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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES JOSHUA MAYFIELD, JAMES
ALLISON MAYFIELD, JR. and TERRI
MAYFIELD,

Plaintiffs,

v.

IVAN OROZCO, in his individual
capacity, SHERIFF SCOTT JONES,
in his individual and official
capacity, JAMES LEWIS, in his
individual and official
capacity, RICK PATTISON, in his
individual and official
capacity, COUNTY OF SACRAMENTO,
UNIVERSITY OF CALIFORNIA DAVIS
HEALTH SYSTEM, DR. GREGORY
SOKOLOV, in his individual
capacity, DR. ROBERT HALES, in
his individual capacity, and
Does 1-5,

Defendants.

) Case No. 2:13-cv-02499 JAM-AC
)
) **ORDER GRANTING BATSON MOTION**
)

On the first day of trial in this action (May 1, 2017)
Plaintiff James Joshua Mayfield's counsel raised a Batson motion
during jury selection after Defense counsel exercised peremptory
challenges to strike prospective jurors #4 and #6—the only two
black jurors in the jury venire. Having heard both parties'

1 arguments and reviewed the record, the Court grants Mayfield's
2 motion.

3 Batson claims apply in civil lawsuits. See also Edmonson v.
4 Leesville Concrete Co., Inc., 500 U.S. 614, 616, 617-619, 631
5 (1991). A Batson claim involves a three-step, burden-shifting
6 process. See McClain v. Prunty, 217 F.3d 1209, 1219 (9th Cir.
7 2000). In this case, Mayfield must make a prima facie case showing
8 that Defense counsel exercised race-based peremptory challenges.
9 See McClain, 217 F.3d at 1219. Then the burden shifts to Defense
10 counsel to offer race-neutral explanations for excusing black
11 jurors. Id. Finally, if the parties satisfy the first two steps,
12 the court must determine whether Mayfield has carried his ultimate
13 burden of proving purposeful discrimination. Id.

14 The parties meet the first two steps. Mayfield has made a
15 prima facie showing: His counsel argues that opposing counsel
16 excused the only two black jurors and that nothing distinguished
17 them from the other jurors as grounds for excluding them besides
18 their race. In response, Defense counsel offered several race-
19 neutral explanations. As to prospective juror #4, Defense counsel
20 contended that this juror: (1) had a very good friend of his
21 committed suicide and (2) had a DUI. Defense counsel also noted
22 that the Court excluded prospective juror #8 who had a loved one
23 that committed suicide. As for prospective juror #6, Defense
24 counsel argued that he was (1) extremely young, (2) lacked life
25 experience, and (3) had scant education. At first glance, these
26 race-neutral explanations suffice. See Rice v. Collins, 546 U.S.
27 333 (2006) (concluding it was not unreasonable for trial court to
28 accept prosecutor's age-based explanation for excluding juror).

1 That leads to Batson's final step. When evaluating whether
2 Mayfield has carried his burden to prove purposeful discrimination,
3 this Court must determine whether Defense counsel's race-neutral
4 explanations are credible. See McClain at 1220. Discerning
5 discriminatory intent turns largely on this court's evaluation of
6 Defense counsel's credibility. See id. A court may infer motive
7 from "the totality of the relevant facts." Id. at 1220. Indeed,
8 "[a] comparative analysis of jurors struck and those remaining is a
9 well-established tool for exploring the possibility that facially
10 race-neutral reasons are a pretext for discrimination." See id. at
11 1220-21.

12 After considering the "totality of the relevant facts,"
13 comparatively analyzing "jurors struck [with] those remaining" the
14 Court finds that Defense counsel's race-neutral explanations are
15 pretextual. First, Defense counsel used two of their five
16 peremptory challenges to strike the only black jurors in a case
17 involving a black plaintiff. Second, Defense counsel argued that
18 suicide is an extremely important issue, yet they did not excuse
19 prospective jurors #1, #7 and #14, non-black jurors who also had
20 close friends and relatives who committed suicide. Third, Defense
21 counsel's reference to this Court's excluding prospective juror #8
22 as a reason for also dismissing juror #4 is not persuasive. This
23 Court excluded prospective juror #8 because he admitted he could
24 not be impartial; juror #4 said he could. Fourth, Defense counsel
25 excused prospective juror #6, in part, because he did not have much
26 education. Prospective juror #6 has some college education; non-
27 black jurors #2 and #7 have only a high school degree and non-black
28 jurors #16 and #23 have only an AA degree. Finally, while juror #6

1 appeared to be relatively young as compared to most of the other
2 prospective jurors, Defense counsel did not request that the Court
3 ask any follow up questions during voir dire concerning his actual
4 age or other life experiences. Moreover, there does not appear to
5 be a significant age difference between juror #6 and non-black
6 juror #14.

7 Thus, in reviewing the totality of the circumstances
8 surrounding the exercise of peremptory challenges by Defense
9 counsel in this case, the Court finds that jurors #4 and #6 were
10 excluded because of the color of their skin rather than their
11 qualifications, or lack thereof, as a juror in this case.

12 "[R]acial discrimination in the qualification or selection of
13 jurors offends the dignity of persons and the integrity of the
14 Courts. To permit racial exclusion in this official forum
15 compounds the racial insult inherent in judging a citizen by the
16 color of his or her skin." Edmonson, 500 U.S. at 628 (internal
17 citation omitted).

18 Plaintiff's Batson motion is granted. The Court dismisses the
19 eight jurors selected as the jury in this case and will start jury
20 selection again on Monday, May 8, 2017 at 9:00 a.m. Counsel for
21 all parties are required to appear tomorrow, May 3, 2017 at 9:15
22 a.m. No witnesses will be required to be present tomorrow.

23 IT IS SO ORDERED.

24 DATED: May 2, 2017.

25
26 
27 JOHN A. MENDEZ,
28 UNITED STATES DISTRICT JUDGE