

**SUPREME COURT OF LOUISIANA**

**No. 16-K-1952**

**STATE OF LOUISIANA**

**versus**

**JABARI WILLIAMS**

**ON WRIT OF CERTIORARI TO THE FOURTH CIRCUIT  
COURT OF APPEAL, PARISH OF ORLEANS**

**PER CURIAM:**

Writ granted. “The *Batson* framework is designed to produce actual answers to suspicions and inferences that discrimination may have infected the jury selection process.” *Johnson v. California*, 545 U.S. 162, 172, 125 S.Ct. 2410, 2418, 162 L.Ed.2d 129 (2005). As in *State v. Crawford*, 14-2153, p. 33 (La. 11/16/16), 218 So.3d 13, 34, we find that the record here “hinders our ability to discern a clearly defined three-step *Batson* analysis.” Therefore, we remand this matter to the trial court to conduct a hearing and clarify its ruling on defendant’s *Batson* challenges.

The trial court is directed to determine whether defendant has made a *prima facie* showing of racial discrimination as to all five individuals challenged by the state in the second venire panel. We emphasize that to satisfy *Batson*’s first-step requirement for the establishment of a *prima facie* case of purposeful discrimination, “a moving party need only produce ‘evidence sufficient to permit the trial judge to draw an inference that discrimination has occurred.’” *State v. Elie*, 05-1569, p. 6 (La. 7/10/06), 936 So.2d 791, 796 (quoting *Johnson*, 545 U.S. at 170, 125 S.Ct. at 2417).

If the trial court determines that a *prima facie* showing has been made, it is directed to proceed with *Batson*’s second and third steps and issue a written ruling

thereon, with reasons. *See generally Batson v. Kentucky*, 476 U.S. 79, 106 S.Ct. 1712, 90 L.Ed.2d 69 (1986). As for those steps, we remind the trial court that La.C.Cr.P. art. 795(C), to the extent it affords a court discretion to forego demanding race-neutral reasons from the state after it has found a *prima facie* showing of discrimination, does not comport with the Supreme Court's *Batson* jurisprudence. *See Johnson, supra; see also Crawford, supra.*

The trial court is also directed to reconstruct and expand the record in this case, to whatever extent possible, in any areas relevant to the three-step *Batson* inquiry. For instance, the court should attempt to determine the races of all members of the venire, particularly of those in the second panel; and produce to the extent possible a full transcript of the entirety of voir dire to facilitate appellate review of its rulings.

**REMANDED**