



JURY SELECTION

BATSON AND ITS PRODOGIES

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Strauder v. West Virginia, 100 U.S. 303 (1880). Abolished laws prohibiting jury services based on race.

White Men Only

Taylor Strauder was an African American who was charged with murder in Ohio County, West Virginia, on 20 October 1874. A West Virginia law said only white men could serve as jurors. Strauder did not think he could get a fair trial in a state that did not allow African Americans to serve on juries. In fact, he thought West Virginia's law violated the Equal Protection Clause by treating African Americans unequally.

Swaine v. Alabama, 380 U.S. 202 (1965). This case established the **first test** allowing defendants to show racial discrimination in jury selection.

Batson v. Kentucky, 476 U. S. 79. Modified first test making it easier for defendant to show racial discrimination in jury selection.

Edmonson v. Leesville Concrete Co., 500 U.S. 614 (1991), expands *Batson* to civil proceedings.

Georgia v. McCollum, 505 U.S. 42 (1992), expands *Batson* to prohibit discrimination in jury selection by a criminal defendant.

Power v. Ohio, 499 U.S. 400 (1991) expands *Batson* to cover Cross Racial objections in jury selection.

J.E.B. v. Alabama, 511 U.S. 127 (1994), expands *Batson* to prohibit discrimination in jury selection based on gender.

United States v. Martinez Salazar, 528 US 304 (2000), expands *Batson* to prohibit discrimination in jury selection based on ethnic origin.

Miller-El v. Dretke, 545 US 231 (2005) which expands Batson “to look at all circumstances” the entire record for *Batson* violations.

How Batson works

1). The defendant must make a prima facie showing that the prosecution's preemptory challenges are discriminatory. **Johnson v. California**, 545 U.S. 162 (2005), states that step one of the *Batson* inquiry only requires an inference of discrimination.

2). **Purkett v. Elem**, 514 U.S. 765 (1995), and **Hernandez v. New York**, 500 U.S. 352 (1991) the state must provide a nonracial reason for the strike.

3). The court must decide whether the defendant has established purposeful ***discrimination***. Pursuant to **Miller -EL v. Drake**, the Court looks at the entire record to decide whether there is a *Batson* violation.

Louisiana Batson case decided by the United States Supreme Court

Snyder v. Louisiana, 552 U.S. 472 (2008), was a United States Supreme Court case about racial issues in jury selection in death penalty cases.

To answer the question, What did the Founding Fathers envision for juries?

All of the above examples can possibly be legal juries as long ***as the selection is not racially motivated.***

Supreme Court Oral argument for Snyder v. Louisiana





My name is Letita Parker-Davis.

I am a graduate of Southern University Law Center. I have practiced law for 30 plus years. I have been a public defender since June 1, 1991, in the 24th Judicial District. Currently, I am assigned to the Capital Team; a position served in for over 15 years. I also maintain a small private practice. Additionally, I am licensed to practice before the United States Supreme Court. Last but not least, I am the Immediate Past President of the Jefferson Bar Association, as I served as President of Jefferson Bar Association for the year 2021.