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LDF Files Amicus Brief Arguing that *Ramos* Ruling Requiring Unanimous State Juries Should Apply Retroactively

Yesterday, the NAACP Legal Defense and Educational Fund, Inc. (LDF) filed an amicus brief in the Supreme Court case *Edwards v. Vannoy*, where the Court will consider whether to retroactively apply its ruling from last term in *Ramos v. Louisiana* that the Sixth Amendment requires a unanimous jury before a defendant can be convicted of a serious offense in either state or federal court.

The Sixth Amendment's right to a jury trial has long been understood to mean that a jury must be unanimous for it to convict a defendant in serious criminal cases. However, prior to *Ramos*, the Court had not applied that right to the states. Two states, Louisiana and Oregon, had permitted convictions based on jury votes of 11-1 or 10-2. In *Ramos*, the Court held that such practices were unconstitutional because the Sixth Amendment's guarantee of a unanimous jury verdict in serious criminal cases applies to the states through the due process clause of the Fourteenth Amendment. Based on the *Ramos* decision, all convictions secured by a nonunanimous guilty verdict that are still pending on direct appeal—the first part of the appellate process—are subject to review and retrial.

The case of *Edwards v. Vannoy* addresses whether people convicted by nonunanimous juries whose convictions and direct appeals preceded the *Ramos* decision should also benefit from the *Ramos* ruling under the Court's "retroactivity" doctrine. LDF's brief in *Vannoy* argues that the Court should apply *Ramos* retroactively because the *Ramos* rule is unique in that it prohibits an unconstitutional injustice — nonunanimous guilty verdicts — that resulted in the wrongful convictions of people who, instead, should have been granted a new trial.

LDF's brief also traces the racially discriminatory history of Louisiana's and Oregon's nonunanimous jury laws. Louisiana's provision, first adopted in the avowedly white supremacist state constitutional convention of 1898, was designed to silence the voices of Black jurors. And research showed that the discriminatory legacy of Louisiana's law persisted in recent times.

“Research has shown that non-unanimous jury convictions discriminate against both Black jurors and Black defendants,” said Mahogane Reed, LDF John Payton Appellate and Supreme Court Advocacy Fellow. “Black jurors in Louisiana are 2.5 times more likely than white jurors to be in dissent on non-unanimous jury convictions. Additionally, jury unanimity greatly lowers the risk of wrongful convictions. This is precisely why *Ramos* should apply here.”

“Thedrick Edwards, a Black man, was convicted at trial despite the fact that the lone Black juror on his jury voted to acquit,” said Omavi Shukur, LDF Assistant Counsel, “Louisiana created the nonunanimous jury rule specifically to silence Black jurors. But now the Supreme Court has the opportunity to provide relief to people wrongfully convicted by the discriminatory, nonunanimous jury verdicts of the past.”

Read the amicus brief [here](#).

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.

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