



**For Immediate Release**  
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## **LDF Requests Supreme Court to Review Racial Discrimination in Death Penalty Case**

Today, the NAACP Legal Defense and Educational Fund, Inc. (LDF) and Texas attorneys Maurie Levin and Don Bailey, filed a cert petition in the U.S. Supreme Court on behalf of Andre Thomas, a Black man sentenced to death by an all-white jury featuring three members who openly expressed racial bias that was directly implicated by the circumstances of Mr. Thomas's case. The petition requests that the Supreme Court review the U.S. Court of Appeals for the Fifth Circuit's judgment, which rejected Mr. Thomas's jury discrimination claim and affirmed his conviction and death sentence.

"The Supreme Court has repeatedly stated that it is committed to eradicating overt racial discrimination from the criminal justice system," said LDF Director of Litigation Samuel Spital. "The Court has recognized that such discrimination not only violates criminal defendants' constitutional rights but perpetuates racial discrimination in the community more broadly, damages public confidence in the courts, and undermines the rule of law. These dangers are particularly stark in Mr. Thomas's case, as he was sentenced to death by an all-white jury that included three jurors who openly admitted to harboring racial bias on their pre-trial questionnaires. Their bias denied Mr. Thomas his constitutional right to be tried by an impartial jury, and we urge the Court to grant review."

Andre Thomas is a Black man who, during a schizophrenic episode, killed his estranged wife, who was white, as well as their son and her daughter, believing that by doing so he was freeing them from demons. Mr. Thomas tried to kill himself at the scene. He subsequently gouged out both of his own eyes.

At Mr. Thomas's capital trial, the jury was tasked with fairly considering his severe mental illness in considering his insanity defense at the guilt phase, and then in making the ultimate moral judgment about whether he should be sentenced to death or life imprisonment. But three jurors were permitted to serve even though they openly expressed bias against interracial relationships. One juror described such relationships as against God's will, and another stated that people should stay with their "Blood Line[s]." Prosecutors then appealed to these biases during trial, repeatedly eliciting testimony that Mr. Thomas had sexual relationships with other white women and asking the all-white jurors in a closing argument if they could take the risk that Mr. Thomas, if sentenced to life imprisonment, would someday seek to date their daughter or granddaughter.

"Under clear Supreme Court precedent, the biases expressed by jurors in this case raise an unconstitutional risk that the jury did not fairly consider Mr. Thomas's severe mental illness or make the individualized sentencing determination required by the Constitution," said Maurie Levin, an attorney for Mr. Thomas. "Racial bias has no place in *any* criminal case—especially not a capital case. Nevertheless, the state court and lower federal courts allowed Mr. Thomas's death sentence to stand. We are hopeful that the Supreme Court will intervene to protect their long-standing commitment to the integrity of the judicial system, including the exclusion of any form of racial bias."

Read the cert petition requesting the Supreme Court review Mr. Thomas's case [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. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).*