

NAACP NEWS

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STOCKTON/SAN JOAQUIN NAACP ALARMED BY FEDERAL JUDGE'S RULING THAT A CANDIDATE FOR DISTRICT ATTORNEY ILLEGALLY STRUCK JURORS BASED ON RACE

FOR IMMEDIATE RELEASE
May 24, 2022
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STOCKTON—Today, the Stockton Branch of the National Association for the Advancement of Colored People (NAACP) shared their concerns after a published decision by the United States District Court surfaced revealing that Ronald Freitas—a candidate for San Joaquin County District Attorney—illegally used peremptory challenges to eliminate jurors based on race.

"Tomorrow will be the two-year anniversary of the death of George Ford. As this anniversary approaches, we're alarmed; as this racist behavior should disqualify anyone from any office—let alone the office of District Attorney," said Bobby Bivens, President of the Stockton Branch of the NAACP. "A Federal judge made sure there were consequences for Mr. Freitas' racism, and that gives me hope that the system can work if we remain vigilant. Our system of justice must be color-blind, but if Ron Freitas is elected it will cast a shadow over every prosecution involving a person of color."

According to the published decision in Johnson v. Finn (2009 U.S. Dist. LEXIS 73466), the United States District Court for the Eastern District of California overturned Alonzo Deon Johnson's conviction for shooting into an occupied motor vehicle. The court found that, **"the prosecutor struck all African American potential jurors from the venire."** The court further found that, **"the prosecutor's stated reasons for excluding [a juror] were a pretext for eliminating him from the jury on account of his race."** The prosecutor was Ron Freitas, a candidate for San Joaquin County District Attorney.

People are entitled to trial by a jury drawn from a representative cross-section of the community. As such, the California and United States Constitutions specifically prohibit the use of peremptory challenges to excuse jurors based solely on racial, ethnic, or gender grounds. (*Batson v. Kentucky* (1986) 476 U.S. 79; *People v. Wheeler* (1978) 22 Cal.3d 258 (*Wheeler*)). When a prosecutor exercises peremptory challenges based on race, this violates their ethical duty to uphold the state and federal Constitutions.

For a prosecutor, a *Wheeler* violation such as that found here by the U.S. District Court constitutes prosecutorial misconduct and, if a case is reversed on this basis, the trial court is required to notify the State Bar (Bus. & Prof. Code § 6086.7(b)(2)). The prosecutor must also self-report. (Bus. & Prof. Code § 6068(o)(7)).

The attached ruling has pertinent sections highlighted.

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