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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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SNYDER *v.* LOUISIANA

CERTIORARI TO THE SUPREME COURT OF LOUISIANA

No. 06–10119. Argued December 4, 2007—Decided March 19, 2008

During *voir dire* in petitioner's capital murder case, the prosecutor used peremptory strikes to eliminate black prospective jurors who had survived challenges for cause. The jury convicted petitioner and sentenced him to death. Both on direct appeal and on remand in light of *Miller-El* v. *Dretke*, 545 U. S. 231, the Louisiana Supreme Court rejected petitioner's claim that the prosecution's peremptory strikes of certain prospective jurors, including Mr. Brooks, were based on race, in violation of *Batson* v. *Kentucky*, 476 U. S. 79.

Held: The trial judge committed clear error in rejecting the *Batson* objection to the strike of Mr. Brooks. Pp. 3–13.

(a) Under *Batson*'s three-step process for adjudicating claims such as petitioner's, (1) a defendant must make a prima facie showing that the challenge was based on race; (2) if so, "'the prosecution must offer a race-neutral basis for striking the juror in question'"; and (3) "'in light of the parties' submissions, the trial court must determine whether the defendant has shown purposeful discrimination.'" *Miller-El*, *supra,* at 277 (THOMAS, J., dissenting) (quoting *Miller-El* v. *Cockrell,* 537 U. S. 322, 328–329). Unless it is clearly erroneous, the trial court's ruling must be sustained on appeal. The trial court's role is pivotal, for it must evaluate the demeanor of the prosecutor exercising the challenge and the juror being excluded. Pp. 3–4.

(b) While all of the circumstances bearing on the racial-animosity issue must be consulted in considering a *Batson* objection or reviewing a ruling claimed to be a *Batson* error, the explanation given for striking Mr. Brooks, a college senior attempting to fulfill his student-teaching obligation, is insufficient by itself and suffices for a *Batson* error determination. Pp. 4–13.

(1) It cannot be presumed that the trial court credited the prosecution's first race-neutral reason, that Mr. Brooks looked nervous.

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Deference is owed to a trial judge's finding that an attorney credibly relied on demeanor in exercising a strike, but here, the trial judge simply allowed the challenge without explanation. Since Mr. Brooks was not challenged until the day after he was questioned and thus after dozens of other jurors had been called, the judge might not have recalled his demeanor. Or he may have found such consideration unnecessary, instead basing his ruling on the second proffered reason for the strike. P. 6.

(2) That reason—Mr. Brooks' student-teaching obligation—fails even under the highly deferential standard of review applicable here. Mr. Brooks was 1 of more than 50 venire members expressing concern that jury service or sequestration would interfere with work, school, family, or other obligations. Although he was initially concerned about making up lost teaching time, he expressed no further concern once a law clerk reported that the school's dean would work with Mr. Brooks if he missed time for a trial that week, and the prosecutor did not question him more deeply about the matter. The proffered reason must be evaluated in light of the circumstances that the colloquy and law clerk report took place on Tuesday, the prosecution struck Mr. Brooks on Wednesday, the trial's guilt phase ended on Thursday, and its penalty phase ended on Friday. The prosecutor's scenario—that Mr. Brooks would have been inclined to find petitioner guilty of a lesser included offense to obviate the need for a penalty phase—is both highly speculative and unlikely. Mr. Brooks would be in a position to shorten the trial only if most or all of the jurors had favored a lesser verdict. Perhaps most telling, the trial's brevity, which the prosecutor anticipated on the record during *voir dire,* meant that jury service would not have seriously interfered with Mr. Brooks' ability to complete his student teaching. The dean offered to work with him, and the trial occurred relatively early in the fall term, giving Mr. Brooks several weeks to make up the time. The implausibility of the prosecutor's explanation is reinforced by his acceptance of white jurors who disclosed conflicting obligations that appear to have been at least as serious as Mr. Brooks'. Under *Batson*'s third stage, the prosecution's pretextual explanation gives rise to an inference of discriminatory intent. There is no need to decide here whether, in *Batson* cases, once a discriminatory intent is shown to be a motivating factor, the burden shifts to the prosecution to show that the discriminatory factor was not determinative. It is enough to recognize that a peremptory strike shown to have been motivated in substantial part by discriminatory intent could not be sustained based on any lesser showing by the prosecution. The record here does not show that the prosecution would have pre-emptively challenged Mr. Brooks based on his nervousness alone, and there is no

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realistic possibility that the subtle question of causation could be profitably explored further on remand more than a decade after petitioner's trial. Pp. 6–13.

942 So. 2d 484, reversed and remanded.

ALITO, J., delivered the opinion of the Court, in which ROBERTS, C. J., and STEVENS, KENNEDY, SOUTER, GINSBURG, and BREYER, JJ., joined. THOMAS, J., filed a dissenting opinion, in which SCALIA, J., joined.