate if empty votes were evenly dispersed amongst all jurors. ***Ramos v. Louisiana***, 2018 WL 8545357, at *51 (2018).

dissenting)." *Ramos*, 140 S.Ct. at 1414-18)(Kavanaugh, J., concurring in part).

Approximately 32% of Louisiana's population is Black. Yet, according to the Louisiana Department of Corrections, 69.9% of prisoners incarcerated for felony convictions are Black. Again, this grossly disproportionate backdrop, it cannot be seriously contended that our longtime use of a law deliberately designed to enable majority-White juries to ignore the opinions and votes of Black jurors at trials of Black defendants has not affected the fundamental fairness of Louisiana's criminal legal system. The original discriminatory purpose and the lasting discriminatory effect of the non-unanimous jury rule all implicate fundamental fairness.

The rights at issue here also directly implicate the accuracy of convictions. While many of those convicted by non-unanimous juries are surely guilty of the crimes of which they were convicted, we still have a subset of convictions where at least one – but often two – jurors had sufficient doubt of the accused's guilt to vote "not guilty." Experience teaches, and the *Ramos* decision reiterates, that those "not guilty" votes should not be cavalierly dismissed as meaningless:

> Who can say whether any particular hung jury is a waste, rather than an example of a jury doing exactly what the [*Apodaca*] plurality said it should – deliberating carefully and safeguarding against overzealous prosecutions? And what about the fact, too, that some studies ... profess to have found that requiring the unanimity may provide other possible benefits, including more open-minded and more thorough deliberations?

Ramos, 140 S.Ct., at 1401.

In fact, the United States Supreme Court held that:

> ***On what ground would anyone have us leave Mr. Ramos in prison for the rest of his life? Not a single Member of this Court is prepared to say Louisiana secured his conviction constitutionally under the Sixth Amendment. No one before us suggests that the error was harmless. Louisiana does not claim precedent commands an affirmance. In the end, the best anyone can seem to muster against Mr. Ramos is that, if we dared to admit in his case what we all know to be true about the Sixth Amendment, we might have to say the same in some others. But where is there justice in that? Every judge must learn to live with the fact he or she will make some mistakes; it comes with the territory. But it is something else entirely to perpetuate something we all know to be wrong because we fear the consequences of being right.***

Ramos v. Louisiana, 590 U.S. ___, ___ (2020)(plurality opinion)(slip op., at 26).

Here, in addition to the long line of above cited cases supporting unanimous juries under the Sixth Amendment, every other provision of the Bill of Rights has been found incorporated to the states by the Fourteenth Amendment in a manner that shows "no daylight." See; *Timbs*, 139 S.Ct., at 687 n. 1, *Ramos*, 590 U.S. at ___ (slip op., at 13).

The *Ramos* decision only reiterated what the Court had long found: that the constitutional right to a unanimous jury verdict applied equally in state and federal courts"

> This Court has repeatedly and over many years, recognized that the Sixth Amendment requires unanimity ... There can be no question either that the Sixth Amendment's unanimity requirement applies to state and federal criminal trials equally. This Court has long explained that the Sixth Amendment right to a jury trial is "fundamental to the American scheme of justice" and incorporated against the States under the Fourteenth Amendment. The Court has long explained, too, that incorporated provision of the Bill or Rights bear the same content when asserted against States as they do when asserted against the federal government. So if the Sixth Amendment's right to a jury trial requires a unanimous verdict to support a conviction in federal court, it requires no less in state court.

Ramos, Id., at ___ (slip op., at 6-7).

We need not look far back in history to be reminded that sometimes the will or opinion of a majority is wrong and the dissenting minority was factually, or morally, correct. But during the 120 years of Louisiana's non-unanimous jury scheme, jurors on the majority never had reason to consider the perspective or opinion of a minority dissenting jurors, because – by design – once the jury reached a consensus of ten, dissenting voices became irrelevant. While we will likely never know how many factually inaccurate convictions have rested on non-unanimous jury verdicts, nor in how many the rule was a pivotal cause of the wrongful conviction, we know they have occurred.[2]

The non-unanimous jury rule has "allow[ed] convictions of some who would not be convicted under the proper constitutional rule, and [has] tolerate[d] and reinforce[d] a practice that is thoroughly

[2] In 2019 alone, two Louisiana men who have been convicted by non-unanimous juries were exonerated and freed after fingerprint database searches identified the true perpetrators in both cases. Archie Williams spent 36 years wrongfully imprisoned for rape and attempted murder and Royal Clark spent 17 years wrongly imprisoned for Armed Robbery.

racist in its origin and has continuing racially discriminatory effects." ***Ramos***, 140 S.Ct., at 1419 (Kavanaugh, J., concurring in part). By Justice Kavanaugh's accurate summary alone, ***Ramos*** satisfies the relevant portion of ***Teague***'s test and should be applied retroactively by Louisiana courts.

But we are not bound to continue using ***Teague***'s test, and there are good reasons to abandon the decision in ***Taylor*** that adopted it. There was little in the ***Taylor*** rationale that commands our continued adherence to ***Teague***. Dissenting in ***Taylor***, Chief Justice Calogero explained why ***Teague***'s premise did not apply to state courts: "[F]ederal courts have indicated that their reduced intrusion into state criminal process is motivated by concerns of federalism and comity. State courts should not blindly adopt these new criteria, because the concerns of federalism and comity are absent from state criminal court proceedings." ***Taylor***, 606 So.2d at 1301 (Calogero, C.J., dissenting). Since this Court decided ***Taylor*** in 1992, Congress and the federal courts have created ever more restrictions on the availability of the federal writ of habeas corpus to prisoners convicted in state court, further undermining the premise of ***Taylor*** and creating additional imperative for us to revisit its holding.

The importance of the ***Ramos*** decision – and the historic symbolism of the law that it struck – present the opportunity to reassess ***Taylor*** and the wisdom of Louisiana using the ***Teague*** standard in retroactivity analysis. We should. The original purpose of the non-unanimous jury law, its continued use, and the disproportionate and detrimental impact it has had on African-American citizens for 120 years is Louisiana's history. The recent campaign to end the use of the law is already part of the history of this state's long and ongoing struggle for racial justice and equal rights for all Louisianans. That campaign meant many more citizens now understand the law's origins, purpose, and discriminatory impact. And that understanding contributes to a cynicism and fatal mistrust Louisiana's criminal justice system by many citizens who seek the luxury of fundamental fairness and equal protection afforded to all. It is time that our state courts – not the United States Supreme Court – decided that whether we

should address the damage done by our longtime use of an invidious law.

The racist history of the law was not explicitly relevant to the Supreme Court's determination that the Sixth Amendment requires jury unanimity. However, a majority of the Justices considered hat history as one of the principled justifications for abandoning *stare decisis* and departing from the "gravely mistaken" and "egregiously wrong" "outlier" precedent of ***Apodaca v. Oregon***, 404 U.S. 406 (1972)(in which a plurality of the Supreme Court held that Oregon and Louisiana's non-unanimous jury schemes did not violate the Sixth Amendment) in favor of a correct interpretation of the Sixth Amendment's jury requirement. ***Ramos***, 140 S.Ct., at 1405, 1418.[3] That history should be just as – if not more – persuasive to us in deciding whether to overrule the erroneously reasoned ***Taylor*** case. I am persuaded that we should replace ***Teague***'s test with one that, at least in part, weighs the discriminatory law that has disproportionately affected Black defendants and Black jurors. There is no principled or moral justification for differentiating between the remedy for a prisoner convicted by that law whose case is on direct review and one whose conviction is final. Both are equally the product of racist and unconstitutional law. If concerns of comity and federalism ultimately mean that the federal courts do not force us to remedy those convictions which are already final through a writ of habeas corpus, the moral and ethical obligation upon courts of this state to address the racial stain of our own history is even more compelling, not less.

"Any decision by [the Supreme] Court that a new ruled does not apply retroactively under ***Teague***

[3]The Court's majority opinion noted that "***Apodaca*** was gravely mistaken [and] no Member of the Court today defends [it] as rightly decided ... The [***Apodaca***] plurality spent almost no time grappling with the racist origins of Louisiana's and Oregon's laws." ***Ramos***, 140 S.Ct., at 1405. Justice Kavanaugh further explained the relevance of the law's history:

> "... [T]he disputed question here is whether to overrule an erroneous constitutional precedent that allowed non-unanimous juries. An on that question – the question whether to overrule – the Jim Crow origins and racially discriminatory effects (and the perception thereof) of non-unanimous juries in Louisiana and Oregon should matter and should count heavily in favor of overruling, in my respectful view. After all, the non-unanimous jury is today the last of Louisiana's Jim Crow laws.' And this Court has emphasized time and again the 'imperative to purge racial prejudice from the administration of justice' generally and from the jury system in particular."

Ramos, 140 S.Ct., at 1418 (Kavanaugh, J. additionally concurring)(citing T. Aiello, *Jim Crow's Last Stand: non-unanimous criminal jury verdicts in Louisiana*, 63 (2015).

does not imply that there was no right and thus no violation of that right at the time of trial – only that no remedy will be provided in federal habeas courts." ***Danforth***, 552 U.S., at 291. Justice Johnson of the Louisiana Supreme Court believes that we must formulate a new test for determining whether a decision be applied retroactively; one that includes a consideration of whether a stricken law had a racist origin, has had a disproportionate impact on cognizable groups or has otherwise contributed to our state's history of systematic discrimination against African-Americans. And under any such test, I believe ***Ramos*** would have to be retroactively applied.

In ***Timbs v. Indiana***, 139 S.Ct. 682, 203 L.Ed.2d 682 (2/20/2019), the United States Supreme Court held that: "A Bill of Rights protection is an incorporated protection, applicable to the States under the Fourteenth Amendment's Due Process Clause, if it is fundamental to the scheme of ordered liberty, or deeply rooted in the Nation's history and tradition." Fourteenth Amendment to the United States Constitution. It must be noted that ***Timbs*** was determined with a unanimous decision amongst the Justices of the United States Supreme Court.

Furthermore, it must be noted that, "If a Bill of Rights is incorporated by the Fourteenth Amendment's Due Process Clause, and then enforced against the States, there is no daylight between the federal and state conduct it prohibits or requires." Fourteenth Amendment to the United States Constitution.

Although the question presented to the United States Supreme Court in ***Timbs*** concerned the Eighth Amendment's Excessive Fines Clause, this case mirrors ***Timbs*** in requesting that the Honorable Court similarly determine that the Sixth Amendment right to a unanimous verdict guaranteed in the federal courts is applicable to the State through the Fourteenth Amendment's Due Process Clause.

"Any correct reading of Section 1 of the Fourteenth Amendment to the United States Constitution would acknowledge that the Privileges and Immunities Clause provide an alternative basis for applying

to the States, at minimum, those individual rights enumerated in the first eight Amendments." See: *Timbs v. Indiana*, 139 S.Ct. 682, 691 (2019)(Gorsuch, J., concurring). Here, there is a special reason to do so because *Apodaca* stands in the way of incorporation under the Due Process Clause. Rather than overrule *Apodaca*, the Court could hold that the Privileges and Immunities Clause requires the States to convict people of serious crimes only by unanimous verdict of an "impartial jury."[4] See: Fourteenth Amendment to the United States Constitution.

After all, the Constitution sets a floor of rights below which state authorities may not go; yet, under the two-track approach, the state and local authorities can (and do) fall beneath the federal constitutional minimum. See: **Marc L. Miller & Ronald F. Wright,** ***Leaky Floors: State Law Below Federal Constitutional Limits***, 50 Ariz.L.Rev. 227 (2008).

This Court should not allow the States to construct a basement of rights somewhere beneath the federal floor. See: United States Constitution, Art. Vi, cl. 2 ("This Constitution ... shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding").

But, there is never a legitimate basis for "deviation from the federal blue-print," id., when the blueprint is the Constitution, cf., *McDonald v. City of Chicago*, 561 U.S. 742, 790 (2010)(plurality opinion)("Incorporation always restricts experimentation and local variations, but that has not stopped the Court from incorporating virtually every other provision of the Bill of Rights"). See also: *Burch v. Louisiana*, 441 U.S. 130, 138-9 (1979)(holding that the individual right to an "impartial jury" prevails against a state's interest in "'considerable time' savings" that might be gained from using non-unanimous, six-person juries).

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[4] There is no textual basis for a two-track approach to incorporation under the Privileges and Immunities Clause because rights of national citizenship – by definition – apply everywhere in the Nation. See: United States Constitution, Amendment 14, § 1 ("***No State*** shall make or enforce any law which shall abridge the privileges or immunities of ***citizens of the United States*** ..." (***emphasis added***).

The Constitution is an inexorable command, impervious to "empirical research," see ***Johnson***, 406 U.S., at 374, n. 12 (Powell, J., concurring in the judgment in ***Apodaca***) and unyielding to "experimentation" in the States, id, at 377, even in service of such beneficial ends as "innovations with respect to determining – fairly and more expeditiously – the guilt or innocence of the accused," id., at 376.

Because "the Sixth Amendment requires a unanimous jury verdict to convict in a ***federal*** criminal trial," id., at 371 (emphasis in original), the same is required to convict a person in a state criminal trial via the Fourteenth Amendment to the United States Constitution.

The Court should hold that the Sixth Amendment's guarantee of jury unanimity is a privilege or immunity of national citizenship, which Section 1 of the Fourteenth Amendment makes applicable to the States. If the Court resolves the question presented on Due Process grounds instead, it should overrule ***Apodaca*** and hold that the Sixth Amendment right to conviction by a unanimous jury applies to States because it is deeply rooted in our Nation's history and traditions and fundamental to our scheme of ordered liberty.

In Justice Gorsuch's concurring opinion in ***Timbs***, the Honorable Justice stated:

> The majority faithfully applies our precedent and, based on a wealth of historical evidence, concludes that the Fourteenth Amendment incorporates the Eighth Amendment's Excessive Fines Clause against the States. I agree with that conclusion. As an original matter, I acknowledge, the appropriate vehicle for incorporation may well be the Fourteenth Amendment's Privileges or Immunities Clause, rather than, as this Court has long assumed, the Due Process Clause."

Mr. Williams' would like this Honorable Court to note that the State of Louisiana does not meaningfully challenge the case for incorporating the requirement of unanimous jury verdicts through the use of the Fourteenth Amendment's Due Process Clause as a general matter. Instead the State of Louisiana argues "Judicial Economy" as its reason for this Court to deny him relief in this matter.

In short, the historical and logical case for concluding that the Fourteenth Amendment incorporates

the right to a unanimous jury verdict is overwhelming. The right to a unanimous jury verdict secured by the Fourteenth Amendment Due Process Clause is both "fundamental to our scheme or ordered liberty," and "deeply rooted in this Nation's history and tradition." ***McDonald v. City of Chicago***, 561 U.S. 742, 767, 130 S.Ct. 3020 (2010).

Most amazingly, during the course of the 2018 Legislative Session concerning the possibility of changing the Louisiana Constitution's amendment concerning non-unanimous jury verdicts, the prosecutors informed the Legislators during the Hearing that they were going to address the "White Elephant in the room." The prosecutors admitted that the non-unanimous jury verdict laws were based on "Slavery," but stated, "It is what it is," ... "but it works." It would appear that any hope the State would have had to prevent the Bill's passage was "shot out of the water" with these remarks during the course of the hearing.[5]This Honorable Court must consider the fact that on November 6, 2018, the voters of Louisiana voted to change the Law concerning non-unanimous verdicts. Although the new law only applies to persons whose offenses were committed on or after January 1, 2019, the State ***admitted*** that the Law was premised on racial discrimination during the arguments concerning such during the Legislative Session. A Law based on any discrimination cannot stand.

This Court must consider the fact that when President Lincoln signed the Emancipation Proclamation, ***all*** Slaves were set free, regardless of when they had been forced into servitude. However, the State of Louisiana found a solution to overcome the abolition of Slavery, and to ensure that the Anglo Saxon race retained its superiority.

Naturally, some of the Legislators had taken offense to to the District Attorneys' (John F. DeRosier [Calcasieu Parish], and Don M. Burkett [Sabine Parish]) statements which infuriated the Panel to the point where they agree to send the amended Bill to the House of Representatives by a vast majority for

[5] Mr. Williams' is unable to obtain a copy of the CD of the Committee Hearing in order to provide a copy to the Courts due to the restrictions of this institution.

a full vote. Although the Bill was amended to reflect **Prospective Application**, Mr. DeRosier agreed that most likely the Federal Courts would rule that the new law had to be applied retroactively. This Bill was passed with a ***vast majority*** of the Legislators.

In addition to being inconsistent with the vast majority of criminal procedure practice across the country, Louisiana's non-unanimous jury rule – the ***Ramos*** Court explained – was born from the Jim Crow era. "With a careful eye on racial demographics, the [1898 Constitutional] Convention delegates sculpted a 'facially race-neutral' rule permitting 10-to-2 verdicts in order 'to ensure that African-American jury service would be meaningless.'" *Id.*, at ___ (slip op., at 2).

This Honorable Court must consider the fact that on November 6, 2018, the voters of Louisiana voted to change the Law concerning non-unanimous verdicts. Although the new law only applies to persons whose offenses were committed on or after January 1, 2019, the State had ***admitted*** that the Law was premised on racial discrimination (or Slavery) during the arguments concerning such during the Legislative Session. A Law based on discrimination cannot stand. Although the ballot failed to include the fact that the non-unanimous jury verdict was based on racial discrimination, the Constitutional Amendment was passed by the voters of the State of Louisiana.

Wherefore, as the non-unanimous jury verdict laws were based on racial discrimination (or Slavery), this Court must determine that the use of such is unconstitutional, as ***any Law*** based on discrimination must be considered Moot and unconstitutional; and should apply to everyone affected by such.

SUMMARY OF ARGUMENT

As Louisiana has admitted that this Law was predicated upon racial discrimination (or Slavery) during its inception, this Court has firmly held that any Law based on any discrimination is ***void***, and must be declared unconstitutional. Although Louisiana admits that the Law was predicated upon racial

discrimination, Louisiana now argues that the Law has remained in effect since 1974 due to "convenience." Again, Mr. Williams argues that once Louisiana admitted that the Law was based on racial discrimination, there can be no doubt that this Law's sole purpose was to discriminate against African Americans and other minorities.

The State of Louisiana has continued to utilize the "Jim Crow" Laws which were enacted for discriminatory reasons. Although this Honorable Court has admitted that the use of the non-unanimous jury verdict is unconstitutional, it appears as though the Court is relying upon the State of Louisiana to resolve this mess on its own. However, after the denial in ***Edwards***, the Legislators "killed" the Bill which would correct this.[6] It is time to say "*ENOUGH IS ENOUGH*."

This case gives this Court the opportunity to tell the State of Louisiana that it's time to follow the United States Constitution (Sixth and Fourteenth Amendments), and abolish the "Jim Crow" Laws they have relied heavily on for over a hundred years.

CONCLUSION

After a review of the Record in this case, Mr. Williams requests that this Honorable Court must determine that Mr. Williams was denied his constitutional rights to a fair and impartial trial in this matter.

Furthermore, jurists of reason would have properly considered Mr. Williams' Issues and Granted Mr. Williams relief from his convictions. The record sufficiently supports Mr. Williams' allegation of substantial error. Therefore, this Honorable Court should find that, in the Interest of Justice, Mr. Williams should receive a new trial, or in the alternative, an evidentiary hearing to review the merits of the constitutional violations. Mr. Williams seeks relief and has stated grounds under 28 U.S.C. § 2253, specifying, with reasonable particularity, the factual basis for such relief. Additionally, his pleading

[6] During this Legislative Session, a Bill was filed to grant relief to defendants who had been convicted with the use of the non-unanimous jury verdict law. However, immediately following this Court's denial of retroactivity of ***Ramos*** in ***Edwards***, the Bill "died" in Committee.

clearly alleges Claims which if proven, entitle him to constitutional relief.

WHEREFORE, after a careful review of the merits of these Claims, Mr. Williams contends that this Honorable Court will find that reasonable jurists would not allow these convictions to stand.

Respectfully submitted this 16th day of June, 2021.

Rashan Williams

Rashan Williams #422041
MPEY/Ash-4
Louisiana State Penitentiary
Angola, Louisiana 70712-9818

CERTIFICATE OF SERVICE

Mr. Williams certifies that on this date, the 16th day of June, 2021, pursuant to Supreme Court Rule 29.5(b), the accompanying Reply to the State of Louisiana's Brief in Opposition was served on each party to the above proceeding, or that party's counsel, and on every other person required to be served, by depositing an envelope containing these documents in the United States mail properly addressed to each of them and with first-class postage prepaid.

The names and addresses to those served are as follows:

Warren Montgomery
District Attorney
701 N. Columbia St.
Covington, LA 70433

Jeff Landry
Attorney General (State of Louisiana)
P.O. Box 94005
Baton Rouge, LA 70804

Rashan Williams

Rashan Williams