

IN THE CIRCUIT COURT OF MAYCOMB COUNTY, ALABAMA

STATE OF ALABAMA,

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v.

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Case No. CC-00-0000

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JOE CLIENT.

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**MOTION TO PROHIBIT STATE FROM USING ITS PEREMPTORY
CHALLENGES IN A DISCRIMINATORY MANNER**

Joe Client respectfully moves this Court to enter an order prohibiting the State from employing its peremptory challenges in a discriminatory manner. In support of this motion, Mr. Client submits the following:

1. Joe Client is African American and is charged with the capital robbery-murder of a white person. The State is seeking the death penalty.

2. It is clear that state and federal law prohibit the exercise of peremptory challenges against jurors on the basis of race. Foster v. Chatman, 136 S. Ct. 1737, 1747 (2016); Snyder v. Louisiana, 552 U.S. 472, 478 (2008); Miller-El v. Dretke, 545 U.S. 231, 237 (2005); Johnson v. California, 545 U.S. 162, 170 (2005); Batson v. Kentucky, 476 U.S. 79, 89 (1986); Ex parte Branch, 526 So. 2d 609, 618-19 (Ala. 1987).

3. The law prohibiting racially discriminatory use of peremptory strikes applies equally to the prosecutor's discriminatory use of strikes on the basis of gender. J.E.B. v. Alabama, 511 U.S. 127 (1994); Ex parte Trawick, 698 So. 2d 162 (Ala. 1997).

4. Alabama state law specifically prohibits discrimination in the selection of juries. Ala. Code § 12-16-56 ("A citizen shall not be excluded from jury service in this state on account of race, color, religion, sex, national origin or economic status."); see also Ala. Code § 12-16-55 ("It is the policy of this state that all qualified citizens have the opportunity . . . to be considered for jury service . . .").

5. The prosecutor's office in Maycomb County has a pattern and practice of striking potential jurors on the basis of race and gender. See Miller-El, 545 U.S. at 266 (history of racial discrimination in jury selection supports finding Batson violation); Sims v. State, 587 So. 2d 1271, 1277 (Ala. Crim. App. 1991) (in finding Batson violation, court noted that State did not "write on a clean slate" where prosecutor's office had several other Batson reversals) (citing Warner v. State, 594 So. 2d 664 (Ala. Crim. App. 1990)). The

illegal strike of even one juror would violate the juror's rights to equal protection as well as Mr. Client's rights to due process, a fair trial, and a reliable sentencing as guaranteed under the Fifth, Sixth, Eighth, and Fourteenth Amendments and Alabama law.

6. To ensure that the State does not repeat its pattern of intentional discrimination at Joe Client's trial, this Court must preclude the State from employing its peremptory strikes in a discriminatory manner.

For these reasons, Joe Client respectfully requests that this Court enter an order granting this motion and prohibiting the State from employing its peremptory challenges in a discriminatory manner.

Respectfully submitted,

/s/ Linda Lawyer

Linda Lawyer

123 Main Street

Maycomb, AL 54321

(334) 987-6543

lawyer@email.com

Counsel for Joe Client

[CERTIFICATE OF SERVICE]

[MOTION UPDATED ON 10/04/17]