

## **Summary of SC95221, *State of Missouri v. Roscoe R. Meeks***

Appeal from the St. Louis circuit court, Judge Margaret M. Neill  
Argued and submitted March 1, 2016; opinion issued August 23, 2016

**Attorneys:** Meeks was represented by Gwenda R. Robinson of the public defender's office in St. Louis, (314) 340-7662. The state was represented by Gregory L. Barnes of the attorney general's office in Jefferson City, (573) 751-3321.

*This summary is not part of the opinion of the Court. It has been prepared by the communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.*

**Overview:** A man convicted of assault and armed criminal action appeals the judgment against him, arguing the trial court erred in permitting a black proposed juror to be struck from the jury pool. In a unanimous decision written by Judge Paul C. Wilson, the Supreme Court of Missouri vacates the judgment and remands (sends back) the case. The prosecutor failed to offer a reasonably specific and clear race-neutral explanation for striking the proposed juror, and the trial court erred in not sustaining the man's challenge to the strike.

**Facts:** Roscoe Meeks went to a St. Louis apartment in July 2012 and accosted a man he believed had taken his girlfriend, shooting him in the abdomen. The state charged Meeks with one count of first-degree assault and one count of armed criminal action. During jury selection, defense counsel asked if any of the proposed jurors would have difficulty presuming Meeks was innocent. Proposed Juror A stated a belief that, because Meeks is black, it is more likely that he is guilty. There was an outcry among some of the proposed jurors to Proposed Juror A's statements. The court sustained the prosecutor's motion to strike Proposed Juror A for cause. Then the state and defense each were allowed six peremptory strikes (striking proposed jurors without giving a reason). Meeks challenged the state's peremptory strike of Proposed Juror C, alleging it violated the United States Supreme Court's 1986 decision in *Batson v. Kentucky*, which prohibits striking a proposed juror on the basis of race. Following a hearing, the trial court overruled Meeks' *Batson* challenge, finding the prosecutor's reason for striking Proposed Juror C was race-neutral. Following trial, the jury found Meeks guilty on both counts. Meeks appeals.

### **VACATED AND REMANDED.**

**Court en banc holds:** The trial court erred in not sustaining Meeks' *Batson* challenge because the prosecutor failed to offer a reasonably specific and clear race-neutral explanation for striking Proposed Juror C. A trial court must use a three-step procedure to evaluate a *Batson* challenge. First, the defendant must raise a *Batson* challenge with regard to a specific proposed juror and identify the racial group to which the proposed jurors belongs. Next, the state must provide a reasonably specific and clear race-neutral explanation for the strike. If the prosecutor articulates an acceptable reason, then the defendant must show the state's proffered reasons for the strike were merely pretextual and that the strike was racially motivated. Resolution of Meeks' appeal turns solely on the second step. Context is important in the second step solely to ensure the explanation the prosecutor offered at trial was objectively race-neutral. In response to Proposed Juror A's racist remarks, one of the proposed jurors said, "Let's open that can." The prosecutor

did not know who made that statement but believed it to have been a woman seated in the row directly behind the prosecutor. Only three female proposed jurors remained in that row: Proposed Juror H, who identified herself as white; Proposed Juror C, who the parties stipulate is black; and Proposed Juror D, who the parties stipulate is white. By this time, the prosecutor only had two peremptory strikes left. She used one to strike Proposed Juror H. In the hearing on the *Batson* challenge, the prosecutor explained that she wanted Proposed Jurors C and D excluded from the jury, but she only had one strike left. She explained she did not want to begin the trial with a person of Mexican descent and another of African-American descent upset with race issues. She explained she chose to strike Proposed Juror C because she was betting the defense was more likely to strike Proposed Juror D than Proposed Juror C. The prosecutor's statements explaining why she struck Proposed Juror C were not race-neutral. Her comments about persons of Mexican and African-American descent likely were directed at the ethnicity of the victim and the race of Proposed Juror C, and her comments about believing Meeks was more likely to strike Proposed Juror D was not an explanation at all. Statements offering only a belief or conclusion with no explanation for that belief or conclusion do not satisfy the prosecutor's burden under the second step. The prosecutor is required to give a clear and reasonably specific explanation of the prosecutor's legitimate reasons for exercising peremptory strikes. Because the prosecutor failed to offer a race-neutral explanation for striking Proposed Juror C and in light of her explanation based explicitly on race and ethnicity, the trial court erred in finding the prosecutor satisfied her burden under the second step and should have sustained Meeks' *Batson* challenge.