GIBSON DUNN

Gibson Dunn Secures Release of Pro Bono Client Convicted by Unconstitutional, Non-Unanimous Jury

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A team of Gibson Dunn lawyers, working with The Promise of Justice Initiative (PJI) in New Orleans, has secured the release of pro bono client B.T., who in 1983 was convicted by an unconstitutional, non-unanimous jury in Louisiana. Over the dissenting votes of two jurors—who, like B.T., were Black—B.T. was found guilty of an alleged armed robbery. After his counsel failed to present any arguments on his behalf during sentencing, B.T. was sentenced to 99 years at hard labor without benefit of probation, parole, or suspension. B.T., then 19 years of age, received what was effectively a life sentence despite important mitigating facts: the alleged robbery was of $400, B.T. had never before been accused of a violent crime, he had lived a difficult childhood, no one was physically injured during the alleged robbery, and two jurors had reasonable doubt he was guilty at all. After spending the past 40 years incarcerated in Louisiana state prisons, including Angola, B.T. received an amended sentence reduced to time served. He was released as a free man on November 17, 2023. Gibson Dunn has been working with PJI to help individuals like B.T. seek justice after being convicted by Jim Crow juries. The U.S. Supreme Court held non-unanimous juries to be unconstitutional in *Ramos v. Louisiana* in 2020, but the Court's subsequent decision in *Edwards v. Vannoy* held that *Ramos* would not apply retroactively, leaving those already convicted and incarcerated prior to 2020 without hope of relief. Despite these challenges, Gibson Dunn and PJI successfully negotiated with the Orleans Parish District Attorney's Office to file an uncontested post-conviction relief application that provided B.T. with a new sentencing hearing under state law. The application for a hearing was granted, and during the hearing, the judge resentenced B.T. to 40 years, with full credit for time served. B.T. was released into a three-year reentry program created by Criminal District Court Judges in Orleans Parish that will provide comprehensive resources and support as he adjusts to life outside of incarceration. B.T.—who is known by those around him for his selflessness, wisdom, and unwavering optimism—is excelling in the program. The Gibson Dunn team includes associates Anna Aguillard, Alexandra Buettner, and Sam Whipple, with supervision by partner M. Kendall Day.

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