



WEEKLY REPORT ON NEW DECISIONS
CRIMINAL LAW DIVISION
CALIFORNIA DEPARTMENT OF JUSTICE



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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

OPINIONS

***BATSON* CLAIM REJECTED**

McDaniels v. Kirkland; Jenkins v. Evans - Filed Oct. 14, 2016, in 09-17339 & 11-15030 [2016 WL 5956732; 2016 U.S.App.Lexis 18517].

Facts: Defs. McDaniels and Jenkins were each convicted of murder in California. On federal habeas, they repeated their claims that the prosecutor had violated *Batson* during jury selection. Certain voir dire records not considered by the state court were received by the district court in petitioners' case. The Ninth Circuit panel affirmed the district courts' denial of *Batson* claims. The case was reheard en banc and then remanded to the panel with directions to consider the voir dire records not considered by the state courts.

Held: (1.) Upon consideration of the additional materials not presented to the California Court of Appeal, the state courts did not unreasonably reject the petitioners' *Batson* claims.

ALAMEDA COUNTY - MURDER - AFFIRMED

SF2011203737 - [REDACTED]

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