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

RANDALL S. SUSSKIND

Counsel of Record

CARLA C. CROWDER

122 Commerce Street

Montgomery, Alabama 36104

rsusskind@eji.org

(334) 269-1803

Counsel for Petitioner

December 18, 2015

### **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 <u>Batson v. Kentucky</u> and <u>J.E.B v. Alabama</u>?
- 2. Should this Court hold this case in abeyance pending its resolution of <u>Foster v. Chatman</u>, 136 S. Ct 290 (2015) (No. 14-8349)?

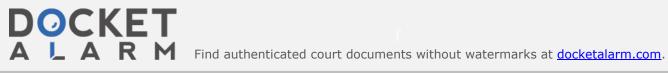


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