

Prosecutors Take Stand Against Improper Removal of Eligible Black Jurors

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A Winston & Strawn team recently filed an amicus brief in support of individual appellants and the Attala County NAACP in their suit against Doug Evans, a District Attorney in Mississippi, for the discriminatory striking of Black jurors from criminal trials.

Amici invoked their prosecutorial experience to show the court that enjoining the District Attorney would not interfere with prosecutors' day-to-day obligations. Equally important, amici emphasized that courts should condemn the removal of jurors based on race to ensure the legitimacy of criminal prosecutions.

"This is a very important case that the trial court declined to hear on the merits because of concerns that doing so would disrupt criminal proceedings in the state courts," said Winston & Strawn New York Partner Angela A. Smedley. "But this is the very type of case that the Supreme Court has said federal courts should hear."

"If the Fifth Circuit affirms the decision not to adjudicate a case that seeks to prohibit a prosecutor's office from maintaining a policy or custom of discrimination against Black jurors, it will contribute to the erosion of trust in the criminal justice system. Our clients are current and former prosecutors in Mississippi who understand that more than most," Angela continued. "They understand that not hearing this important case on the merits would undermine faith in our criminal justice system and erode confidence in the judiciary, making the job of prosecutors everywhere more difficult. We were honored to have the opportunity to make that argument for them before the Fifth Circuit."

This brief was a joint effort among members of Winston's New York, Chicago, and San Francisco teams, including Partner Angela A. Smedley and Associate Sean Suber.

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