

Batson v. Kentucky

In a Kentucky state criminal trial, the prosecutor used his peremptory challenges to strike all four black persons on the venire, and a jury composed only of white persons was selected. Defense counsel moved to discharge the jury on the ground that the prosecutor's removal of the black venire men violated petitioner's rights under the 6th and 14th Amendments to a jury drawn from a cross section of the community, and under the 14th Amendment to equal protection of the laws. Without expressly ruling on petitioner's request for a hearing, the trial judge denied the motion, and the jury ultimately convicted petitioner.

The Court reaffirmed the principle announced in *Strauder v. West Virginia*, that a State denies a black defendant equal protection when it puts him on trial before a jury from which members of his race have been purposefully excluded. However, a defendant has no right to a petit jury composed in whole or in part of persons of his own race. By denying a person participation in jury service on account of his race, the State also unconstitutionally discriminates against the excluded juror.

A defendant may establish a prima facie case of purposeful discrimination solely on evidence concerning the prosecutor's exercise of peremptory challenges at the defendant's trial. The defendant first must show that he is a member of a cognizable racial group, and that the prosecutor has exercised peremptory challenges to remove from the venire members of the defendant's race. Finally, the defendant must show that such facts and any other relevant circumstances raise an inference that the prosecutor used peremptory challenges to exclude the venire men from the petit jury on account of their race. Once the defendant makes a prima facie showing, the burden shifts to the State to come forward with a neutral explanation for challenging black jurors. The prosecutor may not rebut a prima facie showing by stating that he challenged the jurors on the assumption that they would be partial to the defendant because of their shared race or by affirming his good faith in individual selections.