

BATSON/WHEELER ERROR FOUND WHERE THE PROSECUTOR'S FIRST REASON FOR HIS CHALLENGE WAS UNSUBSTANTIATED IN THE RECORD WHICH STRONGLY SUGGESTED HIS SUBSEQUENT RACE-NEUTRAL REASON WAS AN AFTERTHOUGHT

People v. Arellano - Filed Mar. 24, 2016, in F068958 (5 DCA) [2016 WL 1166211; 2016 Cal.App.Lexis 222].

Facts: A prosecutor challenged all three female African-American prospective jurors. Though he gave valid, race-neutral reasons for challenging the first two women, his explanation as to the third woman was suspect. He stated she had liberal, political motives and did not “have all day to go into that.” The prosecutor also disputed whether or not the prospective juror was African-American. He then stated he challenged her because she had “a problem with the police.” The first explanation was unsubstantiated in the record.

Held: (1.) Trial courts must inquire into whether the asserted reasons given by the prosecutor for challenging a prospective juror actually apply to that juror. (2.) The prosecutor’s first reason for his challenge was unsubstantiated in the record, and the entirety of the prosecutor’s statements about the prospective juror raised serious questions about the credibility of the proffered race-neutral reason.

KERN COUNTY - GUN POSSESSION AND GANG PARTICIPATION - REVERSED FOR *BATSON/WHEELER* ERROR SA2014312576 - [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]