

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2015

CHRISTOPHER FLOYD,

Petitioner,

v.

STATE OF ALABAMA,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO
THE ALABAMA SUPREME COURT

PETITION FOR A WRIT OF CERTIORARI

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CAPITAL CASE

QUESTIONS PRESENTED

Christopher Floyd was tried by an all-white jury in Houston County, Alabama, where African Americans comprise twenty-seven percent of the population. The prosecutor, who has a documented history of racial discrimination in jury selection, marked African American venire members with a “B” on his strike list, then struck ten of eleven qualified African American prospective jurors. One of the African American jurors this prosecutor struck, Inez Culver, provided answers to all of the prosecution’s questions during voir dire, yet when asked to explain his peremptory strike of her the prosecutor asserted that he could not come up with a race-neutral explanation because she failed to respond to any questions and he did not know anything about her. Even though this was not true and was merely an explanation for not having a race-neutral reason, the Alabama courts refused to find an Equal Protection violation.

1. Did the Alabama courts’ failure to find racial and gender discrimination in the selection of Mr. Floyd’s jury conflict with this Court’s precedent in Batson v. Kentucky and J.E.B. v. Alabama?
2. Should this Court hold this case in abeyance pending its resolution of Foster v. Chatman, 136 S. Ct 290 (2015) (No. 14-8349)?

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