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Supreme Court Rules that Decision Requiring Unanimous Juries in Federal and State Criminal Trials Does Not Apply Retroactively to Cases on Federal Collateral Review

Today, the United States Supreme Court issued a momentous and disappointing decision in *Edwards v. Vannoy*, a case in which the NAACP Legal Defense and Educational Fund, Inc. (LDF) filed an amicus brief in July 2020. In its decision, the Court declined to retroactively apply its ruling in *Ramos v. Louisiana* to cases pending on federal collateral review — and effectively held that no case announcing a new rule of criminal procedure can ever apply retroactively. Today’s decision represents a substantial departure from settled law, effectively barring an individual convicted of a crime under an unconstitutional rule of criminal procedure from raising the unconstitutionality of their conviction if they have already completed the first round of their appeal process. The Court’s decision thus forces incarcerated people whose direct appeals are final to forever endure the consequences of an unconstitutional conviction without any recourse.

In *Ramos*, decided last term, the Court held that the Sixth Amendment requires a unanimous jury before a defendant can be convicted of a serious offense in state or federal court, and characterized the unanimous jury rule as “vital” and “fundamental” to the American legal system. The Court’s opinion detailed the racist origins of Louisiana and Oregon’s non-unanimity rules — which were passed to “establish the supremacy of the white race” by “dilut[ing] the influence of racial ... minorities” on juries and “ensur[ing] that African-American juror service would be meaningless” — and concluded that these racist origins undermined the Sixth Amendment jury right.

LDF’s *Edwards* amicus brief argued that the historic holding in *Ramos* should apply retroactively to cases pending on federal collateral review — a type of post-conviction review that allows individuals convicted in state court to raise before a federal court claims that their conviction violated the United States Constitution. Today, however, a majority of the Court held that no new rule of criminal procedure announced after a defendant’s first round of state appeals is finished can be applied during this federal collateral review process.

“Unanimous juries safeguard the integrity of the judicial process, serving as a bulwark against the pervasive racial discrimination in the American criminal justice system that perpetuates wrongful and biased convictions,” said Sam Spital, LDF’s Director of Litigation. “Today’s Supreme Court decision not only ignored this critical function of jury unanimity and the pernicious effects of racial discrimination in jury selection. It also overturned decades of Supreme Court precedent recognizing that criminal defendants whose appeals are final can benefit from new ‘watershed’ rules of criminal procedure. Instead of remedying the grave constitutional violations in Mr. Edward’s case, the Court has now compounded them — and also forever closed the courthouse doors to many incarcerated persons whose convictions are unconstitutional.”

Thedrick Edwards was sentenced to life in prison by a non-unanimous jury from which the state of Louisiana struck all prospective Black jurors except one. This lone Black juror would have acquitted Mr. Edwards at his criminal trial, but their vote was overcome by the votes of the eleven other jurors. Even though Mr. Edwards' conviction is unconstitutional under *Ramos*, today's decision means that he is barred from obtaining relief in federal court for his unconstitutional conviction.

“Louisiana’s non-unanimous jury law was enacted with the express purpose of disregarding the votes of Black jurors. The law’s discriminatory purpose has persisted for over a century, and its effect was present in Mr. Edward’s trial. Non-unanimous convictions silence Black jurors and perpetuate discrimination against Black defendants, stripping them of their most fundamental constitutional rights,” said Mahogane Reed, LDF’s John Payton Appellate and Supreme Court Advocacy Fellow. “Instead of seeking to eradicate this grave racial bias from the criminal justice system, today’s Supreme Court decision more readily entrenched it, once again illustrating why there is still much work to be done to ensure that equal justice under law is a reality for all.”

Read our July 2020 *Edwards v. Vannoy* [amicus brief](#).

Read our June 2019 *Ramos v. Louisiana* [amicus brief](#).

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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. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).