



## The Case of the Non-Unanimous Jury



### The Facts of *Edwards v. Vannoy*:

In 2006, by a vote of 11-1, a Louisiana jury found Thedrick Edwards guilty of robbery and rape. He was sentenced to life in prison. At face value, these facts appear straightforward. However, this case, with origins beginning in 1972, is more complex than it appears.

To help understand the case complexities, it is important to know that Louisiana was one of two states (Oregon was the other) that did not require a unanimous jury verdict to determine if defendants are guilty of committing the crimes for which they were accused. In 1972, in *Apodaca v. Oregon*, the Court ruled that divided juries did not violate constitutional due process protections. Thus, jury unanimity was not necessary to determine the guilt of a defendant in a state-level criminal trial.

For 48 years, the *Apodaca* decision served as a core precedent for similar cases. Under the principle of *stare decisis*, federal and state courts followed the precedent established in *Apodaca*.

However, the Court abandoned the *Apodaca* precedent in 2020 with its *Ramos v. Louisiana* decision. In the latter case, the Court ruled that under the *Fourteenth Amendment's* due process clause, states must *incorporate* the *Sixth Amendment's* guarantee of a unanimous jury verdict when finding a criminal defendant guilty (in his majority *opinion*, Justice Neil Gorsuch explains that the Court's interpretation of a unanimous jury verdict is supported by the original public meaning of the Sixth Amendment's right to trial by jury).

Under *Ramos*, both Louisiana and Oregon may no longer find criminal defendants guilty unless the jury's verdict is unanimous, which brings us back to Thedrick Edwards.



Because of the Court's ruling in *Ramos*, Thedrick Edwards argued that had he not been tried in Louisiana, he would not have been convicted of robbery and rape because his jury verdict was not unanimous. Consequently, the question Thedrick Edwards is asking the Supreme Court to answer is whether its decision in *Ramos v. Louisiana* applies retroactively to cases on federal collateral review. In other words, does the Court's ruling in *Ramos* apply to felons whose cases are final because they have exhausted their appeals process (Edwards' case at the state level was decided in 2010)? *Oral argument* in this case was presented to the Supreme Court justices on December 2, 2020.

### Supreme Court Precedents Used In This Case:

- *Gideon v. Wainwright* (1963): The Court ruled that states must provide a lawyer to criminal defendants who cannot afford to hire one (As a procedural rule, this decision required cases of convicted felons be retried if they were convicted without the assistance of a lawyer. Also a *watershed rule*.)
- *DeStefano v. Woods* (1968): The Court ruled that the right to a jury trial should not be applied retroactively.
- *Teague v. Lane* (1989): The Court ruled that in habeas corpus cases, some *substantive* or *procedural* due process rights may be enforced retroactively (also a watershed rule)
- *Ramos v. Louisiana* (2020): The Court ruled that under the *Fourteenth Amendment's* due process clause, the states must *incorporate* the *Sixth Amendment's* guarantee of a unanimous jury verdict when finding a criminal defendant guilty.

**To Think and To Do:** Until the Court's ruling in *Ramos v. Louisiana*, states could convict a criminal defendant without the unanimous verdict of a jury. Given the longstanding tradition the unanimity of a jury has held in this nation's history, should the Sixth Amendment's guarantee of a unanimous jury in criminal cases be applied retroactively to criminal defendants convicted by a non-unanimous jury? Given the precedents in this case, how do you think the Supreme Court will rule? Explain.

**Learn MORE** about this case,

view the Brief for the Petitioner [Thedrick Edwards](#); the Brief for the Respondent [Darrel Vannoy](#); Justice Gorsuch's [Opinion](#) in *Ramos v. Louisiana*; more information about the concept of [collateral review](#); and more information about the [watershed rule](#).

