

STATE OF LOUISIANA

VERSUS

RAYMOND M. ALEXANDER

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NO. 2026-KA-0188

COURT OF APPEAL

FOURTH CIRCUIT

STATE OF LOUISIANA

APPEAL FROM

CRIMINAL DISTRICT COURT ORLEANS PARISH

NO. 562-749, SECTION “L”

Honorable Angel Harris, Judge

Judge Dale N. Atkins

(Court composed of Judge Joy Cossich Lobrano, Judge Sandra Cabrina Jenkins, Judge Dale N. Atkins)

LOBRANO, J., CONCURS IN THE RESULTS

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REVERSED AND REMANDED
October 21, 2026

DNA

SCJ

This is a criminal matter. Appellant, the State of Louisiana (“State”), appeals the district court’s December 9, 2025 ruling, which granted the “Motion to Quash the Bill of Information” (“Motion to Quash”) filed by Appellee, Raymond M. Alexander (“Mr. Alexander”). For the following reasons, we find the district court erred in granting Mr. Alexander’s Motion to Quash. Therefore, we reverse the district court’s judgment and remand this matter to the district court for further proceedings consistent with this Opinion.

STATEMENT OF THE CASE AND FACTS

In 1991, a jury found Mr. Alexander guilty of the offense of armed robbery, a felony, pursuant to La. R.S. 14:64 and via a 10-2 verdict, i.e., a non-unanimous decision.¹ Mr. Alexander exhausted all forms of post-conviction relief and appeal for that conviction by 1994. *State v. Alexander*, 1994-1321 (La. 9/23/94), 642 So.2d 1311. Pertinent to this appeal, in 2020, the United States Supreme Court held

¹ Throughout the record are conflicting references to the year of Mr. Alexander’s conviction for armed robbery. The pleadings filed by the State listed the conviction was in 1992, while the pleadings filed by the defense stated it was in 1991. We have chosen to reference the year 1991 for Mr. Alexander’s armed robbery conviction. This is because the minutes filed in the record state that the sentencing hearing for Mr. Alexander’s armed robbery conviction was scheduled for December 23, 1991. Therefore, it is axiomatic that Mr. Alexander’s conviction for armed robbery occurred at some point in 1991 before the scheduled sentencing hearing rather than in 1992 after the scheduled sentencing hearing.

in *Ramos v. Louisiana* that the Sixth Amendment to the United States Constitution—as applied to the states via the Fourteenth Amendment—requires a unanimous jury verdict to convict a criminal defendant of a “serious offense” in state court. 590 U.S. 83, 140 S.Ct. 1390, 206 L.Ed.2d 583 (2020).

After the issuance of *Ramos* and over thirty years after his conviction, on July 23, 2024, the State filed a Bill of Information which charged Mr. Alexander with having committed “possession of [a] firearm or carrying [a] concealed weapon by a person convicted of certain felonies” on June 17, 2024, in violation of La. R.S. 14:95.1, which states in pertinent part, “it is unlawful for any person who has been convicted of . . . a crime of violence as defined in La. R.S. 14:2(B) [armed robbery] to possess a firearm.” With regard to the prior felony that served as the predicate to the current charge, the State listed it as Mr. Alexander’s aforementioned 1991 conviction for armed robbery. In response to the Bill of Information, Mr. Alexander pled not guilty.

Then, on September 16, 2025, Mr. Alexander filed his Motion to Quash. Therein, Mr. Alexander argued his prior (1991) conviction by a non-unanimous jury was “constitutionally invalid” on the date of the instant alleged offense in light of the United States’ decision in *Ramos*. Accordingly, Mr. Alexander argued his constitutionally invalid prior conviction could not “serve as a valid predicate for” establishing he was a convicted felon for sustaining the current charge. In its opposition, the State argued that Mr. Alexander’s 1991 predicate conviction was valid when obtained and remains valid despite *Ramos*.

On November 6, 2025, the district court held a hearing on Mr. Alexander’s Motion to Quash and subsequently took the matter under advisement. Thereafter, on December 9, 2025, the district court orally granted Mr. Alexander’s Motion to

Quash and issued a written ruling titled “Opinion and Order.” The district court stated, in pertinent part:

The issue here is not whether the predicate conviction must be vacated. It remains final, and this [c]ourt accepts its finality for purposes of this motion. The question before this [c]ourt is whether, in the present prosecution, the State may use a non-unanimous conviction as constitutionally competent evidence to prove an element of La. R.S. 14:95.1 . . . It is a question of constitutional use.

. . . Th[e] history [of Louisiana’s prior non-unanimous jury rule] is pertinent in the instant case, not because it undermines the validity of the prior conviction, but because [this] inform[s] whether [the rule’s] product can be relied upon today as constitutionally sufficient evidence.

The [United States] Supreme Court has long held that verdicts arising from racially discriminatory or structurally unconstitutional systems cannot be given operative legal effect These principles converge in *Burgett v. Texas*, 389 U.S. 109, 114-15[, 88 S.Ct. 258, 261-262, 19 L.Ed.2d 319] (1967), where the [United States Supreme] Court held that a conviction obtained in violation of a fundamental right is “void” for purposes of proving guilt or enhancing punishment in a later prosecution because it would “erode the principle” of the violated guarantee and cause the accused “to suffer anew.” . . . [C]ourts may not give present legal effect to outcomes generated through processes that themselves violate fundamental constitutional protections.

. . . .

. . . The non-unanimous jury rule was a mechanism of racial exclusion. The verdict it produced in the predicate case is one that does not satisfy the requirements of the Sixth Amendment governing this prosecution. To rely upon that verdict in 2025 to establish an essential element of the new offense would not disturb the prior conviction but would replicate its constitutional defect in a present prosecution, indeed what *Burgett* forbids and what *Ramos* condemns. . . For these reasons, this [c]ourt . . . cannot permit the State to use the predicate conviction for that purpose and thus, the State cannot meet its burden [of] proving an essential element of La. R.S. 14:95.1. Accordingly, the bill of information must be quashed.

The State’s timely appeal to this Court followed.

ASSIGNMENT OF ERROR

In its sole assignment of error, the State asserts the district court erred in granting Mr. Alexander's Motion to Quash because "[t]he predicate conviction contained in the bill of information has not been found unconstitutional and has not been vacated, nor does the [d]istrict [c]ourt have the authority to render it so by quashing the instant bill of information." The State argues the district court's ruling was erroneously based on an "illegal retroactive application of *Ramos*." Further, the State contends the district court's ruling rendered Mr. Alexander's prior conviction "nothing more than words on paper" because it "bifurcated the finality of the conviction from the legal effect of said conviction."

In his brief to this Court, Mr. Alexander reiterates that his "1991 conviction by a non-unanimous jury verdict is unconstitutional under current law," such that he cannot "be made to suffer anew from that violation" per *Burgett*. Additionally, Mr. Alexander contends "[t]he validity of a predicate conviction for La. R.S. 14:95.1 must be analyzed in relation to the date of the new offense, not the date of the original conviction." In this regard, Mr. Alexander asserts he is, accordingly, "entitled to rely on the unconstitutionality of his 1991 conviction, which would have been a nullity in 2024 [when the State filed the current Bill of Information], to remove that conviction from the range of conduct allowing for his prosecution under La. R.S. 14:95.1."

DISCUSSION

Standard of Review

The sole issue before this Court is whether Mr. Alexander's prior conviction, which became final before *Ramos*, could serve as the predicate offense for the State to charge him with being a felon in possession of a firearm subsequent to

Ramos and whether, correspondingly, the district court erred in finding it could not. Because no facts are in dispute, this is a purely legal issue. As this Court has explained, “When solely legal issues are presented” in a motion to quash, then the appellate court “appl[ies] a *de novo* standard of review.” *State v. Smith*, 2024-0092, p. 4 (La. App. 4 Cir. 4/11/25), 414 So.3d 927, 931 (quoting *State v. Harris*, 2019-0900, p. 5 (La. App. 4 Cir. 7/22/20), 302 So.3d 1177, 1180). Accordingly, we review the district court’s grant of Mr. Alexander’s Motion to Quash *de novo*.

Relevant Motion to Quash Principles

Louisiana Code of Criminal Procedure Article 531, which is titled “Motion to quash; nature of motion,” provides that “[a]ll pleas or defenses raised before trial other than mental incapacity to proceed, or pleas of ‘not guilty’ and of ‘not guilty by reason of insanity’ shall be urged by a motion to quash.” As previously explained by this Court, “a motion to quash constitutes ‘a mechanism whereby pre-trial pleas are urged, i.e., pleas which do not go to the merits of the charge.” *State v. Dejean*, 2024-0471, p. 6 (La. App. 4 Cir. 10/18/24), 400 So.3d 291, 295 (quoting *State v. Barnes*, 2020-0494, p. 3 (La. App. 4 Cir. 1/27/21), 313 So.3d 401, 403). The Louisiana Code of Criminal Procedure contains “illustrative” lists of grounds to quash a bill of information. *Id.* at pp. 4-5, 400 So.3d at 294. Relevant to this appeal, La. C.Cr.P. art. 532(A)(1) states that “[a] motion to quash may be based” on the ground that “the [bill of information] fails to charge an offense which is punishable under a valid statute.” When a defendant questions “the predicate felony alleged in the bill of information, which is essential to establish a violation of the charged offense, La. R.S. 14:95.1, possession of a firearm by a convicted felon,” as Mr. Alexander does here, then this falls within the ambit of La. C.C.P. art. 532(A)(1). *State v. Sparks*, 2018-1013, p. 3 (La. App. 4 Cir. 5/8/19), 271 So.3d

308, 311. *See also State v. Allen*, 2024-0530, p. 13 (La. App. 4 Cir. 12/22/24), 430 So.3d 524, 540 (explaining that one of the elements the State must prove to sustain a conviction under La. R.S. 14:95.1 is that the defendant was previously convicted of an enumerated felony (citing *State v. Scott*, 2013-0321, p. 8 (La. App. 4 Cir. 2/26/14), 136 So.3d 383, 389)).

Analysis

Importantly, Mr. Alexander does not dispute that armed robbery is one of the enumerated felonies for which a conviction can serve as the predicate offense under La. R.S. 14:95.1. Rather, Mr. Alexander argues his armed robbery conviction cannot do so because *Ramos* has since rendered it unconstitutional. We disagree.

After ruling that non-unanimous jury verdicts for serious crimes are unconstitutional in *Ramos*, the United States Supreme Court subsequently issued another relevant opinion, namely *Edwards v. Vannoy*, 593 U.S. 255, 141 S.Ct. 1547, 209 L.Ed.2d 651 (2021). Therein, the United States Supreme Court held that *Ramos* does not apply retroactively to cases on federal collateral review that were finalized before *Ramos* was decided. 593 U.S. at 258, 141 S.Ct. at 1551. Likewise, the Louisiana Supreme Court held in *State v. Reddick* that *Ramos* does not apply retroactively to cases on state collateral review. 2021-1893, p. 1 (La. 10/21/22), 351 So.3d 273, 274. In so ruling, the Louisiana Supreme Court explained that while “the Sixth Amendment violation at issue is a serious one, finality and reliance interests . . . outweigh retroactive application of the *Ramos* rule.” *Id.* at p. 16, 351 So.3d at 283. Further, though decided before *Ramos*, we find the concepts enunciated in *Lewis v. United States* applicable to the matter *sub judice*. 445 U.S. 55, 65, 100 S.Ct. 915, 63 L.Ed.2d 198 (1980). Therein, the United States Supreme

Court held that even if a petitioner's prior conviction is subject to a collateral attack, it can still be used to support charging the petitioner with being a felon in possession of a firearm unless and until that conviction is vacated. *Id.*, 445 U.S. at 60, 100 S.Ct. at 918. Not only does the *Lewis* decision remain intact, but both the United States Fifth Circuit Court of Appeals and this Court have cited *Lewis* approvingly in *United States v. Washington*, 544 F.App'x 365, 366 (5th Cir. 2013), and *State v. Fletcher*, 2017-0505, pp. 3-9 (La. App. 4 Cir. 10/19/17), 238 So.3d 1007, 1009-12, respectively.

Considering the foregoing jurisprudence, we find Mr. Alexander's 1991 conviction for armed robbery remains valid and constitutional under *Ramos* and its progeny. This is because a non-unanimous jury verdict for the crime of aggravated robbery was valid and constitutional at the time Mr. Alexander's conviction became final in 1994; and, as established in *Edwards* and *Reddick*, *Ramos* does not apply retroactively to serve as a basis for vacating or otherwise invalidating that conviction. In other words, the new rule set forth in *Ramos* does not apply to final state convictions. In so finding, we are mindful of what the Louisiana Supreme Court stated in *Reddick* regarding the need for finality and reliance in the justice system post-*Ramos*. Because Mr. Alexander's armed robbery was final long before the United States Supreme Court issued *Ramos*, we hold that his conviction is not subject to the collateral attack brought on by his Motion to Quash even though it resulted from a non-unanimous guilty verdict. Even if we were to assume, *arguendo*, that Mr. Alexander's armed robbery conviction is subject to collateral attack, *Lewis* establishes that it can still be used to support charging Mr. Alexander with being a felon in possession of a firearm in violation of La. R.S. 14:95.1 because no court vacated his armed robbery conviction prior to the State filing the

subject Bill of Information. Therefore, we arrive at the same result: Mr. Alexander's prior armed robbery conviction, which became final before *Ramos*, can serve as the predicate offense for the State to charge him with being a felon in possession of a firearm subsequent to *Ramos*. The district court erred in finding otherwise and in granting Mr. Alexander's Motion to Quash.

Before concluding, we also explain why the district court's and Mr. Alexander's reliance on *Burgett* is misplaced. In *Burgett*, the United States Supreme Court considered an indictment brought in Texas that included a prior conviction in Texas and three prior convictions in Tennessee, which were used to enhance the defendant's punishment. 389 U.S. at 111, 88 S.Ct. at 260. With regard to one of the Tennessee convictions, the United States Supreme Court explained that "the certified records . . . on their face raise[d] a presumption that petitioner was denied his right to counsel in the Tennessee proceeding" in violation of *Gideon v. Wainwright*, 372 U.S. 335, 83 S.Ct. 792, 9 L.Ed.2d 799 (1963), such that "his conviction was void." *Id.*, 389 U.S. at 114, 88 S.Ct. at 261-62. Notably, the United States Supreme Court stated the *Gideon* "ruling was not limited to prospective applications." *Id.*, 389 U.S. at 114, 88 S.Ct. at 261 (first citing *Doughty v. Maxwell*, 376 U.S. 202, 84 S.Ct. 702, 11 L.Ed.2d 650 (1964); and then citing *Pickelsimer v. Wainwright*, 375 U.S. 2, 84 S.Ct. 80, 11 L.Ed.2d 41 (1963)). Accordingly, the United States Supreme Court held the Tennessee conviction, which was "constitutionally infirm under the standards of *Gideon*," could not "be used . . . either to support guilt or enhance punishment for another offense" because to do so would be "to erode the principle of that case [*Gideon*]" and to cause the defendant to "suffer[] anew from the deprivation of that Sixth Amendment right" to counsel. *Id.*, 389 U.S. at 115, 88 S.Ct. at 262.

Like *Burgett*, the matter *sub judice* also concerns the Sixth Amendment, albeit a different facet of that Amendment; however, this matter is otherwise distinct from *Burgett*. As quoted above, in *Burgett*, the United States Supreme Court explicitly stated that the right to counsel enumerated in *Gideon* applies both prospectively and retroactively. On the contrary, and as previously stated, *Ramos* only applies retroactively to cases that were still pending on direct review at the time the United States Supreme Court issued that decision. Again, Mr. Alexander's 1991 conviction became final in 1994 and was on collateral, not direct, review by the time the United States Supreme Court issued *Ramos* in 2020. Therefore, unlike the defendant's Tennessee conviction in *Burgett*, Mr. Alexander's 1991 armed robbery conviction remains constitutionally firm under *Ramos* and its progeny and could serve as the predicate offense for the State to charge him with a violation of La. R.S. 14:95.1. As the State cautions, to hold otherwise—as the district court did—would be to render that prior conviction meaningless, a result not enunciated in or warranted by *Ramos* or any post-*Ramos* jurisprudence.

DECREE

For the foregoing reasons, we reverse the district court's December 9, 2025 ruling, which granted Mr. Alexander's Motion to Quash, and we remand this matter to the district court for further proceedings consistent with this Opinion.

REVERSED AND REMANDED