

Fifth Circuit Court of Appeal State of Louisiana

No. 26-KH-335

STATE OF LOUISIANA

versus

BENJAMIN BRUCE

IN RE BENJAMIN BRUCE

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE SHAYNA BEEVERS MORVANT, DIVISION "M", No. 10-4584

TRUE COPY

August 05, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Susan M. Chehardy,
Jude G. Gravois, and Timothy S. Marcel

WRIT DENIED

Relator, Benjamin Bruce, seeks review of the trial court's May 22, 2026 Order denying his May 5, 2026 "Application for Post-Conviction Relief to Raise Constitutional Challenge to Conviction Upon a Showing that Conviction by Non-Unanimous Jury was Due to Racial Animus." The trial court indicated that relator's APCR was denied "on procedural grounds," stating:

[H]is conviction and sentence have been final since 2013. This fourth APCR is untimely and he fails to set out any of the limited exceptions for delaying filing under La. C.Cr.P. art. 930.8. Also, Defendant has had direct review of his twenty-five-year sentence, and extensive collateral review. Further, this fourth APCR is successive. See La. C.Cr.P. art. 930.4.

In the same May 22, 2026 Order, the trial court denied relator's "Request for Disclosure of Public Records Pertaining to Criminal Litigation," which sought information from the District Attorney's Office and the Clerk of Court regarding

the name and race of each juror at his trial, the voir dire transcript, and the jury polling slips, so that he may search for and prove “racial animus.” The trial court determined that relator was not entitled to such information absent a showing of particularized need, which relator did not meet. The trial court further stated: “Here, the conviction is the result of the overwhelming evidence introduced at trial rather than speculative racial animus.” Citing *Ramos v. Louisiana*, 590 U.S. --, 140 S.Ct. 1390, 206 L.Ed.2d 583 (2020), the trial court also noted that relator’s arguments had no merit, whether by an APCR or a request for disclosure of public records, because *Ramos* affects only those cases not yet final at the time of the 2020 decision, and defendant’s case became final in 2013.

Background

In 2011, a non-unanimous jury convicted relator of aggravated arson. The trial court sentenced him to 15 years imprisonment at hard labor. The State filed a multiple offender bill of information, and the trial court adjudicated relator a fourth-felony offender, vacated his original sentence, and imposed an enhanced sentence of life imprisonment at hard labor without benefit of probation or suspension of sentence. This Court affirmed relator’s conviction but vacated his life sentence as constitutionally excessive and remanded for resentencing. *State v. Bruce*, 11-991 (La. App. 5 Cir. 10/30/12), 102 So.3d 1029. On January 17, 2013, the trial court re-sentenced relator, as a fourth-felony offender, to 25 years imprisonment at hard labor without benefit of probation or suspension of sentence. On April 26, 2013, the Louisiana Supreme Court denied relator’s writ application. *State v. Bruce*, 12-2568 (La. 4/26/13), 112 So.3d 39. Relator’s conviction and sentence became final in 2013.

Relator has since filed several applications for post-conviction relief (APCRs).¹ On October 19, 2023, relator also filed a pleading in the trial court captioned “Attachment to Uniform Motion to Correct Illegal Sentence,” arguing that *Ramos* should be applied retroactively to his case.²

Discussion

¹ See, e.g., *State v. Bruce*, 14-KH-72 (La. App. 5 Cir. 4/2/14) (unpublished writ disposition), writ denied sub nom. *State ex rel. Bruce v. State*, 14-1003 (La. 3/6/15), 161 So.3d 7; *State v. Bruce*, 15-KH-274 (La. App. 5 Cir. 5/28/15) (unpublished writ disposition), writ denied, *State ex rel. Bruce v. State*, 15-1131 (La. 5/13/16), 190 So.3d 117; *State v. Bruce*, 21-KH-387 (La. App. 5 Cir. 6/30/21), writ denied sub nom. *State ex rel. Bruce v. Lee*, 21-1115 (La. 5/25/23), 359 So.3d 985.

² On October 24, 2023, the trial court denied relief, finding that relator’s pleading, despite its caption, was another application for post-conviction relief (APCR), which was untimely pursuant to La. C.Cr.P. art. 930.8. The court further found that relator’s claim was without merit, as the Louisiana Supreme Court addressed the issue of retroactivity in *State v. Reddick*, 21-1893 (La. 10/21/22), 351 So.3d 273, 283, holding that “the new rule of criminal procedure announced in *Ramos* that requires unanimity in jury verdicts is not retroactive on state collateral review in Louisiana.” This Court agreed that relator’s motion to correct illegal sentence was really an APCR and, finding that it was filed out of time and was repetitive, denied the writ. See *State v. Bruce*, 24-97 (La. App. 5 Cir. 3/20/24) (unpublished writ disposition).

In *Ramos*, the United States Supreme Court declared that the Sixth Amendment right to a jury trial, incorporated against the states by way of the Fourteenth Amendment, requires a unanimous verdict to convict a defendant of a serious offense. The Court held that *Ramos* applies only to cases pending on direct appeal and to future cases. 140 S.Ct. at 1407. In *Edwards v. Vannoy*, 593 U.S. --, 141 S.Ct. 1547, 1554 (2021), the U.S. Supreme Court determined that the jury-unanimity rule in *Ramos* does not apply retroactively on federal collateral review but held that states remain free to retroactively apply the jury unanimity rule in state post-conviction proceedings if they choose to do so. *Id.* at 1559, n.6 (citing *Danforth v. Minnesota*, 552 U.S. 264, 282, 128 S.Ct. 1029, 169 L.Ed.2d 859 (2008)).

Relator once again requests collateral review, now relying upon Justice Genovese's dissent in *State v. Reddick*, 21-1893 (La. 10/21/22), 351 So.3d 273, 283, which stated:

In my view, and with due consideration of *Ramos*, I find, from a constitutional standpoint, only those defendants who were convicted by non-unanimous verdicts due to racial animus are entitled to relief on collateral review. Only upon proof by a defendant by a preponderance of the evidence of racial animus in the jury verdict should there be relief on collateral review via post-conviction relief.

In other words, a non-unanimous jury verdict without racial animus would not qualify for relief on collateral review. To rule otherwise is to defeat the jurisprudential rationale requiring a unanimous verdict.

Reddick, 251 So.3d at 287 (Genovese, J., concurring in part and dissenting in part).

Justice Genovese uses the term “racial animus” in his partial dissent in *Reddick* to suggest that a defendant may seek collateral relief in state court under *Ramos* if the defendant can show racial animus by a preponderance of evidence, regardless of the date of defendant's conviction. Importantly, this was not the majority's holding in *Reddick* and provides no basis upon which any defendant, including relator, may seek collateral review. Justice Genovese's partial dissent expresses a minority viewpoint that the majority expressly rejected—it does not constitute a judgment of the Court.

Moreover, relator previously sought collateral review under *Ramos*, which this Court denied. *See State v. Bruce*, 21-387 (La. App. 5 Cir. 6/30/21) (unpublished writ disposition); *see also State v. Bruce*, 24-97 (La. App. 5 Cir. 3/20/24) (unpublished writ disposition). Relator is not entitled to another bite at the apple. Relator's request for post-conviction relief based on a non-unanimous jury

verdict also is filed out of time and is repetitive and successive. *See* La. C.Cr.P. art. 930.8(A) (“No application for post-conviction relief, ... shall be considered if it is filed more than two years after the judgment of conviction and sentence has become final.”); *see also State v. Bruce*, 21-387 (La. App. 5 Cir. 6/30/21) (unpublished writ disposition), *writ denied*, 21-1115 (La. 4/25/23), 359 So.3d 985; La. C.Cr.P. art. 930.4(D) (“A successive application shall be dismissed if it fails to raise a new or different claim.”).

Relator’s request for collateral review based on wholly speculative “racial animus” is unsupported in the law. Additionally, on the showing made, we find no abuse of discretion in the trial court’s ruling denying relator’s request for disclosure of public records. For these reasons, the writ is denied.

Gretna, Louisiana, this 5th day of August, 2026.

SMC
JGG
TSM

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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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 **08/05/2026** 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-335

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Shayna Beevers Morvant (DISTRICT JUDGE)
Thomas J. Butler (Respondent)

MAILED

Benjamin Bruce #106460 (Relator)
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