

Batson/Wheeler

Stage	What is it	Details		
Stage 1	Def burden to produce prima facie case of purposeful discrimination against a cognizable group.	<p>Cognizable group = race, national origin, Spanish surname, sex, sexual orientation, religion.</p> <p>Prima facie case = totality of relevant facts gives rise to an inference of discriminatory purpose.</p> <p>Court considers = how many members struck, portion of strikes used on members, defendant's membership in group, obvious reasons, nature of DA questions.</p>	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p><i>People v. Davis</i> (2009) 46 Cal.4th 539 [people of color not cognizable group].</p> <p><i>Johnson v. California</i> (2005) 545 U.S. 162 [definition of prima facie case].</p>
Stage 2	DA burden to produce non-discriminatory reason for strike(s).	<p>Non-discriminatory reasons = age, demeanor, answers, dress, language ability, intelligence, cleanliness, residence, etc.</p> <p>NOT non-discriminatory reason = wanting the next prospective juror. You have 12 ways to get there, you must justify why you picked the particular juror.</p>	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p><i>People v. Scott</i> (2015) 61 Cal.4th 363 [stages].</p> <p><i>People v. Cisneros</i> (2015) 234 Cal.App.4th 111 [next juror in line is not a reason].</p> <p><i>Aleman v. Uribe</i> (2013) 723 F.3d 976 [you can make an honest mistake].</p>

<p>Stage 3</p>	<p>Def burden to prove purposeful discrimination against a cognizable group.</p>	<p>Burden = more likely than not, considering all of the evidence (direct and circumstantial), are the given reasons genuine or a pretext for purposeful discrimination.</p> <p>Court considers = demeanor, plausibility of reason/common trial practice, court's own observations, common practices of you and this office.</p>	<p>[REDACTED]</p> <p>[REDACTED]</p>	<p><i>People v. Lenix</i> (2008) 44 Cal.4th 602 [comparative juror analysis].</p> <p><i>People v. Mai</i> (2013) 57 Cal.4th 986 [what the court can consider].</p>
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If you lose, **remedy** = quash the venire and start over OR reseal the juror. The defendant gets to pick the remedy! (*People v. Mata* (2013) 57 Cal.4th 178.)