No. _____

In The Supreme Court Of The United States

JASON REEVES,

Petitioner,

v.

DARREL VANNOY, Warden,

Respondent

ON PETITION FOR WRIT OF CERTIORARI TO

THE LOUISIANA SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

Gary P. Clements* (#281392)
Capital Post-Conviction Project of Louisiana
1340 Poydras St., Suite 1700
New Orleans, Louisiana 70112
Telephone: (504) 212-2110
Facsimile: (504) 212-2130

Alan M. Freedman
Midwest Center for Justice, Ltd.
P.O. Box 6528
Evanston, Illinois 60202
Telephone: (847) 492-1563
Facsimile: (847) 492-1861

Counsel for Petitioner Jason Reeves

* *Counsel of Record*

CAPITAL CASE - NO EXECUTION DATE SET

QUESTIONS PRESENTED

In jury selection for the second trial in this case, the State used 7 of its 12 peremptory challenges on African-Americans, removing only 5 of the 23 qualified whites (22%) but 7 of the 13 qualified African-Americans (54%). In addition, 5 of the excluded African-Americans had characteristics that made them desirable to the State and indistinguishable from most of the whites that the State accepted onto the jury.

For the final juror, the State made a side-by-side comparison between a white and an African-American juror. The African-American juror was substantially more attractive than the white juror, because 1) he indicated in his jury questionnaire that he would "always" vote for the death penalty in the case of a rape and murder of a child (stating in voir dire that he could keep an open mind, but was "leaning toward that"); 2) he only believed a confession would not be a reliable indicator of guilt "if somebody confessed something to protect somebody else"; and 3) believed DNA evidence was "pretty solid" and "reliable."

In contrast, the white juror indicated that: 1) confessions were not always reliable evidence of guilt and that a person's state of mind and interrogator experience could have an effect; 2) confessions should be evaluated critically if conflicting with other witnesses' statements; 3) some children are "never really given a chance," that can "be the cause of their future actions"; 4) he had a skepticism of law enforcement (though he was later rehabilitated to say that he did not have reservations judging witnesses on their own merits).

The Louisiana Supreme Court ultimately found that there was no *prima facie* case of a *Batson* violation, and therefore no need for the State to give race-neutral reasons for their rejection of the African-American juror. Also, as to the selection of the final juror, the Louisiana Supreme Court surmised that there must have been some neutral reason for the State's action. Therefore, the questions presented are:

I.

Whether the Petitioner has established a *prima facie* case that *Batson v. Kentucky* had been violated after the State conducted a side-by-side comparison of a white and a black venire member, and chose the unsympathetic and unattractive white venire member and struck the sympathetic and attractive black venire member?

II.

Whether the Louisiana Supreme Court should have required the State to present race-neutral reasons, under the *Batson* paradigm, for its strike of the final African-American venire member, instead of surmising for some unknown reason, that the overall voir dire justified the inclusion of the unsympathetic and unattractive white venire member and the exclusion of the sympathetic and attractive black venire member?

PARTIES TO THE PROCEEDING IN THE COURTS BELOW

1. Jason Reeves, Petitioner/Appellant

2. Darrel Vannoy, Louisiana State Penitentiary

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Petitioner, Jason Reeves, prays that a writ of certiorari issue to review the judgment of the Louisiana Supreme Court entered in this case.

OPINIONS DELIVERED IN THE COURT BELOW

The final judgment and decree rendered by the Louisiana Supreme Court on October 25, 2018, denying Petitioner's writ to review the district court's denial of post-conviction relief is attached as Appendix A. The November 16, 2017 *Judgment* of the Fourteenth Judicial District Court of Calcasieu Parish, Louisiana, denying Petitioner's application for post-conviction relief is attached as Appendix B. The appellate decision by the Louisiana Supreme Court on May 5, 2009, including its unpublished appendix, originally discussing the *Batson* issue and affirming the conviction and sentence, is attached as

Appendix C. Trial Transcript excerpt, related to *Batson* Appendix D. 2017 Post-conviction Evidentiary Hearing transcript excerpt is attached as Appendix E. Petitioner's Post-Hearing Memo Appendix Exhibit 1 (Louisiana voter registration records with race designation) is attached as Appendix F. State's Response to Defendant's Post-Hearing Brief is attached as Appendix G.

STATEMENT OF THE GROUNDS ON WHICH THE JURISDICTION OF THE COURT IS INVOKED

The Louisiana Supreme Court issued its denial of Petitioner's writ of review on October 25, 2018, and that ruling became final on that date. This Court has jurisdiction under 28 U.S.C. § 1257 to review this Petition.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourteenth Amendment to the United States Constitution provides, in pertinent part: "No State shall . . . deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws." U.S. Const. amend. XIV, §1.

The Eighth Amendment to the United States Constitution provides: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." U.S. Const. amend. VIII.

STATEMENT OF THE CASE

In 2004,[1] a Calcasieu Parish jury found relator, Jason M. Reeves, guilty of the first-degree murder of four-year-old M.J.T.[2] At trial, the State presented evidence that Reeves abducted, raped, and murdered M.J.T. on the afternoon of November 12, 2001. The State's evidence linking Reeves to the murder included semen matching Reeves's DNA profile recovered from M.J.T.'s anus, fibers and dog hairs linking the victim's clothing to Reeves's vehicle, man-trailing dog evidence which tracked Reeves's scent to critical areas associated with the crime, witness statements placing Reeves and his vehicle at the trailer park from which M.J.T. was abducted and at the cemetery near where her body was found, and a confession.

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[1] Reeves's first trial in ended in a mistrial when the jury could not reach a unanimous verdict on culpability.

[2] Louisiana law requires the use of initials for child victims.

After finding Reeves guilty as charged, jurors unanimously agreed to impose a sentence of death in light of the aggravating circumstances that Reeves was engaged in the perpetration or attempted perpetration of aggravated rape at the time of the murder; that the victim was under the age of 12 years; and that the offense was committed in an especially heinous, atrocious, or cruel manner. The trial court sentenced Reeves to death by lethal injection in accord with the jury's determination. The Louisiana Supreme Court affirmed the conviction and sentence. *State v. Reeves*, 11 So.3d 1031 (La. 2009), *certiorari denied by Reeves v. Louisiana*, 558 U.S. 1031, 130 S. Ct. 637, 175 L.Ed.2d 490 (2009).

Numerous post-conviction supervisory writs have been taken to the Louisiana Supreme Court that do not involve the *Batson* issue in this certiorari petition. An evidentiary hearing on remaining post-conviction issues, including the *Batson* issue, was conducted on April 18, 2017. *See* Appendix E. The state district court denied relief to Mr. Reeves on November 16, 2017. *See* Appendix B. Mr. Reeves's writ to the Louisiana Supreme Court was denied on October 15, 2018. *See* Appendix A. Petitioner now timely files this Petition for Writ of Certiorari.

FACTS CONCERNING THE *BATSON V. KENTUCKY* CLAIM

As support for its *prima facie* showing, the defense raised only the fact that the State used more peremptory challenges against black prospective jurors than white prospective jurors. The record shows the State used seven of its peremptory challenges against black prospective jurors and five of its peremptory challenges against white prospective jurors. Ultimately, the trial court ruled that the defense failed in the first step of the *Batson* analysis, in that the defense failed to make a *prima facie* showing of discrimination. The trial court then ruled:

> I understand, and the Court is guided and does not find that there has been a prima facie showing that the specific numbers lean in favor of the State on their surface and there's been no articulable definition from the Defense to show any statement or action that would support an inference, being in favor as the composition of the venire is the pattern of strikes or lack thereof, and the Court would deny the Batson challenge based on the Supreme Court's directive in evaluating the three-step approach.

[Trial Record, Vol. 37, 9042-9043.]

On direct appeal, the defense made a statistical argument urging that the prosecution's use of peremptory challenges was racially discriminatory. The Louisiana Supreme Court rejected this defense argument, holding:

> An analysis of the voir dire as a whole convinces us that the trial judge was correct in his determination that no *prima facie* showing of purposeful racial discrimination was met by the defense in its *Batson* objection.

State v. Reeves, 11 So. 3d 1031 (La. 2009); unpublished appendix, at 99.

In post-conviction, the Petitioner again argued, through the vehicle of ineffective assistance of counsel,[3] that the State used seven of its twelve peremptory challenges on African-Americans (R. 9031), removing only five of the twenty-three qualified whites (22%) but seven of the thirteen qualified African-Americans (54%). The additional statistical evidence showed that the State's exercising seven of twelve peremptory challenges on African-Americans was statistically significant when viewed in light of the fact that there were twenty-three qualified white jurors and thirteen qualified African-American jurors, meaning that five of the twenty-three qualified whites removed by the State was less than a quarter (22%) of the qualified white members, while the State's removal of seven of the thirteen qualified African-Americans amounted to over half (54%) of the qualified African-Americans.

Also established in post-conviction was the fact that five of the excluded African-Americans – Nasthasia Webb, Lance Guidry, Ivy Sanford, Mable Brown and Ian Joseph – had characteristics that made them desirable to the State and indistinguishable from most of the whites that the State accepted on to the jury (*e.g.*, the five excluded African-Americans, along with most of the whites that the State accepted on to the jury, all indicated that they could impose the death penalty, none of them had any hardship issues, none of them had any meaningful pre-trial knowledge about the case, and none of them had any other characteristics that would have made them undesirable to the State). An even more glaring example of a *prima facie* case was the fact that one of the whites that the State accepted onto the jury, juror Craig Phillips,

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[3] *Batson* claims may be renewed in post-conviction. *See, Foster v. Chatham*, 136 S. Ct. 1737, 1746-1747 (state habeas court's application of *res judicata* to *Batson* claim was not independent of the merits of his federal constitutional challenge, and review by United States Supreme Court was proper).

actually had characteristics that objectively made him a much less desirable juror for the State than any of the excluded African-Americans (none of whom had these less desirable characteristics). Most glaring was the State's back-strike of African-American Ian Joseph, R. 9015, immediately after accepting white juror Craig Phillips. R. 9013.

When asked whether he believed confessions are "100% reliable, always reliable evidence of guilt," Mr. Phillips answered, "No, sir." R. 8851.[4] He then went on to agree that a person's state of mind and whether the person was sleep-deprived at the time a confession is made, as well as the skill and experience of the interrogators, could affect the reliability of a confession. *Id.* Further, Mr. Phillips agreed that if a person gave a confession that was contradicted by statements of other witnesses, those other witnesses' statements should be considered in assessing the reliability of the confession. R. 8853.

Mr. Phillips then agreed that children get "lost or left behind or never really given a chance" and that lack of chance or being left behind can be the cause of their future actions. R. 8854. Mr. Phillips also explained that, because of law enforcement coming to his home for his ex-wife on multiple occasions and going "through [his residence] without a search warrant," he would "only give [law enforcement] this much now. ... The rest, they gotta earn," expressing a level of skepticism and distrust for law enforcement. R. 8885-86. The State followed this up with questioning Mr. Phillips whether he could judge law enforcement witnesses on their own merits and not on any feelings he had from other instances and, when the State was uncomfortable with his answer, followed up by asking, "And do you have any reservation about that? You sound like you got a little bit of reservation...." R. 8886. Eventually, when asked further whether he had any reservations about judging witnesses on their own merits, Mr. Phillips answered, "I don't think so, no." R. 8887. Despite these answers that objectively suggest a predisposition to be skeptical and distrustful of significant portions of the prosecution's case and to be sympathetic with the defense in this case, the State back-struck Ian Joseph immediately after the defense accepted Mr. Phillips on the jury. R. 9014-15.

[4] The Petitioner had given a confession.

African-American venire member Ian Joseph, who was in the same panel of prospective jurors as Mr. Phillips (R. 8690-92), wrote on his juror questionnaire, "In a case in which the defendant is convicted of rape and murder of a child, and in which the death penalty is requested, [he] would always vote to impose the death penalty." R. 6373. While being questioned during voir dire, Mr. Joseph testified, "as far as this case specifically related to rape, I think I'd be more inclined for the death penalty, but I believe I can keep an open mind, but I'd be leaning toward that." R. 6376. Mr. Joseph ultimately answered "Yes, sir," when the prosecutor asked him, "If you thought the defendant should be executed, could you vote for death," and answered "Yes, sir," again when asked if he could "consider both [a life sentence and a death sentence]." R. 6378. Mr. Joseph also testified that he had previously served as a juror on a first-degree murder case that resulted in a guilty verdict and a life sentence, R. 8810-11, and that he would be able to return a guilty verdict in the instant case if the State proved its case beyond a reasonable doubt, even knowing the penalty phase and whether to impose a death sentence would then have to be decided. R. 8813.

When asked whether he believed a confession was always reliable evidence of guilt, Mr. Joseph explained that the only time he could think of when it would not be is "if somebody confessed something to protect somebody else," and expressed skepticism when asked about a person being susceptible to suggestion, adopting what someone else said as his own, saying "I don't know about that." R. 8845-46. Mr. Joseph then indicated that, although he would need "more than just DNA [to convict someone] ... I think DNA is pretty solid. ... I think it's reliable." R. 8849. After concluding this line of questioning of Mr. Joseph, the microphone was passed to Mr. Phillips for similar questioning. R. 8850-51.

Despite the significant disparities in their answers during voir dire, with Mr. Phillips's answers being noticeably favorable to the defense and Mr. Joseph's answers being noticeably favorable to the prosecution, the State exercised its eleventh peremptory challenge to strike Mr. Joseph. R. 9014. At the post-conviction evidentiary hearing, trial counsel Ware explained that he had no strategy reason for not doing a side-by-side comparison of Phillips and Joseph. *See* Appendix E, at 78.

In final judgment on post-conviction, the district court found:

> This claim is without merit. There was no evidence to support a *Batson* challenge. *Batson v. Kentucky*, 476 U.S. 79, 106 S. Ct. 1712, 90 L. Ed. 2d 69 (1986). In addition, the failure to make a *Batson* objection does not show a defendant was prejudiced. *State v. Snyder*, 98-1078 (La. 4/14/99), 750 So. 2d 832. The Court in *Synder* [sic] expanded, "Where a rule does not have 'such a fundamental impact on the integrity of factfinding,' *Allen v. Hardy*, 478 U.S. 255, 259, 106 S. Ct. 2878, 2881 (1986), it cannot be said that the violation of such rule renders the trial unfair and the verdict suspect." *Snyder*, 750 So. 2d at 842.
>
> In the instant case, the defendant cannot show he was prejudiced. Therefore, defense counsel did not provide ineffective assistance by failing to introduce evidence in support of a *Batson* challenge.

See Appendix B, at 3.

The Louisiana Supreme Court again on review, rejected the *Batson* claim, without disputing the evidence of a *prima facie* case of a *Batson* challenge. The Louisiana Supreme Court simply stated that the Petitioner's evidence was not persuasive. The Court stated:

> Once again, Reeves improperly attempts to re-litigate an issue upon which he has already sought review; this Court has already found no *prima facie* showing of purposeful racial discrimination. While he now includes arguments that draw comparisons between a single seated white juror (Craig Phillips) and an excused black prospective juror (Ian Joseph), his side-by-side analysis is not persuasive. The comparison cherry-picks between two jurors whose answers were more orthogonal to one another than they were conflicting. Moreover, it does not include the entirety of voir dire, which this Court considered on direct review. In short, Reeves cites no evidence this Court has not already assessed to support this *Batson*-related ineffective assistance claim. This claim lacks merit.

State v. Reeves, 254 So. 3d 665, 674 (La. 2018).

REASONS FOR GRANTING THE WRIT

I. THE LOUISIANA SUPREME COURT DECISION IS IN CONFLICT WITH THE HOLDINGS OF *MILLER-EL* AND *SNYDER*, WHICH HELD THAT A *PRIMA FACIE* CASE OF A *BATSON* VIOLATION CAN BE ESTABLISHED BY SIDE-BY-SIDE COMPARISON OF BLACK JURORS WHO ARE STRICKEN WITH WHITE JURORS WHO ARE ACCEPTED

It is well settled that race is an unconstitutional basis on which to strike a prospective juror. *See, e.g., Georgia v. McCollum*, 505 U.S. 42, 44 (1992) ("For more than a century, this Court consistently and repeatedly has reaffirmed that racial discrimination by the State in jury selection offends the Equal Protection Clause."). In *Batson v. Kentucky*, 476 U.S. 79 (1986), the Supreme Court identified a three-step

test to determine whether the State's use of peremptory challenges in jury selection violates equal protection. Under *Batson*'s first step, the defendant must make a *prima facie* "showing that the totality of the relevant facts gives rise to an inference of discriminatory purpose." *Johnson v. California*, 545 U.S. 162, 168 (2005) (quoting *Batson*, 476 U.S. at 93-94). The Court explained in *Johnson* that:

> We did not intend [*Batson*'s] first step to be so onerous that a defendant would have to persuade the judge – on the basis of all the facts, some of which are impossible for the defendant to know with certainty – that the challenge was more likely than not the product of purposeful discrimination. Instead, a defendant satisfies the requirement of *Batson*'s first step by producing evidence sufficient to permit the trial judge to draw an inference that discrimination has occurred.

Johnson, 545 U.S. at 164 (emphasis added).

Once the defendant has made such a showing, the burden shifts to the State to proffer a race-neutral explanation for each strike in question. *Batson*, 476 U.S. at 94. Finally, *Batson*'s third step calls for the court to assess whether the movant has established that the State has engaged in purposeful discrimination. *Id.* at 98.

The use of such a comparative, side-by-side analysis of a stricken, minority juror with a non-stricken, white juror has been accepted and endorsed by the Supreme Court in *Miller-El v. Dretke*, 545 U.S. 231 (2005) (*Miller-El II*) in making an effective *Batson* challenge. In *Miller-El II*, the Court found, "More powerful than ... bare statistics ... are side-by-side comparisons of some black venire panelists who were struck and white panelists allowed to serve." *Id.* at 241. The Court then engaged in that exact analysis for two of the stricken black jurors, to end up holding:

> In sum, when we look for nonblack jurors similarly situated to Fields [one of the stricken black jurors], we find strong similarities as well as some differences. But the differences seem far from significant, particularly when we read Fields's *voir dire* testimony in its entirety. Upon that reading, Fields should have been an ideal juror in the eyes of a prosecutor seeking a death sentence, and the prosecutors' explanations for the strike cannot reasonably accepted.

Miller-El II, 545 U.S. at 247.

The Supreme Court reiterated and applied this comparative analysis in assessing a *Batson* claim in *Snyder v. Louisiana*, 522 U.S. 472 (2008). In *Snyder*, the Court found that "[t]he implausibility of this

explanation [given for the striking of a black venire member, that juror service would conflict with his student-teaching obligations] is reinforced by the prosecutor's acceptance of white jurors who disclosed conflicting obligations that appear to have been at least as serious as [the stricken black venire member]." *Id.* at 483. While the Court cautioned "that a retrospective comparison of jurors based on a cold appellate record may be very misleading," when the "shared characteristic ... was thoroughly explored by the trial court," such as in the voir dire of Mr. Phillips and Mr. Joseph, a retrospective comparison is wholly appropriate and potentially determinative. *Id.* A comparison of Joseph and Phillips clearly creates an inference of purposeful racial discrimination by the State.

Other courts, including the Fifth Circuit, have followed the analysis laid out in *Miller-El II* and *Snyder* in evaluating a *Batson* challenge. *Reed v. Quarterman*, 555 F.3d 364, 376 (5th Cir. 2009) ("we do not need to compare jurors that exhibit all of the exact same characteristics. If the State asserts that it struck a black juror with a particular characteristic, and it also accepted nonblack jurors with that same characteristic, this is evidence that the asserted justification was a pretext for discrimination, even if the two jurors are dissimilar in other respects.") See also, *Hardcastle v. Horn*, 521 F. Supp. 2d 388, 405 (E.D. Pa. 2007) ("Side-by-side comparisons of stricken African-American jurors with Caucasian jurors who were accepted by the prosecution are recognized as powerful tools for determining whether the prosecution's purportedly race-neutral explanation for strikes are plausible."); *Yancey v. State*, 813 So. 2d 1 (Ala. Crim. App. 2001) (finding a *Batson* violation upon comparing disparate treatment of black venire members with traffic violations and misdemeanor offenses and white venire members with traffic violations and misdemeanor offenses); *Burnett v. State*, 71 Ark. App. 142 (Ark. Ct. App., Div. 1 2000) (finding a *Batson* violation based on comparison of State's reason for striking black venire member – he had been in a fight with law enforcement – with nonstricken white jurors who had stated skepticism and distrust of police during *voir dire*); *People v. Crockett*, 314 Ill. App. 3d 389, 400 (Ill. App. Ct. 2000) ("Where 'the State fails to exclude white venire members [who possess] the same characteristics as a black venire member who was excused on the basis of that characteristic, an inference of purposeful racial discrimination is raised.'").

The relief requested here by Petitioner is less onerous than the relief in *Miller-El II,* 545 U.S. 231 (2005) or *Snyder v. Louisiana*, 522 U.S. 472 (2008), because Petitioner is simply requesting an evidentiary hearing to determine whether a *prima facie* case had been established at trial. The process for establishing a *prima facie* case is not supposed to be difficult. *Johnson v. California*, 545 U.S. at 164. Petitioner requests an evidentiary hearing to give the State the opportunity to present a race-neutral reason, if possible, for its striking of an attractive black venire member, Ian Joseph, while accepting an unattractive white venire member, Craig Phillips.

Notably, when presented an opportunity in post-conviction, the State did not present any such race-neutral reason, and instead, went so far as to raise a stream of baseless misrepresentations that venire member Ian Joseph was not African-American.[5] In fact, the trial record unequivocally established that Ian Joseph is African-American. R. 3048.[6] Moreover, in his post-hearing memorandum to the district court, the Petitioner appended a copy of the state voter registration record of Ian Joseph, which evidenced Mr. Joseph's race as "Black."[7] Nevertheless, the State persisted in its disingenuous argument. Long after the evidentiary hearing, the State reiterated its position in its Response to Defendant's Post-Hearing Brief:

> This claim is insulting and specious ... There was also no evidence ever offered as to the race of the jurors when the *Batson* comments were made. ... Even worse, on post-conviction this defendant never introduced any reliable evidence in support of his *Batson* claim because none exists. His new Appendix Exhibit I, which are purportedly voter registration records, are not even clearly linked to the final or proposed jurors and are not authentic or certified documents. They should be deemed wholly inadmissible. Furthermore, as the State noted at the post-conviction relief hearing, the defendant offered no definitive proof of the race of any of the jurors he argues about, and there are no notations to their race anywhere in the record. (PCR hearing, Tr. pp. 68-77). Simply put, the defendant has absolutely no evidence to support this salacious claim.

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[5] In the post-conviction evidentiary hearing, the State's solitary argument was its repeated assertion that there was no viable *Batson* claim because there was no proof that venire member Ian Joseph was African-American. *See* Appendix D, at 69-70. The district court cited the names of all five African-American venire members in the overall *Batson* claim: "I see at the bottom of page 38 where you said that five of the excluded African-Americans are Webb, Guidry, Sanford, Brown, and Joseph." *Id.* at 71. Despite the court's clarification, the State continued to object that Ian Joseph's race had not been established: "All I have is his statement that these people are white or black. I do not have anything indicating that to be correct. These record excerpts that he is citing to you don't state, hi, I am Craig Phillips, white person." *Id.* at 72. The race of Mr. Joseph and other venire members was further corroborated in Exhibit A of Petitioner's post-hearing memo. *See*, Appendix F.

[6] *State v. Hotoph*, 750 So. 2d 1036, 1053 (La.App. 5 Cir. 1999) (court may take judicial notice of its own proceedings, citing *State v. Batiste*, 687 So. 2d 499, 503, (La.App. 3rd Cir. 1996); writ denied, 696 So. 2d 1003 (La. 1997).

[7] *See* Appendix F.

See Appendix G, at 26.

The State's continuous misrepresentations of the record raise an inference of racial animosity in striking Ian Joseph. *See, Foster v. Chatman*, 136 S. Ct. 1737, 1754 (2016).

II. AFTER PETITIONER ESTABLISHED A *PRIMA FACE* CASE OF THE STATE STRIKING AFRICAN-AMERICAN JURORS, THE LOUISIANA SUPREME COURT IMPERMISSIBLY SURMISED THAT THERE WAS A RACE-NEUTRAL REASON FOR THE STATE'S PEREMPTORY STRIKES

After Petitioner established a *prima face* case of the State striking African-American jurors, the Louisiana Supreme Court invented an unprecedented standard of "surmising", without any record foundation, that the State actually had a race-neutral reason.

Instituting the standard articulated by the Louisiana Supreme Court would gut the *Batson* paradigm. Under *Batson*, all a defendant needs to present is a reasonable inference of a discriminatory purpose. The United States Supreme Court in *Johnson* held that establishing a *prima facie* case should not be an onerous burden. *Johnson*, 545 U.S. at 164. Here, in contrast, the Louisiana Supreme Court has not only made this burden onerous, but an impossible one to satisfy.

Therefore, this case is ripe for summary reversal.

CONCLUSION

Therefore, this Court should grant this petition for certiorari, summarily reverse the decision below, find that the Petitioner has established a *prima facie* case of a *Batson* violation, and remand this case to the State Court to conduct the second stage of a *Batson* hearing, requiring the State to provide race-neutral reasons, if possible.

Respectfully submitted,

Gary P. Clements* (#281392)
Capital Post-Conviction Project of Louisiana
1340 Poydras St., Suite 1700
New Orleans, Louisiana 70112
Telephone: (504) 212-2110
Facsimile: (504) 212-2130

Alan M. Freedman
Midwest Center for Justice, Ltd.
P.O. Box 6528
Evanston, Illinois 60202
Telephone: (847) 492-1563
Facsimile: (847) 492-1861

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CERTIFICATE OF SERVICE

I hereby certify that Petitioner's Motion to Proceed In Forma Pauperis and Petition for Writ of Certiorari were served via regular U.S. Mail, on this ____th of _____, 2019 upon Assistant District Attorney Cynthia Killingsworth, of the Calcasieu Parish District Attorney's Office, 901 Lakeshore Drive, Suite 800, Lake Charles, Louisiana 70601. All persons required to be served have been served.

Respectfully submitted,

Gary P. Clements* (#281392)
Capital Post-Conviction Project of Louisiana
1340 Poydras St., Suite 1700
New Orleans, Louisiana 70112
Telephone: (504) 212-2110
Facsimile: (504) 212-2130

Alan M. Freedman
Midwest Center for Justice, Ltd.
P.O. Box 6528
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Telephone: (847) 492-1563
Facsimile: (847) 492-1861

Counsel for Petitioner Jason Reeves
* *Counsel of Record*