

**STATE OF LOUISIANA
COURT OF APPEAL, THIRD CIRCUIT**

18-236

STATE OF LOUISIANA

VERSUS

ROBERT LEE HEARD, JR.

**ON REMAND FROM THE SUPREME COURT
OF THE UNITED STATES OF AMERICA
APPEAL FROM THE
TWENTY-SEVENTH JUDICIAL DISTRICT COURT
PARISH OF ST. LANDRY, NO. 12-4535
HONORABLE D. JASON MECHE, DISTRICT JUDGE**

**PHYLLIS M. KEATY
JUDGE**

Court composed of Billy Howard Ezell, Phyllis M. Keaty, and Van H. Kyzar,
Judges.

**CONVICTION AND SENTENCE VACATED;
REMANDED FOR NEW TRIAL.**

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KEATY, Judge.

On November 20, 2012, Defendant, Robert Lee Heard, Jr., was charged by grand jury indictment with the first degree murder of his wife, Demetra Doyle, in violation of La.R.S. 14:30. On August 1, 2017, the State amended the indictment to charge Defendant with second degree murder, in violation of La.R.S. 14:30.1. On August 17, 2017, a jury found Defendant guilty as charged of second degree murder by an 11-1 verdict. Defendant appealed his conviction and sentence, contending he should have been convicted of manslaughter and that his conviction was illegal because of the non-unanimous jury verdict.

On November 7, 2018, this court affirmed Defendant's conviction and sentence. *State v. Heard*, 18-236 (La.App. 3 Cir. 11/7/18), 258 So.3d 875, *writs denied*, 18-2013, 18-2022 (La. 4/29/19), 268 So.3d 1029, 1033. Regarding Defendant's claim that his conviction was illegal because it was the result of a non-unanimous jury, this court stated:

In his second assignment of error, Defendant contends that his conviction for second degree murder should not stand because it results from a non-unanimous jury verdict, which supports the sufficiency argument herein that the State failed to prove its case beyond a reasonable doubt. Defendant's argument fails in light of La.Code Crim.P. art. 782(A), which provides, in pertinent part: "Cases in which punishment is necessarily confinement at hard labor shall be tried by a jury composed of twelve jurors, ten of whom must concur to render a verdict." That particular statute was ruled constitutional in both *State v. Bertrand*, 08-2215, 08-2311 (La. 3/17/09), 6 So.3d 738, and *Apodaca v. Oregon*, 406 U.S. 404, 92 S.Ct. 1628, 32 L.Ed.2d 184 (1972).

Id. at 882.

On April 27, 2020, the United States Supreme Court remanded the case to this court in light of *Ramos v. Louisiana*, 590 U.S. ___, 140 S.Ct. 1390 (2020). *Heard v. Louisiana*, 590 U.S. ___, 140 S.Ct. 2713 (2020). In *Ramos*, the United States Supreme Court found non-unanimous jury verdicts unconstitutional.

Accordingly, Defendant's conviction and sentence for second degree murder via a non-unanimous verdict is vacated, and the case is remanded for a new trial.

DISPOSITION

For the foregoing reasons, the conviction and sentence for second degree murder of Robert Lee Heard, Jr. is vacated, and the case is remanded for a new trial.

CONVICTION AND SENTENCE VACATED; REMANDED FOR NEW TRIAL.