

Tompkins v. State

The defendant appealed his conviction for kidnapping and murder on various grounds, including that five black jurors were improperly struck from the venire. Following conviction, but before his appeal was heard, the United States Supreme Court decided *Batson v. Kentucky*, and stated that its holding applied to all cases which were undergoing appeal. *Batson* made peremptory challenges by the prosecution largely immune from review except when a pattern of purposeful discrimination against a person's race could be established. The procedure established by the Court requires a challenging party to demonstrate a prima facie case that a prosecutor exercised peremptory strikes in order to exclude persons of a particular race from the jury. If prima facie evidence of purposeful exclusion is shown, then the party against whom the objection is made must proffer a race-neutral reason for exercising the challenges. If the court accepts this proffered reason, then the jurors will be struck unless the objecting party can demonstrate by a preponderance of evidence that purposeful discrimination is indeed present and the proffered reason is merely pretext. If the objecting party prevails, then the jurors are returned to the venire.

After remanding the case to the trial court to conduct an evidentiary hearing to ascertain if the five jurors had been struck for improper racial reasons, the court accepted the factual findings and determined that the strikes were proper.