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**LDF Files United States Supreme Court Cert Petition to Consider
Jury Discrimination Issue in Death Penalty Case**

Today, the NAACP Legal Defense and Educational Fund, Inc. (LDF), along with co-counsel Cliff Gardner, filed a cert petition on behalf of Johnny Duane Miles in the United States Supreme Court. The petition requests that a writ of certiorari be granted to review the California Supreme Court's judgement in *People v. Miles*, which rejected Miles' jury discrimination claim and affirmed his conviction and death sentence.

"Jury discrimination remains a serious problem in the United States, as prosecutors use peremptory challenges to remove Black prospective jurors far more frequently than white prospective jurors. This violates the constitutional rights of prospective jurors, who are entitled to the responsibilities of full citizenship, and accused individuals, who are entitled to a fair trial," said Chris Kemmitt, Senior Counsel and Director of Professional Development at LDF. "When implemented properly, federal case law helps diminish instances of jury discrimination in this nation's court system. However, as Mr. Miles' case demonstrates, the state of California has repeatedly refused to faithfully apply federal case law, making it nearly impossible to win a jury discrimination challenge in the California Supreme Court."

Since the landmark Supreme Court jury discrimination case, *Batson v. Kentucky*, was decided in 1986, subsequent U.S. Supreme Court cases have sought to ensure that prosecutors heed *Batson's* requirement and do not strike Black prospective jurors because of their race. But the California Supreme Court's cases have not. Since 1992, the California Supreme Court has reviewed 135 cases in which the trial court denied *Batson* challenges (objections to peremptory juror strikes on the grounds that a prospective juror was excluded based on race, sex, or ethnicity). It has reversed two of these denials. And, since 1987 — the year after the *Batson* decision was issued — the California Supreme Court has rejected every single *Batson* challenge involving a Black prospective juror.

"Comparative juror analysis — which involves assessing whether a prosecutor's stated reasons for striking a Black prospective juror could also apply to a white juror who the prosecutor accepted — is arguably the most powerful tool for proving jury discrimination in a legal challenge," said co-counsel Cliff Gardner. "The California Supreme Court's decision in Mr. Miles' case reflects a longstanding issue in California courts of rendering comparative juror analysis inoperable, a violation of Supreme Court precedent that undercuts the integrity of the judicial system."

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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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