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Contact: LDF Media
212-965-2200 / media@naacpldf.org

LDF Files Amicus Brief Urging North Carolina Supreme Court to Address Race Discrimination in Death Penalty Cases

Brief Calls for Defendants to Receive New Sentences or Have Chance to Challenge Claims of Racial Bias Under North Carolina's Racial Justice Act

Today, the NAACP Legal Defense and Educational Fund, Inc. (LDF) filed an [amicus brief](#) urging the North Carolina Supreme Court to grant relief – a new sentence or an opportunity to challenge claims of racial bias – to defendants whose death sentences were tainted by race discrimination in the selection of their juries. The brief argues that the sentences are unjust based on overwhelming statistical evidence showing that prosecutors systematically excluded Black North Carolinians from capital juries. This is precisely the type of racial discrimination that North Carolina's Racial Justice Act (RJA) was designed to unearth and address.

“The record is clear: North Carolina's death penalty has long been infected with racial discrimination,” said LDF Senior Deputy Director of Litigation [Jin Hee Lee](#). “The continuing stain of racial discrimination not only invalidates the death sentences imposed on these defendants, but also undermines public confidence in North Carolina's judicial system as a whole. The Court must be unequivocal in rejecting racial bias in North Carolina juries, especially in death penalty cases, by giving the defendants a chance to challenge the discrimination they faced.”

North Carolina's use of the death penalty has a long and tragic association with racial discrimination. LDF's brief notes that this trend can be traced back to the era of slavery and continues to this day. Despite numerous studies demonstrating severe racial disparities in the way the death penalty is used, this discrimination is largely beyond the reach of the courts due to the U.S. Supreme Court's 1987 ruling in *McCleskey v. Kemp*, which limited the ability of defendants to prove racial discrimination using statistical evidence. LDF litigated *McCleskey* and continues to believe that the case was wrongly decided. The North Carolina Legislature, however, responded to the *McCleskey* ruling by passing the North Carolina Racial Justice Act (RJA). The RJA bars race from being a significant factor in the decision to seek or impose the death penalty, including decisions to exclude potential jurors based on race, and allows statistical evidence to prove claims of racial bias.

In *North Carolina v. Robinson, et al.*, the defendants presented overwhelming statistical evidence of racial discrimination in the selection of capital juries in Cumberland County, where they were sentenced to death, and across the entire state of North Carolina. For example, the Superior Court of Cumberland County found that prosecutors statewide struck 52.6 percent of eligible black

jurors, compared to only 25.7 percent of all other eligible jurors. The probability of that disparity happening in a race-neutral jury selection process is less than one in ten trillion.

LDF argues that the North Carolina Supreme Court cannot ignore the striking statistical evidence of racial discrimination in the selection of juries in these cases. LDF's brief continues by suggesting that the failure to grant relief would be tantamount to the Court condoning racial bias in the imposition of the death penalty and throughout the justice system.

Read the entire brief [here](#).

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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 and 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.