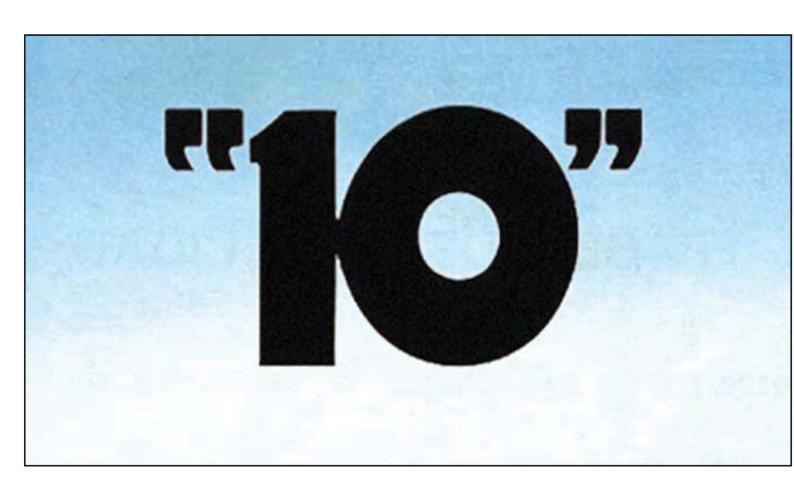


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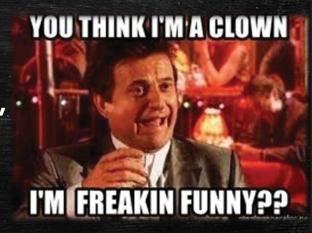


O'Brien v. State, May 2, 2018

Does the jury have to be unanimous about predicate offenses?

- CCA says no 5 to 4
- Two step analysis
  - What is gravamen of offense?
  - Lack of unanimity violate due process?
- Gravamen is circumstance of conduct
  - "one or more of the following"
- Predicate offenses are "morally and conceptually equivalent"

O'Brien v. State, May 2, 2018







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