



# Non-Unanimous Jury Decision Data Work

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*Presentation to the Senate Interim Committee on Judiciary and Ballot Measure 110 Implementation*

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# Non-Unanimous Jury Verdicts Data Work

## BACKGROUND

(Slip Opinion)

OCTOBER TERM, 2019

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### Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

## SUPREME COURT OF THE UNITED STATES

### Syllabus

### RAMOS *v.* LOUISIANA

CERTIORARI TO THE COURT OF APPEAL OF LOUISIANA,  
FOURTH CIRCUIT

No. 18–5924. Argued October 7, 2019—Decided April 20, 2020

In 48 States and federal court, a single juror’s vote to acquit is enough to prevent a conviction. But two States, Louisiana and Oregon, have long punished people based on 10-to-2 verdicts. In this case, petitioner Evangelisto Ramos was convicted of a serious crime in a Louisiana court by a 10-to-2 jury verdict. Instead of the mistrial he would have received almost anywhere else, Ramos was sentenced to life without parole. He contests his conviction by a nonunanimous jury as an unconstitutional denial of the Sixth Amendment right to a jury trial.

*Held:* The judgment is reversed.

- In the summer of 2021, the Oregon DOJ approached the CJC to inquire about partnering for data analysis of *Ramos* cases. DOJ provided CJC with three datasets with case numbers and names:
  - Direct Appeal Cases: these cases are confirmed to have at least one non-unanimous conviction.
  - Federal Habeas Cases<sup>†</sup>: federal cases with an alleged non-unanimous conviction (but, the presence of a non-unanimous conviction has not been confirmed). Also, some cases may include guilty pleas and/or waivers of jury trials).
  - Post Conviction Relief Cases<sup>†</sup>: state cases with an alleged non-unanimous conviction (but, the presence of a non-unanimous conviction has not been confirmed). Also, some cases may include guilty pleas and/or waivers of jury trials).

<sup>†</sup>There is some overlap for these groups

# Non-Unanimous Jury Verdicts Data Work

## PROGRESS SO FAR

**Question #1.** Could CJC help identify or estimate the number of cases where at least one conviction was non-unanimous?

- Until recently, jurors were not systematically polled post trial regarding their votes.
- There is no systematic way to identify cases with non-unanimous jury verdicts in the Odyssey case management system.
  - There is no formal datapoint in Odyssey that can be queried to identify cases with non-unanimous jury verdicts.
  - There may be indicators of non-unanimous jury verdicts in the case notes, but it would be nearly impossible to identify all qualifying cases using this approach because this data would have to be mined using text character searches.

# Non-Unanimous Jury Verdicts Data Work

## PROGRESS SO FAR

Question #2. Could CJC help fill in data gaps for cases identified as non-unanimous?

- CJC data analysts utilized arrest data (LEDS), court data, and DOC sentencing data to fill in missing demographic information.

	Federal Habeas Cases (58)	Post-Conviction Cases (422)	Direct Appeal Cases (447)	All Non- Unanimous Cases (892)
Race				
Asian	1.7%	0.7%	2.9%	1.9%
Black	12.1%	14.9%	14.1%	14.2%
Latinx	22.4%	19.9%	19.7%	20.0%
Native American	0.0%	2.8%	3.1%	2.9%
White	63.8%	61.6%	60.2%	60.9%
Percent Male	98.3%	98.1%	92.2%	95.1%
Age				
25 & Under	17.2%	19.7%	10.5%	15.0%
25-35	27.6%	31.5%	28.9%	29.8%
35-45	19.0%	25.6%	29.3%	27.5%
Above 45	36.2%	23.2%	31.3%	27.7%

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	Federal Habeas Cases (58)	Post-Conviction Cases (422)	Direct Appeal Cases (447)	All Non- Unanimous Cases (892)
Region				
Metro	41.4%	39.3%	43.0%	41.1%
Central Valley	27.6%	29.9%	23.9%	26.8%
North Coast	13.8%	9.5%	11.2%	10.7%
Southern	8.6%	15.6%	15.9%	15.4%
Eastern	8.6%	5.7%	6.0%	6.1%
Crime Type				
Assaultive	48.3%	44.3%	45.4%	45.0%
Drugs	12.1%	8.3%	12.1%	10.8%
Property	15.5%	19.2%	22.7%	20.1%
Robbery	22.4%	17.3%	6.9%	12.2%
Sex	58.6%	51.4%	25.5%	38.9%

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## PROGRESS SO FAR

### Question #3. Do disparities exist in non-unanimous jury decisions?

- To determine whether a disparity exists, it is necessary to identify the appropriate comparison.
- Due to existing inequities within the criminal justice system, we did an initial comparison with other cases with convictions and prison admissions. This is an imperfect comparison, however, because we don't know how many cases in our comparison group were non-unanimous.

	Federal Habeas Cases (58)	Post-Conviction Cases (422)	Direct Appeal Cases (447)	All Non-Unanimous Cases (892)	Other Cases w/ Convictions (1,162,990)	2019 Prison Admissions (4,626)
Race						
Asian	1.7%	0.7%	2.9%	1.9%	1.3%	1.8%
Black	12.1%	14.9%	14.1%	14.2%	7.1%	9.0%
Latinx	22.4%	19.9%	19.7%	20.0%	12.3%	16.8%
Native American	0.0%	2.8%	3.1%	2.9%	2.7%	3.2%
White	63.8%	61.6%	60.2%	60.9%	74.3%	69.2%