

THE CAPITAL APPEALS PROJECT

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“The Supreme Court’s grant of *certiorari* in *Snyder v. Louisiana*, No. 06-10119, is an opportunity to review the often-ignored injection of racism into the criminal justice system in Louisiana,” said Jelpi Picou, Jr., Executive Director of the Capital Appeals Project. In this case, Mr. Snyder has argued that the prosecutor peremptorily struck African-American prospective jurors because of their race—an action the Supreme Court, as far back as 1965, held violated equal protection. “Under the analysis the Supreme Court adopted in *Batson v. Kentucky* and applied in *Miller-El v. Dretke*, the Louisiana Supreme Court should have granted relief to Mr. Snyder,” said Mr. Picou.

Allen Snyder was convicted in Jefferson Parish, Louisiana, by an all-white jury, of the fatal stabbing of his wife’s male companion. Prior to Mr. Snyder’s 1996 trial, the prosecutor made statements to the media calling Mr. Snyder’s case “his O.J. Simpson case.” During voir dire, that same prosecutor peremptorily struck all five qualified African Americans available to serve on Mr. Snyder’s jury. And, during penalty phase argument, that same prosecutor urged the all-white jury he had constructed to sentence Mr. Snyder to death because this case was like O.J. Simpson’s, where the defendant “got away with it.”

“Both a majority of the Louisiana Supreme Court and the State have denied that these statements demonstrated racially discriminatory intent” noted Mr. Picou, “because the prosecutor did not state the self-evident: that Mr. Snyder and Mr. Simpson are black. Given that Mr. Snyder’s trial took place less than a year after O.J. Simpson’s acquittal, it is difficult to imagine that the members of Mr. Snyder’s jury would not have been aware of the racially divisive nature of that case.”

Mr. Picou observed that “a review of the jurisprudence from Louisiana courts reveals that it is virtually impossible for a criminal defendant to succeed on review of a *Batson* claim under the standard as applied in Louisiana.” This is particularly true given the expansive application of “great deference” to even the most scant trial court rulings. The only time the Louisiana Supreme Court has ever overcome this great deference was where the prosecutor’s stated reason for striking the juror was that he was a single black male.

As noted in the *amicus* brief filed by the Louisiana Association of Criminal Defense Attorneys on behalf of Mr. Snyder, this case comes from a parish “blighted by racial tensions”

and “where only four years earlier David Duke, former Grand Wizard of the Ku Klux Klan, was serving as the duly elected state Representative.”

“The Louisiana Supreme Court’s narrow and conclusively deferential approach to *Batson* essentially has made claims of racial discrimination in our criminal justice system unreviewable and the promise of equal protection an illusion,” observed Mr. Picou. “Mr. Snyder looks forward to presenting his case to a Court that will not abide such blatant discrimination and will demand he receive a fair trial.”

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The Capital Appeals Project (CAP) represents Allen Snyder. CAP is a 501(c)(3) non-profit law office established to provide representation to all indigent defendants sentenced to death in Louisiana. Our office represents clients in their direct appeals to the Louisiana Supreme Court and on *certiorari* to the United States Supreme Court. In addition to direct representation, our staff also resource ongoing capital trials, provide training and consultation for capital defense attorneys, engage in public outreach and education on issues relating to capital punishment, and advocate for continued improvement in the criminal justice system.