

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 REMOVE POTENTIAL JURORS
WHO ARE BIASED IN FAVOR OF THE DEATH PENALTY**

Joe Client respectfully moves this Court to remove from the jury venire all potential jurors who would automatically vote for a sentence of death. In support of this motion, Mr. Client submits the following:

1. Joe Client has been charged with capital murder and the State is seeking the death penalty.

2. It is well established that a potential juror is not fit to sit on a capital sentencing jury if that person is biased in favor of the death penalty. See Morgan v. Illinois, 504 U.S. 719 (1992).

3. Any potential juror who would automatically vote for the death penalty or whose views on the death penalty would prevent or substantially impair the performance of her duties must be excluded for cause. Wainwright v. Witt, 469 U.S. 412 (1985); Adams v. Texas, 448 U.S. 38 (1980); Witherspoon v. Illinois, 391 U.S. 510 (1968); see also Reeves v. State, 807 So. 2d 18, 27 (Ala. Crim. App. 2000) (abrogated on other grounds).

4. “The fundamental respect for humanity” underlying the Eighth Amendment’s prohibition against cruel and unusual punishment gives rise to a special need for reliability in determining whether the death penalty is appropriate. Johnson v. Mississippi, 486 U.S. 578, 584 (1988); see also Ex parte Monk, 557 So. 2d 832, 836-37 (Ala. 1989) (death penalty is “special circumstance” that justifies expansion of constitutional rights).

5. Failure to remove potential jurors who are biased in favor of the death penalty would deprive Mr. Client of his rights to due process, equal protection, a fair trial, and a reliable sentencing as guaranteed by the Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution and Alabama law.

For these reasons, Mr. Client respectfully moves this Court to grant this motion.

Respectfully submitted,

/s/ Linda Lawyer

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[CERTIFICATE OF SERVICE]

[MOTION UPDATED ON 10/05/17]