

**Fifth Circuit Court of Appeal  
State of Louisiana**

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No. 26-KH-137

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CLEVERN GRANGER

versus

STATE OF LOUISIANA

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IN RE CLEVERN GRANGER  
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT  
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE  
FRANK A. BRINDISI, DIVISION "E", NUMBER 09-1789

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TRUE COPY

April 13, 2026



MORGAN NAQUIN  
DEPUTY CLERK

Panel composed of Judges Susan M. Chehardy,  
Jude G. Gravois, and Scott U. Schlegel

**WRIT DENIED**

Relator, Clevern Granger, seeks supervisory review of the trial court's February 11, 2026 Order denying his Motion to Vacate Unconstitutional Non-Unanimous Jury Verdict. We deny the writ.

On August 17, 2011, a non-unanimous jury convicted relator of aggravated burglary in violation of La. R.S. 14:60 (count one), and forcible rape in violation of La. R.S. 14:42.1 (count two). The trial court sentenced relator to 30 years imprisonment at hard labor on each count, to be served concurrently, with the first two years of the sentence on count two to be served without the benefit of parole, probation, or suspension of sentence. This Court confirmed the convictions and sentences. *State v. Granger*, 12-193 (La. App. 5 Cir. 10/30/12), 103 So.3d 576,

594, writ denied, *State ex rel. Granger v. State*, 12-2587 (La. 4/26/13), 112 So.3d 840.

As noted in the trial court's February 11, 2026 Order, relator previously has filed unsuccessful application for post-conviction relief (APCRs). *See, e.g., State v. Granger*, 21-1989 (La. 1/25/23), 354 So.3d 2.<sup>1</sup>

Relator styles his current request as a motion to vacate the jury verdict as being unconstitutional, and he attaches the jury slips from his trial, which show the jury's verdict was eleven-to-one on count one and ten-to-two on count two. Relator contends the verdicts are structurally defective and a jurisdictional nullity because they were entered without constitutional authority, in violation of the Sixth Amendment. Notwithstanding relator's arguments to the contrary, his motion is in fact an APCR, which is defined as "a petition filed by a person in custody after sentence following conviction for the commission of an offense seeking to have the conviction and sentence set aside." La. C.Cr.P. art. 924. The rules governing APCR's therefore apply here.

First, the application is successive pursuant to La. C.Cr.P. art. 930.4. *See also State v. Granger*, 21-1989 (La. 1/25/23), 354 So.3d 2. Second, relator's application is untimely pursuant to La. C.Cr.P. art. 930.8, because it was filed more than two years after the finality of his 2011 convictions.

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<sup>1</sup> In denying relator's writ application, the Louisiana Supreme Court stated, in pertinent part:

Applicant has now fully litigated his application for post-conviction relief in state court. Similar to federal habeas relief, *see* 28 U.S.C. § 2244, Louisiana post-conviction procedure envisions the filing of a second or successive application only under the narrow circumstances provided in La.C.Cr.P. art. 930.4 and within the limitations period as set out in La.C.Cr.P. art. 930.8. Notably, the legislature in 2013 La. Acts 251 amended that article to make the procedural bars against successive filings mandatory. Applicant's claims have now been fully litigated in accord with La.C.Cr.P. art. 930.6, and this denial is final. Hereafter, unless he can show that one of the narrow exceptions authorizing the filing of a successive application applies, applicant has exhausted his right to state collateral review.

Even without the procedural bars to relator's application, relator's argument—that his convictions are unconstitutional because he was found guilty by a non-unanimous jury—has no merit because the recent jurisprudence requiring unanimous jury verdicts is not retroactive.

In *Ramos v. Louisiana*, 590 U.S. --, 140 S.Ct. 1390, 206 L.Ed.2d 583 (2020), the United States Supreme Court held that a defendant who is tried for a serious crime has a right to a unanimous jury verdict. *Ramos*, which abrogated *Apodaca v. Oregon*, 406 U.S. 404, 92 S.Ct. 1628, 32 L.Ed.2d 184 (1972), explicitly applies only to cases pending on direct appeal and to future cases. 140 S.Ct. at 1407. The Supreme Court further held in *Edwards v. Vannoy*, 593 U.S. 255, 141 S.Ct. 1547, 1554 (2021), that the jury-unanimity rule in *Ramos* does not apply retroactively on federal collateral review. The *Edwards* Court notes, however, that states remained free to retroactively apply the jury-unanimity rule as a matter of state law in state post-conviction proceedings if they chose to do so. 141 S.Ct. at 1559, n.6 (citing *Danforth v. Minnesota*, 552 U.S. 264, 282, 128 S.Ct. 1029, 169 L.Ed.2d 859 (2008)).

In 2022, the Louisiana Supreme Court closed the door left open by *Edwards* when it held that *Ramos* does not apply retroactively in Louisiana on collateral review:

[W]e find that, though the Sixth Amendment violation at issue is a serious one, finality and reliance interests, combined with the burden placed upon the administration of justice, informed by the actions of the citizens of this state and the legislature, outweigh retroactive application of the *Ramos* rule. Therefore, *the new rule of criminal procedure announced in Ramos which provides for unanimity in jury verdicts is not retroactive in Louisiana.*

*State v. Reddick*, 21-1893 (La. 10/21/22), 351 So.3d 273, 283 (emphasis added).

Relator was convicted in 2011. At the time of his conviction, a non-unanimous jury verdict was not unconstitutional under *Apodaca v. Oregon*, 406

U.S. 404, 92 S.Ct. 1628, 32 L.Ed.2d 184 (1972), and his conviction became final long before *Ramos*. *Reddick* states that *Ramos* is not retroactive in state post-conviction proceedings. As such, the trial court did not err in denying relator's motion to vacate his conviction based on a non-unanimous jury verdict. The writ application is denied.

Gretna, Louisiana, this 13th day of April, 2026.

**SMC**  
**JGG**  
**SUS**

SUSAN M. CHEHARDY  
CHIEF JUDGE

FREDERICKA H. WICKER  
JUDE G. GRAVOIS  
MARC E. JOHNSON  
STEPHEN J. WINDHORST  
JOHN J. MOLAISSON, JR.  
SCOTT U. SCHLEGEL  
TIMOTHY S. MARCEL

JUDGES



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CURTIS B. PURSELL  
CLERK OF COURT

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LINDA M. TRAN  
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**NOTICE OF DISPOSITION CERTIFICATE OF DELIVERY**

I CERTIFY THAT A COPY OF THE DISPOSITION IN THE FOREGOING MATTER HAS BEEN TRANSMITTED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 4-6** THIS DAY **04/13/2026** TO THE TRIAL JUDGE, THE TRIAL COURT CLERK OF COURT, AND AT LEAST ONE OF THE COUNSEL OF RECORD FOR EACH PARTY, AND TO EACH PARTY NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

**CURTIS B. PURSELL**  
CLERK OF COURT

**26-KH-137**

**E-NOTIFIED**

24th Judicial District Court (Clerk)  
Honorable Frank A. Brindisi (DISTRICT JUDGE)  
Thomas J. Butler (Respondent)

**MAILED**

Clevem Granger #5870600 (Relator)  
Dixon Correctional Institute  
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