

= Davis v. Ayala =

Davis v. Ayala , 576 U.S. _ _ _ (2015) was a case in which the Supreme Court of the United States upheld a death sentence of a Hispanic defendant despite the fact that all Blacks and Hispanics were excluded from the jury during the defendant 's trial . The case involved a habeas corpus petition submitted by Hector Ayala , who was arrested and tried in the late 1980s for the alleged murder of three individuals during an attempted robbery of an automobile body shop in San Diego , California in April 1985 . At trial , the prosecution used peremptory challenges to strike all Black and Hispanic jurors who were available for jury service . The trial court judge allowed the prosecution to explain the basis for the peremptory challenges outside the presence of Ayala 's counsel , " so as not to disclose trial strategy " . Ayala was ultimately sentenced to death , but he filed several appeals challenging the constitutionality of the trial court 's decision to exclude his counsel from the hearings .

In a 5 ? 4 opinion written by Justice Samuel Alito , the Supreme Court held that even if the trial court committed error , the error was harmless and that Ayala did not suffer any actual prejudice . Justice Sonia Sotomayor wrote a dissenting opinion in which she argued that Ayala 's sentence should be reversed because the exclusion of Ayala 's counsel from the hearings " substantially influenced the outcome " of the case . Additionally , Justice Anthony Kennedy wrote a separate concurring opinion in which he questioned the propriety of Ayala 's placement in solitary confinement . In response , Justice Clarence Thomas wrote a one @-@ paragraph concurring opinion in which he stated that Ayala 's accommodations were " far sight more spacious than those in which his victims ... now rest " .

Commentators have described the case as " important " and note that will likely have a " significant effect " on similar cases in the future . However , some analysts have described the outcome as " particularly unjust " . Justice Kennedy 's concurring opinion also received significant coverage from the media , and some analysts suggested that solitary confinement may become a " new battleground " for Justice Kennedy . One commentator described Justice Kennedy 's concurring opinion as " the single most surprising and heartening development of the term " .

= = Legal Background = =

= = = Batson challenges = = =

In Batson v. Kentucky , the Supreme Court of the United States held that a violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution occurs when prosecutors use peremptory challenges to exclude jurors on the basis of race . If a defendant alleges that a prosecutor challenged a prospective juror on the basis of that juror 's race (a process known as a " Batson challenge ") , trial courts will conduct a three @-@ part analysis of the peremptory challenge in question : " [f] irst , a defendant must make a prima facie showing that a peremptory challenge has been exercised on the basis of race ; second , if that showing has been made , the prosecution must offer a race @-@ neutral basis for striking the juror in question ; and third , in light of the parties ? submissions , the trial court must determine whether the defendant has shown purposeful discrimination . " A court will only sustain a Batson challenge if all three elements of this test are satisfied . On appeal , a trial court 's findings with respect to a Batson challenge will only be reversed if a trial court judge committed clear error . Additionally , the Supreme Court of the United States has held that findings with respect to a prosecutor 's explanation of the reasons for their use of peremptory challenges is " entitled to ' great deference ' " .

= = = The right to petition for a writ of habeas corpus under federal law = = =

When individuals are convicted for crimes under state law , those individuals have the right to challenge the constitutionality of their convictions in federal court by petitioning for a writ of habeas

corpus . This right was codified by the Habeas Corpus Act of 1867 , and in 1953 , the United States Supreme Court held that even when a state court rules against a prisoner , that individual still has the right to seek de novo review of their constitutional claims in federal court . However , in the wake of the Oklahoma City bombing , congress passed the Antiterrorism and Effective Death Penalty Act (" AEDPA ") in 1996 to modify federal habeas corpus procedures . Under the AEDPA 's new standards , when a prisoner 's claim has been adjudicated in state court , that individual 's petition for habeas corpus shall not be granted unless the state court decision " was contrary to , or involved an unreasonable application of , clearly established Federal law , as determined by the Supreme Court of the United States " . In 2007 , the United States Supreme Court held that , as a " precondition " for relief under the AEDPA , habeas petitioners must demonstrate evidence that a state court 's error resulted in " actual prejudice " .

= = = Federal harmless error doctrine = = =

The Supreme Court of the United States has identified a narrow range of errors that require automatic reversal ; for all other errors , the decision of a lower court will be upheld if the error was harmless . In 1967 , the Supreme Court ruled in *Chapman v. California* that a constitutional error will only be considered harmless when the court is " able to declare a belief that it was harmless beyond a reasonable doubt " . Additionally , when reviewing federal habeas corpus petitions , a petitioner must demonstrate that an error " had substantial and injurious effect or influence in determining the jury 's verdict " . The Supreme Court has also ruled that when reviewing a determination of harmlessness under *Chapman* , the AEDPA mandates that the reviewing court may not grant a petition for habeas corpus " unless the harmlessness determination itself was unreasonable " . According to the Supreme Court , the rationale underlying this doctrine is the public policy concern that states courts should not be forced to undertake the " arduous task " of retrying criminal defendants " based on mere speculation that the defendant was prejudiced by trial error " .

= = Arrest and Trial of Hector Ayala = =

Hector Ayala was charged with three counts of murder that allegedly occurred during an attempted robbery of an automobile body shop in San Diego , California in April 1985 . During jury selection , the prosecution used peremptory challenges to strike all Black and Hispanic jurors who were available for jury service . Ayala , who was of Hispanic descent , filed a series of *Batson* challenges to contest the prosecution 's use of peremptory challenges . The trial judge permitted the prosecution to explain the basis of their peremptory challenges in a closed hearing , outside the presence of Ayala 's counsel , " so as not to disclose trial strategy " . The trial court ultimately concluded that the peremptory challenges were based on race @-@ neutral criteria , and Ayala was convicted of the three counts of murder in August 1989 . The jury returned a sentence of death for the three murder convictions , and the trial judge entered a judgment consistent with the jury 's sentence . On direct appeal , the California Supreme Court upheld Ayala 's conviction and sentence , noting that even if the trial judge committed an error when considering the defense 's *Batson* challenges , that error was harmless beyond a reasonable doubt . Ayala subsequently filed a petition for habeas corpus , which was denied by a district court judge in 2006 . On appeal , the United States Court of Appeals for the Ninth Circuit granted Ayala 's habeas petition in 2013 , holding that Ayala was denied due process at trial and that the trial court 's error was not harmless . In 2014 , the Supreme Court of the United States granted certiorari to review the Ninth Circuit 's ruling .

= = Opinion of the Court = =

In his majority opinion , Justice Samuel Alito held that the exclusion of Ayala 's counsel during the *Batson* hearings was harmless error . Justice Alito emphasized that under federal law , prisoners are not entitled to habeas relief unless they can demonstrate " actual prejudice " . Additionally , Justice

Alito noted that under the Antiterrorism and Effective Death Penalty Act , federal courts should be " highly deferential " to state courts " when a prisoner 's ' claim ' has been ' adjudicated on the merits ' in state court " . Applying these standards to the facts of this case , Justice Alito ruled that Ayala did not suffer any actual prejudice and that the California Supreme Court 's opinion " represented an entirely reasonable application of controlling precedent " . Consequently , Justice Alito held that the Ninth Circuit 's ruling should be reversed and that the case should be remanded for reconsideration in light of the Supreme Court 's decision .

= = = Concurring opinions = = =

Although he noted that his support for the majority 's opinion was " unqualified " , Justice Anthony Kennedy wrote a separate concurring opinion in which he questioned the propriety of solitary confinement . Justice Kennedy observed that since 1989 , Ayala had spent more than twenty five years in solitary confinement . Although the conditions of Ayala 's confinement were not established in the record , Justice Kennedy wrote that " it is likely [he] has been held for all or most of the past 20 years or more in a windowless cell no larger than a typical parking spot for 23 hours a day ; and in the one hour when he leaves it , he likely is allowed little or no opportunity for conversation or interaction with anyone " . Justice Kennedy wrote that " [t] he human toll wrought by extended terms of isolation long has been understood , and questioned , by writers and commentators " and that solitary confinement " bears a further terror and peculiar mark of infamy " . Justice Kennedy conceded that " in some instances temporary , solitary confinement is a useful or necessary means to impose discipline and to protect prison employees and other inmates " , but that courts should ultimately determine " whether workable alternative systems for long @-@ term confinement exist , and , if so , whether a correctional system should be required to adopt them " .

Justice Clarence Thomas wrote a separate , one @-@ paragraph concurring opinion to respond to Justice Kennedy 's concurring opinion . He wrote that the " accommodations in which Ayala is housed are a far sight more spacious than those in which his victims , Ernesto Dominguez Mendez , Marcos Antonio Zamora , and Jose Luis Rositas , now rest " . Justice Thomas also noted that because Ayala 's victims were all 31 years of age or younger , " Ayala will soon have had as much or more time to enjoy those accommodations as his victims had time to enjoy this Earth " .

= = = Justice Sotomayor 's dissenting opinion = = =

Justice Sonia Sotomayor wrote a dissenting opinion in which she was joined by Justice Ruth Bader Ginsburg , Justice Stephen Breyer , and Justice Elena Kagan . Justice Sotomayor argued that the exclusion of Ayala 's counsel from the Batson hearings " substantially influenced the outcome " of the case and that " grave doubt exists as to whether [the exclusion] was harmless " . She critiqued Justice Alito 's methodological approach , arguing that " [t] he proper inquiry is not whether the trial court ? s determination can be sustained , but whether it may have been different had counsel been present " . Considering the evidence presented in this case , Justice Sotomayor concluded that there " is neither a factual nor a legal basis for the Court ? s confidence " that the prosecution 's use of peremptory challenges was race neutral . She argued that in light of " the strength of Ayala ? s prima facie case " , the Court should have upheld the Ninth Circuit 's ruling .

= = Commentary and analysis = =

Following the release of the Court 's opinion , commentators described Davis v. Ayala as " an important case raising claims about jury selection and harmless error " . Steve Vladeck wrote that " [g] oing forward , the dispute between the majority and dissent will have an especially significant effect on cases in which trial courts conduct Batson proceedings ex parte " . Hadar Aviram wrote that " [t] he Court was willing to accept , as a basic premise , that Ayala 's constitutional rights were violated ; but that is not enough to merit a reversal " . In his review of the case for The New Yorker , Lincoln Caplan described the Court 's opinion as " particularly unjust " because the Court " had the

opportunity to hold a state prosecutor to account for using trumped up reasons to justify racial discrimination in a jury selection " but failed to do so .

= = = Commentary about Justice Kennedy 's concurring opinion = = =

Much of the initial commentary about the case focused on Justice Kennedy 's concurring opinion . Writing for the Los Angeles Times , David G. Savage described Justice Kennedy 's opinion as " unusual " and " a rare instance of a Supreme Court justice virtually inviting a constitutional challenge to a prison policy " . Marty Lederman described Justice Kennedy 's concurring opinion as " the single most surprising and heartening development of the term " . Matt Ford wrote that " Kennedy 's critique of solitary confinement in Davis came without warning or fanfare " and that " [s] olitary confinement is a new battleground for the Court 's second @-@ longest serving justice , but not a surprising one " .

Although he suggested Justice Kennedy 's concurrence may be " more consequential " than Justice Harry Blackmun 's dissent in *Callins v. Collins* , Mark Joseph Stern described Justice Kennedy 's concurrence as " myopic " , noting that " large chunks of the ' legal academy ' in the ' public ' were aware ? and outraged ? by the practice long before Kennedy condemned it " . Dahlia Lithwick wrote that even though " Kennedy may not come around on the death penalty " and rule it unconstitutional , " after reading his own words in *Ayala* ? he probably should " . In an interview with Harvard Law School dean Martha Minow , Justice Kennedy explained that when he was in the Army , he was locked in a cell for four hours and " slightly tortured " . Justice Kennedy remarked that " [a] fter four hours in a cell , I was going mad . These people are in , some for 40 years . It drives people mad and we don 't even think about it . We 've got to do something about it " .