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APPENDIX A: Decision of Minnesota Supreme Court

STATE OF MINNESOTA

IN SUPREME COURT

A18-1485

Hennepin County

Lillehaug, J.

State of Minnesota,

Respondent,

vs.

Filed: November 6, 2019
Office of Appellate Courts

Chance Dechristian Adams,

Appellant.

Keith Ellison, Attorney General, Saint Paul, Minnesota; and

Michael O. Freeman, Hennepin County Attorney, Mark V. Griffin, Senior Assistant
County Attorney, Minneapolis, Minnesota, for respondent.

Cathryn Middlebrook, Chief Appellate Public Defender, Jenna Yauch-Erickson, Assistant
Public Defender, Saint Paul, Minnesota, for appellant.

S Y L L A B U S

The district court did not clearly err in concluding that the State's asserted reason for striking an African-American prospective juror was not a pretext for purposeful discrimination.

Affirmed.

OPINION

LILLEHAUG, Justice.

Chance Adams was convicted of first-degree felony murder, first-degree aggravated robbery, and possession of a firearm by an ineligible person related to a fatal shooting. On direct appeal, Adams asserts that the district court clearly erred by overruling his *Batson* objection to the State's peremptory challenge of a prospective juror—an African-American woman. We affirm the district court.

FACTS

The facts of this case are not in dispute. The only issue raised in this appeal is the district court's decision to overrule Adams' *Batson* objection to the State's peremptory challenge of a prospective juror (Juror 9).

On June 17, 2017, in Webber Park in north Minneapolis, Adams approached two teenagers from behind, pulled out a gun, and told them, “[g]ive me everything you got.” After taking one teenager's wallet and both of their cell phones, Adams told them to lie on the ground. They both did so—face down. After going through their pockets, Adams fired two shots that struck one of the teenagers in the back and killed him. At his jury trial, Adams testified to support an intoxication defense. He was convicted of first-degree felony murder, first-degree aggravated robbery, and possession of a firearm by an ineligible person.

For jury selection, the court used a written jury questionnaire and individual oral voir dire. Juror 9 was the first African-American prospective juror questioned. In the jury questionnaire, Juror 9 was asked about her criminal history, her family's criminal history,

and contacts with police officers. The jury questionnaire instructed her to check separate boxes for whether she, her spouse, her family, or a friend had “Been charged with or accused of a crime (other than a traffic offense).” She checked only the box for her family. She was also asked if anyone had “Been arrested or placed under investigation for a crime.” She did not check any boxes. She was asked if anyone had “Been convicted of a crime (other than a traffic offense).” She checked only the box for her family. Each of the questions asked for an explanation: “What happened?” Juror 9 did not provide any explanations. The jury questionnaire also asked, “What contacts, if any, have you had with police officers?” Juror 9 did not answer.

After the prospective jurors filled out the questionnaire, the court conducted sequestered voir dire. The court began Juror 9’s questioning by asking about her answers on the jury questionnaire. The court asked Juror 9 about one of the questions that she did not answer—“Has anyone been arrested or placed under investigation for a crime?”—and asked if her brother had been. Juror 9 answered, “Yes.” The court asked, “Was there any other family members?” Juror 9 responded, “No, ma’am.” The State asked, “Have you ever been charged with or accused of a crime?” She responded, “No, sir.”

After Juror 9 was questioned by the State and Adams, the State exercised one of its peremptory challenges to strike her. Adams responded with a *Batson* objection and argued that the State’s peremptory challenge was purposeful racial discrimination. In deciding the *Batson* challenge, the district court followed the three-step process outlined in Minn. R. Crim. P. 26.02, subd. 7(3).

At step one, Adams had to make a *prima facie* showing that the State exercised its peremptory challenge on the basis of race. Minn. R. Crim. P. 26.02, subd. 7(3)(a). Adams argued that the first step of the *Batson* prong was met because Juror 9 was a member of a protected class, and the State had deviated from normal *voir dire* by asking numerous questions about her family. The district court found that Adams had established a *prima facie* case of discrimination.

At step two, the State had the burden to articulate a race-neutral explanation for the peremptory challenge. Minn. R. Crim. P. 26.02, subd. 7(3)(b). The State offered two race-neutral reasons for striking Juror 9: (1) her family's involvement with the legal system; and (2) her lack of disclosure about her criminal history. Specifically, the State asserted that Juror 9 had been convicted of disorderly conduct. The court found that the reasons provided by the State qualified as race-neutral.

Between steps two and three, discussion occurred among the court and counsel about whether Juror 9 had been convicted of a crime. Adams' counsel noted that there had been a stay of imposition on the disorderly conduct charge and that another disorderly conduct charge had been dismissed. Thus, he argued, Juror 9 might not have been misleading the court about her criminal history. The court responded that certain questions should have prompted Juror 9 to reveal her criminal history, but that she had failed to do so. The court also observed that Juror 9 had been in court and had entered a plea; therefore, she should have known that she had criminal history to disclose.

At step three, Adams had the burden to prove that the race-neutral explanation offered by the State was a pretext for purposeful racial discrimination. Minn. R. Crim. P.

26.02, subd. 7(3)(c). Adams argued that the family involvement reason was pretextual because Juror 9 said repeatedly that she was not close with her family. The court did not address, or make a finding about, whether the family involvement reason was pretextual.

The court did address the disclosure reason, and found that Juror 9 had provided misinformation about her criminal history. The court noted that Juror 9 had been asked numerous times whether she had been personally accused of, or arrested for, a crime. Each time Juror 9 answered in the negative. The court found that, even though the disorderly conduct conviction eventually resulted in a dismissal, Juror 9 had provided false or misleading information to the court while under oath. Finding that the proffered reason from the State was sufficient, the court overruled the *Batson* objection.

ANALYSIS

Before we turn to the *Batson* ruling in this case, a brief review of the law that governs our analysis is appropriate. Generally, in a jury trial each party has a limited number of peremptory challenges that allow a party to strike a prospective juror without having to explain the reason. *See* Minn. R. Crim. P. 26.02, subd. 6. In cases punishable by life imprisonment, such as this one, the defendant has 15 peremptory challenges and the State has 9. *Id.* The Equal Protection Clause of the Fourteenth Amendment prohibits using a peremptory challenge to strike a prospective juror on the basis of race. U.S. Const. amend. XIV, § 1; *Batson v. Kentucky*, 476 U.S. 79, 89 (1986).

The district court's ruling on a *Batson* challenge will not be reversed unless it is clearly erroneous. *See State v. McDonough*, 631 N.W.2d 373, 385 (Minn. 2001). The existence of "racial discrimination in the exercise of a peremptory challenge is a factual

determination to be made by the district court and is entitled to great deference on review.” *State v. Taylor*, 650 N.W.2d 190, 200–01 (Minn. 2002). Great deference on *Batson* challenges is warranted because “the record may not accurately reflect all relevant circumstances that may properly be considered.” *See State v. White*, 684 N.W.2d 500, 506–07 (Minn. 2004).

We have codified the *Batson* process by rule. *See* Minn. R. Crim. P. 26.02, subd. 7(3). First, the party making the objection to a peremptory challenge has the burden to make a prima facie showing of racial discrimination. Minn. R. Crim. P. 26.02, subd. 7(3)(a). The party must show that a member of a protected racial class has been excluded from the jury and that the circumstances of the case raise an inference that the exclusion was based on race. *State v. Onyelobi*, 879 N.W.2d 334, 345 (Minn. 2016). Here, the district court ruled that Adams made a prima facie showing of discrimination.

Then, second, the burden shifts to the responding party to articulate a race-neutral explanation. Minn. R. Crim. P. 26.02, subd. 7(3)(b). This explanation “need not be persuasive, or even plausible; so long as discriminatory intent is not inherent in the prosecutor’s explanation, the reason offered [is] deemed race neutral.” *State v. Wilson*, 900 N.W.2d 373, 378 (Minn. 2017) (citation omitted) (internal question marks omitted). “An explanation provided by the prosecutor does not, at this stage, have to be ‘valid’ in the sense of establishing a reasonable basis for a strike.” *Taylor*, 650 N.W.2d at 202. Here, the State offered two race-neutral reasons for striking Juror 9: (1) her family’s involvement with the police; and (2) written and oral misrepresentations about her own criminal history. The court determined that these reasons qualified as race-neutral.

Third, if the responding party articulates a race-neutral explanation, the objecting party must then prove that the explanation is a pretext for purposeful discrimination. Minn. R. Crim. P. 26.02, subd. 7(3)(c). The district court will then “assess whether the defendant carried the ultimate burden of proving purposeful discrimination, i.e., whether the defendant proved that the reason given was merely a pretext for the discriminatory motive.” *Onyelobi*, 879 N.W.2d at 345–46 (citation omitted) (internal quotation marks omitted). At step three, the court held that one of the State’s reasons was sufficient to overcome the *Batson* challenge because, while under oath, Juror 9 misrepresented her criminal history.

On direct appeal, Adams argues that the district court erred when it overruled his *Batson* objection to the State’s peremptory challenge of Juror 9 because the State’s challenge was racially motivated and the proffered explanation for exercising the challenge was pretextual. We disagree.

We have consistently said that misrepresentation is a legitimate race-neutral reason for striking a potential juror. *See State v. Diggins*, 836 N.W.2d 349, 356–57 (Minn. 2013) (upholding a peremptory challenge when there were discrepancies regarding criminal history between the prospective juror’s oral and written voir dire); *State v. Gatson*, 801 N.W.2d 134, 142–43 (Minn. 2011) (upholding a peremptory challenge when there were inconsistencies in a prospective juror’s answers about a friend’s criminal trial); *see also Onyelobi*, 879 N.W.2d at 347 (upholding a peremptory challenge because a prima facie case was not made and also noting that a prospective juror did not disclose a DWI on the juror questionnaire);. In this case, it was clear that Juror 9 furnished misinformation about herself.

Adams argues that we should reverse and remand for a new trial because a factually false strike cannot sustain a *Batson* challenge and is evidence of pretext. Here, the challenge was well supported by the facts. Aside from not disclosing her disorderly conduct conviction, Juror 9 made multiple statements that were incorrect or not fully accurate. On her jury questionnaire, she did not answer whether she or anyone close to her had ever been arrested or placed under investigation for a crime. She also did not describe her contact with police officers. Moreover, she left blank the box asking her to explain “[w]hat happened” for the six questions that she answered. Her incorrect and incomplete statements are sufficient to support the peremptory challenge.

Adams argues that this case is similar to *Miller-El v. Dretke*, 545 U.S. 231 (2005) because the State failed to offer any sort of explanation or argument once the prior-conviction reason was shown to be false. But here, unlike in *Dretke*, the reason was not false; Juror 9 was, in fact, convicted. That Juror 9 received a stay of imposition on her sentence does not mean that she was not convicted. Moreover, in *Dretke* other evidence of discrimination existed that is not present here. In *Dretke*, the prosecutor peremptorily struck 10 of the 11 prospective African-American juror members. *Id.* at 240. The Court made a “side-by-side comparison[] of some black venire panelists who were struck and white panelists allowed to serve” and found strong similarities between the two groups in their answers. *Id.* at 241. The Court used this comparison to conclude that the reasons given by the State to strike the African-American jury members were a pretext for racial

discrimination. *Id.* at 252. Here, there has been no showing that other jurors who furnished misinformation sat on the jury.¹

Accordingly, the district court's determination that the race-neutral reason for striking Juror 9 was not a pretext for racial discrimination was not clearly erroneous. The district court did not clearly err in overruling Adams' *Batson* objection.

CONCLUSION

For the foregoing reasons, we affirm the decision of the district court.

Affirmed.

¹ In *Dretke*, the Court also determined that the State was engaging in broader discriminatory practices, and noted the "widely known evidence of the general policy of the Dallas County District Attorney's Office to exclude black venire members from juries at the time" *Id.* at 253. The record in this case is not similar.

APPENDIX B: Minnesota Supreme Court Order Denying Rehearing

STATE OF MINNESOTA

IN SUPREME COURT

A18-1485

FILED

December 9, 2019

**OFFICE OF
APPELLATE COURTS**

State of Minnesota,

Respondent,

vs.

Chance Dechristian Adams,

Appellant.

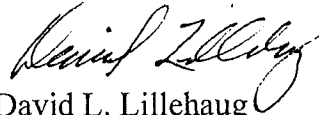
ORDER

Based upon all the files, records and proceedings herein,

IT IS HEREBY ORDERED that the petition of Chance Dechristian Adams for rehearing pursuant to Minn. R. Civ. App. P. 140.01 be, and the same is, denied.

Dated: December 9, 2019

BY THE COURT:



David L. Lillehaug

Associate Justice