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LDF Media
212-965-2200 / media@naacpldf.org

North Carolina Supreme Court Issues Momentous Decision on Death Penalty Racial Discrimination Case

Today, the North Carolina Supreme Court issued a decision in *State v. Robinson*, ruling that Marcus Robinson, a Black man sentenced to death in 1994, must have his life sentence reinstated. Mr. Robinson, along with three other individuals, had successfully challenged his death sentence under North Carolina's Racial Justice Act (RJA) with substantial claims that race was a significant factor during the selection of his capital jury. The North Carolina legislature repealed the RJA and attempted to make that repeal retroactive to Mr. Robinson's case.

The North Carolina Supreme Court held today that retroactively applying the RJA repeal is a violation of the North Carolina State Constitution's double jeopardy provision. The NAACP Legal Defense and Educational Fund, Inc. (LDF), which filed an amicus brief in support of Mr. Robinson and the three other death penalty defendants in July 2018, and Carlos Mahoney, Esq., local counsel on the amicus brief, laud the court's rightful decision.

"By reinstating Mr. Robinson's life sentence under the Racial Justice Act, the North Carolina Supreme Court made clear that the taint of racial bias should never touch a death penalty case. Critically, in its decision, the court expressly recognized the ineffectiveness of state courts in rooting out racial discrimination in jury selection, which damages the integrity of the judicial process, especially in death penalty cases," said Jin Hee Lee, LDF's Senior Deputy Directory of Litigation. "In the current climate, when the systemic racism in our criminal justice system is front and center in the minds of so many Americans, this court's ruling is a glimmer of hope that racial justice can prevail in a court of law."

The RJA was a state law that allowed defendants to challenge death sentences if race played a significant role in the decision to seek or impose the death penalty, including decisions to exercise peremptory challenges during jury selection. The Act was a laudable state legislative mandate developed to address the problems of racial discrimination in North Carolina's death penalty system in direct response to the failures of the United States Supreme Court to do the same in its notorious ruling in McCleskey v. Kemp, an LDF case. Addressing this issue is critically important in North Carolina, which has a well-documented history of excluding Black citizens from jury service in state courts.

Mr. Robinson was the first individual on North Carolina's death row to pursue a claim under the RJA, and he successfully proved that racial discrimination infected his trial and

sentencing. However, in 2013, North Carolina's General Assembly repealed the RJA and made it retroactive, reinstating Mr. Robinson's death sentence after he had already established that it was based on racially-biased proceedings. Today's decision means that Mr. Robinson will never again face the threat of having his death sentence re-instated because the North Carolina Supreme Court, as the highest court in North Carolina, is the final arbiter of state constitutional claims.

In our 2018 amicus brief, LDF asked the North Carolina Supreme Court to grant relief, such as a new sentence or an opportunity to challenge claims of racial bias, to defendants (including Mr. Robinson) whose death sentences were tainted by race discrimination in jury selection. We argued that the court could not ignore the blatant statistical evidence of racial discrimination in the selection of juries in these cases — and emphasized that failure to grant relief would amount to the court condoning racial bias in the administration of justice, including the imposition of death sentences.

Read a copy of the decision [here](#).

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.

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