

Lewis v. State

During voir dire, the State exercised its peremptory challenges to strike six black jurors. The defense claimed that the strikes were improperly exercised in violation of *Batson v. Kentucky* and moved to quash the venire or for mistrial. After hearing arguments, the trial court overruled the motion. The court of appeals noted that although the trial judge had not entered findings of fact and conclusions of law supporting his decision to overrule the motion, the judge did nonetheless conduct a proper hearing and the ruling against the defense constituted an implied finding that the challenges were not improper. Rather than abating the appeal in order to obtain findings from the trial court, the appellate court proceeded to determine the merits of the appeal based upon the record. Using the hearing record, the court went on to find that the justifications provided by the State for its strikes were insufficient and remanded for a new trial.