



Death Penalty Information Center

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SUPREME COURT TO ADDRESS RACIAL DISCRIMINATION IN DEATH PENALTY CASE

December 4th Argument to Examine Prosecutor's Behavior in Striking Black Jurors and References to O.J. Simpson

WASHINGTON, DC – In a case that will help define when a prosecutor oversteps the constitutional line forbidding racial discrimination in jury selection, the United States Supreme Court will hear arguments in *Snyder v. Louisiana* on December 4. The Court is being asked to decide whether Allen Snyder, an African-American defendant in a capital case from Jefferson Parish, Louisiana, is entitled to a new trial because the prosecutor, James Williams, made peremptory strikes against all of the qualified black jurors, resulting in an all-white jury. Although Williams gave reasons other than race for striking the black prospective jurors, his actions both before and during the trial—including calling this case his "O.J. Simpson case" and urging the jury to sentence Snyder to death so that he would not "get away with it" like Simpson supposedly did—lend credence to the claim that they were struck for their race. (Simpson had been acquitted 10 months earlier.)

Snyder was convicted in 1996 of murdering a man whom his estranged wife was dating. In the encounter, Snyder also stabbed his wife, but she survived. Snyder called the police 12 hours after the attack and confessed to the crime. He had been depressed and distraught over the dissolution of his marriage. The trial took place in Jefferson Parish, which was known for having supported David Duke, a former grand wizard of the KKK, in various primary elections. As chronicled in an amicus brief for Snyder filed by a group of ministers from Jefferson Parish, the District Attorney's Office had a long history of striking blacks from juries in death penalty cases. The prosecutor, who had promised the trial judge that he would not make references to O.J. Simpson during the trial, had been twice reversed in capital cases for improper statements at trial. Two other men he sent to death row were later exonerated—all four defendants were black.

In 2005, the Supreme Court reversed the conviction of Texas death row inmate Thomas Miller-El because of the prosecution's racially biased jury strikes. The Court not only looked at the credibility of the reasons the prosecutor gave for eliminating individual black jurors, but also drew inferences from the cumulative effect of the prosecutor's actions throughout the process. The present case was remanded back to the Louisiana

Supreme Court in light of *Miller-El*'s holding, but Snyder's conviction was again upheld. This case will test the breadth of the *Miller-El* ruling.

Denny LeBoeuf, who has litigated capital cases in Louisiana for many years, noted that "Snyder's case illustrates that all-white juries for black defendants remain a recurring problem in the South and elsewhere. If jurors are being struck on the basis of race, this not only robs the defendant of a fair trial, but strips some citizens of their rights and duties under the Constitution. The Supreme Court is right in calling attention to this serious problem."

Stephen Bright, founder and President of the Southern Center for Human Rights in Atlanta, will argue the case for Mr. Snyder. Jelpi Picou and Marcia Widder of the Capital Appeals Project in New Orleans are also on the brief. Terry M. Boudreaux, Assistant District Attorney for Jefferson Parish, will argue for the State. The briefs for the Petitioner and the State, along with amicus briefs from the Constitution Project and from the Ministers of Jefferson Parish can be found at http://www.schr.org/deathpenalty/Press%20Releases/press_snyder.htm.

According to the latest figures from the NAACP Legal Defense Fund, 63% of those on Louisiana's death row are black. The state has carried out 27 executions since the death penalty was reinstated.

For comments or further information, please contact the Southern Center for Human Rights, at 404-688-1202. Denny LeBoeuf can be reached at 504-610-7899. To contact the Death Penalty Information Center or its Executive Director, Richard Dieter, you may call 202-289-2275.

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