CAPITAL CASE
No. 11-1484

IN THE

Supreme Court of the United States

TERRANCE CARTER,
Petitioner,

v.

STATE OF LOUISIANA,
Respondent.

On Petition for a Writ of Certiorari to the Supreme Court of Louisiana

BRIEF IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI

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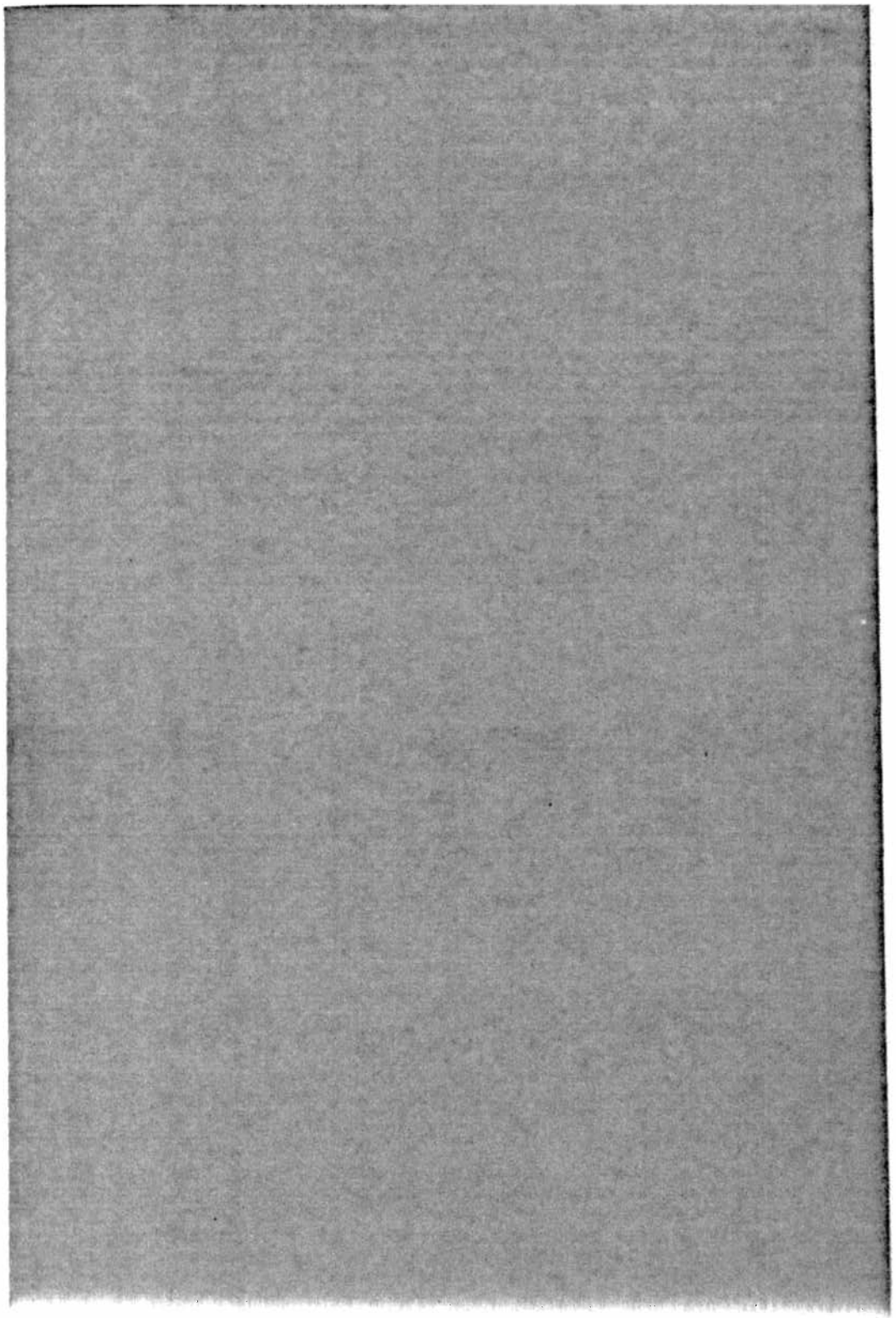
August 22, 2012

WILSON-EPES PRINTING CO., INC. – (202) 789-0096 – WASHINGTON, D. C. 20002



CAPITAL CASE

QUESTION PRESENTED FOR REVIEW

Should the Court reexamine its "death qualification" framework for jury selection articulated in *Witherspoon v. Illinois* (1968) and *Wainwright v. Witt* (1985) because the Court announced that framework decades ago without any consideration of, or foundation in, the Framer's intent in protecting a defendant's right to an "impartial jury" in the Sixth Amendment.

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Respondent, the State of Louisiana, respectfully prays that the Petition for Writ of Certiorari to the Supreme Court of Louisiana be denied.

OPINION BELOW

The Louisiana Supreme Court rendered its opinion in this capital case on February 14, 2012, *State v. Carter*, 2010-0614 (La. 2/14/12), 84 So.3d 499. In addition to the published opinion, the Court attached an unpublished appendix. The Court declined to reconsider its decision on March 9, 2012. The opinions, both the published opinion and the unpublished appendix, are attached to Petitioner's Petition for a Writ of Certiorari as an appendix. (Appendix A and Appendix B, respectively).

JURISDICTION

Petitioner seeks to invoke the provisions of this Court by way of a Petition for Writ of Certiorari through the authority of 28 U.S.C. § 1257(a).

CONSTITUTIONAL PROVISIONS INVOLVED

Petitioner seeks to invoke the provisions of the United States Constitution, Sixth Amendment, in part, "In all criminal prosecutions, the accused shall enjoy the right to . . . an impartial jury', as well as the Fourteenth Amendment.

STATEMENT OF THE CASE

A. PROCEDURAL HISTORY

Terrance Albert Carter, Defendant/Petitioner, was indicted by the Red River Parish (Louisiana) Grand Jury on July 19, 2006 for the July 2, 2006 first degree murder (*La. R. S. 14:30*) of Corinthian Houston, a five-year old male. (Record Volume 1, page 11A, 79, 115) (hereinafter R. V. __, p. __.)[1]

In pretrial motions the Petitioner filed a Motion for Change of Venue. The State did not oppose the Motion for Change of Venue and jury selection was moved to Lincoln Parish, the Third Judicial District, by agreement between the Court, State and Petitioner. R. V. 6, p. 1279-1280. The jury was selected in Lincoln Parish of the Third Judicial District and returned to Red River Parish for trial.[2]

[1] Record references are to the State Court Record, per United States Supreme Court Rule 24, Section 5.

[2] A procedure allowed by *La. C. Cr. Pro. art. 623.1*, wherein upon the granting of a Motion for Change of Venue the Court may select the jury in a different jurisdiction and return the selected jury to the original jurisdiction for trial.

The Petitioner entered a plea of not guilty and not guilty by reason of insanity (*La. R. S. 14:14*). Additionally, the petitioner urged a defense of intoxication at trial (*La. R. S. 14:15*), alleging that, due to his intoxicated state, he could not form the necessary specific intent to commit first degree murder. Both defenses were rejected by the jury.

After pretrial proceedings in this matter, jury selection was commenced in Lincoln Parish on September 8, 2008. R. V. 1, p. 17. After the jury was selected the trial was held in Red River Parish and, on September 25, 2008, the jury returned a verdict of guilty of first degree murder. R. V. 1, p. 34.[3] After a penalty phase trial the jury returned a verdict of death, having found the aggravating circumstances of aggravated kidnapping, second degree kidnapping, aggravated arson and the victim was under the age of twelve, pursuant to *La. C. Cr. Pro. art. 905.2, 905.3* and *905.4*, on September 26, 2008. R. V. 4, p. 923. After protracted post trial proceedings the Petitioner was formally sentenced by the trial court to death by lethal injection on October 9, 2009. R. V. 1, p. 38.

Petitioner filed a direct appeal with the Louisiana Supreme Court, and the conviction and sentence were affirmed on January 24, 2012 in a published opinion and an unpublished appendix. *State v. Carter*, 2010-0614 (La., 2/24/12), 84 So.3rd 499. A request for a rehearing was denied on March 9, 2012.

This Petition for Writ of Certiorari follows.

[3] *La. C. Cr. Pro. art. 905* provides for a bifurcated trial in capital cases. A guilt phase trial is conducted and, if there is a guilty verdict, the jury returns for a penalty phase trial.

B. STATEMENT OF THE FACTS

Terrance Carter, Petitioner, prior to the death of Corinthian Houston, a five-year-old child, was in a romantic relationship with Corinthian Houston's mother, Pamela Fisher. R. V. 16, p. 3957. This relationship was ended by Ms. Fisher on July 1, the day before the death of Corinthian. R. 3958.

On July 2, 2006 the Petitioner, in the company of an acquaintance, George Herring, traveled from Coushatta, Louisiana to Natchitoches, Louisiana where the victim lived with his family. The victim was picked up by the Petitioner and Mr. Herring from a street in Natchitoches outside his grandmother's house where he was playing. R. V. 16, p. 3931-3933, V. 18, p. 4429-4443. From there they returned to the Coushatta area in Red River Parish where Mr. Herring dropped off the Petitioner and the victim at the Petitioner's mother's house, 251 Smith Community Road (where the Petitioner was living). R. V. 18, p. 4443-4444. Later that day the Petitioner was seen entering and exiting an abandoned house next door to his own home.

After young Corinthian was reported missing, Mr. Carter communicated with several people searching for Corinthian, during which he claimed he did not know Corinthian's location. He denied to Pamela Fisher several times that he had taken Corinthian. R. V. 16, p. 3961-3963. In those conversations the Petitioner indicated to Ms. Fisher that he wanted to help locate Corinthian. He also spoke to several police officers who were searching for the child and indicated he did not know where the victim was. He denied taking Corinthian when asked by Officer Jessica Young of the Natchitoches Police Department.

R.V. 3, p. 988, R. V. 17, p. 4000-4001. He later spoke to Sergeant Ross Desadier of the Natchitoches Police Department (before the body was discovered) and indicated he did not know where Corinthian was. R. V. 17, p. 4036-4040, State's exhibit 3, R. 4043. Early the next morning when the Petitioner was located at his home near Coushatta, he indicated to Deputy Scott Phillips he did not take "any child". R. V. 17, p. 4060.

Later that morning, the Natchitoches Parish Sheriff's Office received a call from the Petitioner's mother, indicating that the child had been found in the house next door to the Petitioner's house. (The same house the Petitioner had been hanging around all afternoon and night) R. V. 18, p. 4068. The Sheriff's Office responded to the call and located the victim in that building next door to the Petitioner's house. Young Corinthian was found in that house tied to a chair with an extension cord and burned to death. R. V. 18, p. 4069, 4090.

As the investigation continued, it was determined that the child was doused in gasoline and that, when he was arrested, the Petitioner had gasoline on his shoes. R. V. 17, p. 4165-4166, 4168. It was further determined that Corinthian died as the result of being burned while he was alive. R. V. 17, p. 4206-4210. The autopsy also revealed that the victim had been tied up with an orange electrical cord taken from Petitioner's mother's house and probably died in a seated position. R. V. 17, p. 4216-4218. (The victim was discovered tied to a chair in a seated position. R. 4090, 4110-4111.).

After the Petitioner was taken into custody he made several incriminating statements, after being advised of his constitutional rights. While his blood

was being drawn on the day of his arrest he made a statement to the nurse that the victim did not holler to long. R. V. 18, p. 4295.

Petitioner also answered the questions of Detective Johnny Taylor and Deputy Sidney Jacobs, officers with the Red River Parish Sheriff's Office. In those statements the Petitioner admitted to tying the victim up with an electrical cord while he was alive and that the victim did not holler for long. R. V. 18, p. 4352-4353.

Later that same day a second statement was taken from the Petitioner by Detective Taylor and Deputy Jacobs. In that statement the Petitioner admitted to tying up Corinthian, pouring gasoline on him and setting him on fire. He further stated that Corinthian did not holler to long and that he put out the fire with a blanket. Finally, he admitted that he did all this to get back at Corinthian's mother, Pamela Fisher. R. V. 18, p. 4355-4368.

The Petitioner plead not guilty and not guilty by reason of insanity. R. V. 1, p. 13. Furthermore, at trial the Petitioner claimed a defense that he was intoxicated due to the fact that he had ingested a large number of pills of a drug called ziprasidone (also known by the trade name Geodon). Ziprasidone is an anti-psychotic drug used to treat schizophrenia and bi-polar mania. R.V. 20, p. 4810. The drug was found in the Petitioner's system. R. V. 20, p. 4787. As to the insanity defense, there was no expert testimony on behalf of the Petitioner that he suffered from a mental disease or defect.

The Petitioner testified at trial and claimed he did not remember anything that happened between the time he ingested ziprasidone and putting out the fire.

R. V. 19, p. 4679-4680. Interestingly, the Petitioner does remember, in great detail, much of what he did that day. R. V. 19 p. 4659-4680. Additionally, the Petitioner's memory of the crime was intact shortly after the crime, as he provided details of the crime, which were later verified, in each of his statements to law enforcement.

In support of the intoxication theory, the defense argued that, as a side effect of the ingestion of ziprasidone, his memory of his actions in setting fire to Corinthian was lost. However, that theory was contradicted by one of the Petitioner's own experts, Dr. Gary Booker, who testified that memory loss is not a side effect of ziprasidone. R.4830. In fact, Dr. Booker, who heard the Petitioner testify (R.V. 20, p. 4825) that he had no memory of the killing of Corinthian, was of the opinion that the Petitioner was lying when he testified that he did not remember the killing. R. V. 20, p. 4832.

The defenses offered by the Petitioner were rejected by the jury and the defendant was found guilty and he was sentenced to death by the jury.

REASONS FOR DENYING THE WRIT

Petitioner presents no cognizable claims under the Constitution or the statutes of the United States upon which relief can be granted. Therefore, certiorari should be denied.

SUMMARY OF ARGUMENT

The jury selection process in capital cases, resulting in the qualification of jurors in relation to capital punishment is designed to produce an impartial jury. In this case, the Louisiana Supreme Court followed

the dictates of this Court in applying the principles of law developed over the last several decades.

This Court, in an unbroken line of jurisprudence, has spoken as to the idea of an impartial jury. The reasoning of law in relation to an impartial jury is based on the intent of the Framers of the Constitution, as evidenced by the chain of cases leading to the current state of the law.

LAW AND ARGUMENT

A. THE JURY SELECTION PROCESS IN THIS CAPITAL CASE

In the jury selection process in this trial, which lasted from September 8, 2006 until September 19, 2006, a two-phase process was utilized. Questions on the issues relating to the death penalty, sequestration of the jury, the insanity defense, the intoxication defense and publicity were covered in the initial phase of jury selection. Once the first phase was completed the jurors who qualified, based on those questions, were put in a jury pool for a general voir dire. From that second pool the jury was selected. R. V. 6, 1280.

In the voir dire process the State and the petitioner each exercised eleven (11) peremptory challenges of the twelve (12) available to each party. The State exercised a number of challenges for cause due to the jurors inability to apply the law in relation to the death penalty.[4] In the Louisiana Supreme Court the

[4] During the voir dire process jurors who asserted an issue with the death penalty were subjected to a sequestered individual voir dire in a separate courtroom in order to assure that the other jurors were not exposed to the statements of those prospective jurors.

petitioner challenged two (2) of those challenges. The Court found no merit in the argument and affirmed the conviction and sentence. Additionally, the Petitioner challenged the guidelines established by this Court in the selection of impartial jurors in capital cases.

B. LAW AS TO JURY SELECTION PROCESS IN CAPITAL CASES

The Sixth and Fourteenth Amendments of the United States Constitution guarantee a capital defendant the right to an impartial jury. See *Ross v. Oklahoma*, 487 U.S. 81, 85, 108 S.Ct. 2273, 2277, 101 L.Ed.2d 80 (1988). In an unbroken line of jurisprudence the United States Supreme Court has established a procedure to insure that defendants face an impartial jury. Prospective jurors in capital cases who would automatically vote for the death penalty, or who would automatically vote against the death penalty, may be challenged and excused for cause because their views would prevent them from following the law and being impartial jurors. See *Witherspoon v. Illinois*, 391 U.S. 510, 522 fn. 21, 88 S.Ct. 1770, 1777, 20 L.Ed.2d 776 (1968), *Morgan v. Illinois*, 504 U.S. 719, 729, 112 S.Ct. 2222, 2229, 119 L.Ed.2d 492 (1992), *Uttech v. Brown*, 551 U.S. 1, 127 S.Ct. 2218, 167 L.Ed.2d 1014 (2007). A prospective juror whose views on capital punishment would prevent or substantially impair the performance of the duties as a juror may also be excused. *Wainwright v. Witt*, 469 U.S. 412, 424, 105 S.Ct. 844, 852, 83 L.Ed.2d 841 (1985), see also, *Adams v. Texas*, 448 U.S. 38, 45, 100 S.Ct. 2521, 2526, 65 L.Ed.2d 581 (1980).

This standard was legislatively adopted by Louisiana in *Louisiana Code Criminal Procedure articles* 797 and 798, which, in pertinent part, provides:

Art. 797. Challenge for cause

The State or the defendant may challenge a juror for cause on the ground that:

* * *

(4) The juror will not accept the law as given to him by the court; or

* * *

Art. 798. Causes for challenge by the state

It is good cause for challenge on the part of the state, but not on the part of the defendant, that:

* * *

(2) The juror tendered in a capital case who has conscientious scruples against the infliction of capital punishment and makes it known:

(a) That he would automatically vote against the imposition of capital punishment without regard to any evidence that might be developed at the trial of the case before him;

(b) That his attitude toward the death penalty would prevent or substantially impair him from making an impartial decision as a juror in accordance with his instructions and his oath; or

(c) That his attitude toward the death penalty would prevent him from making an impartial decision as to the defendant's guilt; or

* * *

Louisiana has recognized the *Morgan* challenge standard by a defendant as one in which a potential juror is substantially impaired from rendering an impartial decision due to his predisposition to impose a death penalty. *State v. Divers*, 94-0756 (La. 9/5/96), 681 So.2d 320.

Indeed, the Louisiana Supreme Court understands the constitutional goal of an impartial jury. This is amply illustrated in *State v. Miller*, 1999-0192 (La. 9/6/00), 776 So.2d 396, wherein the Court, in discussing the Sixth and Fourteenth Amendments in the context of the death penalty, capital cases and an impartial jury stated:

> "The key to deciding cause challenges against prospective jurors based on views in favor of or against the death penalty is the determination of impartiality. Perhaps the most difficult tasks for the trial judge in ensuring the impartiality of a capital juror are handling the death qualification portion of the voir dire and ruling on challenges for cause for a prospective juror who has expressed his or her views toward the death penalty."

Miller, at p. 400

As cited above, Louisiana has faithfully adhered to the dictates of this Court in relation to "*Witherspoon*" cause challenges. The Louisiana Supreme Court applied these legal principles when deciding this case and clearly stated so in the unpublished appendix. In following the guidelines set forth by this Court, the Louisiana Supreme Court recognized the doctrine of *stare decisis* and respected this Court's decisions.

C. THE PRINCIPLE OF *STARE DECISIS*

The obligation of a court is to respect precedent. The doctrine of *state decisis* stands for the proposition that it is necessary for a court to follow earlier decisions when the same points arise again in litigation. The Louisiana Supreme Court followed this doctrine, as this Honorable Court would expect. Petitioner now moves this Court to ignore the authority of this uninterrupted line of cases.

Relevant factors to consider in the doctrine of *stare decisis* are the antiquity of the precedent, the reliance interests at stake and whether the prior decision was well reasoned. *Montejo v. Louisiana*, 556 U.S. 778,792-793, 129 S.Ct. 2079, 2088-2089, 173 L.Ed.2d 955 (2009). The authoritative line of cases on this issue began in 1968 (*Witherspoon*) and ends in 2007 (*Uttecht*), which was actually decided after the trial of this matter. Judges, prosecutors and defense attorneys have all learned and utilized the requirements for cause challenges on this issue. Each of these participants rely upon the guidance of this Court, not only in this case, but in all capital cases. Additionally, the parties in this case acted in conformance with the dictates of this Court.

The constitutional requirement imposed by this Court in relation to the qualifications of jurors in capital cases was well reasoned and has not been subjected to any recent challenges, other than this request to alter the Court's analysis based on a historical analysis. This Court, as late as 2007, has recognized this system of jury selection to guarantee an impartial jury as constitutionally required. (See *Uttecht, supra).* The current challenge presents no new or unique current issues and should be denied.

The Petitioner has presented no intervening reason to overrule this long line of cases dictating the process in selecting an impartial jury in capital cases. This writ should be denied.

D. WHAT IS AN IMPARTIAL JURY

The Petitioner argues that the current jury selection process in capital cases lacks a historical basis. In order to address this issue, one must look to this Court's ideas of what constitutes an impartial jury.

This Court, in unbroken line of jurisprudence, has addressed that issue, considering the intent of the Framers, culminating in the current mandates regarding jury selection in capital cases.

In 1895 Justice Harlan, when speaking about what questions are proper to be propounded to prospective jurors (in order to guarantee an impartial jury), stated:

> "It is quite true, as suggested by the accused, that he is entitled to be tried by an impartial jury; that is, by jurors who had no bias or prejudice that would prevent them from returning a verdict according to the **law and evidence**. It is equally true that a suitable inquiry is permissible in order to ascertain whether the juror has any bias, opinion, or prejudice that would affect or control the fair determination by him of the issues to be tried. That inquiry is conducted under the supervision of the court, and a great deal must, of necessity, be left to its sound discretion. This is the rule in civil cases, and the same rule must be applied in criminal cases."

Conners v. United States, 158 U.S. 408, 409, 15 S.Ct. 951, 951, 39 L.Ed. 1033 (1895). (emphasis added)

In *Conners* the Court was considering what questions were constitutionally appropriate during voir dire to insure an impartial jury was selected. After a review of the *Conners* case it is obvious the case relied on common law and, therefore, necessarily the intent of the Framers, to resolve this issue. (See: *Conners*, 158 U.S. at 413, 15 S.Ct. at 953). Impartial jurors are those who suffer no bias or prejudice which would prevent them from returning a verdict according to the law and the evidence.

United States v. Wood, 299 U.S. 123, 146, 57 S.Ct. 177, 185, 81 L.Ed. 78 (1936), in dealing with the issue of exclusion of government employees from jurors, declared" Impartiality is not a technical conception. It is a state of mind. For the ascertainment of this mental attitude of appropriate indifference, the Constitution lays down no particular tests and procedure is not chained to any ancient and artificial formula". *Wood* at 299 U.S. at 145, 57 S.Ct. at 185. The Court further observed that this principle is longstanding and in accordance with the intent of the Framers. The Framers recognized that there were qualifications for potential jurors, designed to insure a constitutionally-required impartial jury. One of those qualifications is the ability to apply the law of the case.

The principal method of determining the impartiality of jurors is voir dire. Citing *Conners*, this Court in *Rosales-Lopez v. United States*, 451 U.S. 182, 188, 101 S.Ct. 1629, 1634, 68 L.Ed.2d 22 (1981), stated :

> "Voir dire plays a critical function in assuring the criminal defendant that his Sixth Amendment right to an impartial jury will be honored. Without an adequate voir dire the trial judge's responsibility to remove prospective jurors who will not be able impartially to follow the court's instructions and evaluate the evidence cannot be fulfilled."

Rosales-Lopez at 451 U.S. at 188, 101 S.Ct. at 1634.

These cases, *Wood, Conners* and *Rosales-Lopez*, illustrate that, historically, this Court has considered the importance of an impartial jury, as required by the Sixth Amendment. Further, they illustrate that this Court, over the years, has based their rulings on the intent of the Framers. As illustrated in *Ross v. Oklahoma, supra*, the voir dire process, including the peremptory and cause challenge process, is a method of assuring an impartial jury in capital prosecutions.[5]

Perhaps a more direct link can be found in *Witt*:

> "As with any other trial situation where an adversary wishes to exclude a juror because of bias, then, the adversary seeking exclusion who must demonstrate, through questioning, that the potential juror lacks impartiality. *Reynolds v. United States*, 98 U.S. 145, 147, 25 L.Ed. 244 (1879)"

Witt, 469 U.S. at 423, 105 S.Ct. at 852.

The importance of these connections is clear once *Reynolds*, upon which *Witt* placed its reliance, is reviewed. When addressing the juror challenge issue,

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[5] *Ross* cites *Irvin v. Dowd*, 366 U.S. 717, 81 S.Ct. 1639, 6 L.Ed2d 751 (1960), (366 U.S.at 85, 81 S.Ct. at 2277), which in turn cites *Wood* (274, 1633) and *Reynolds* (723 and 1643). This completes the direct chain of cases related to the *Witherspoon-Witt* standard. It is clear that this Court, in deciding the issue of cause challenges in capital cases relied on historical references to the Framers intent.

this Court (in *Reynolds*), in 1879, clearly and decidedly based its decision on contemporary jurisprudence during the time of the Framer's efforts to enact a constitution for the new nation.

The end result of the current system is a jury selection process that offers an impartial jury as envisioned by the Framers and required by the Sixth Amendment. This issue is without merit and the writ should be denied.

E. WHAT WAS THE FRAMERS INTENT IN DRAFTING THE SIXTH AMENDMENT

This Court in an 1895 case, *Sparf v. United States*, 156 U.S. 51, 15 S.Ct. 273 (1895) considered, in great detail, what the intent of the Framers was when drafting the Sixth Amendment. Simply put, this Court, in 1895, declared that, in a jury trial, the determination of the law is for the court and not for the jury. The Respondent concedes that *Sparf* speaks more to the issue of jury nullification than jury selection. But it appears the Petitioner's writ is as much about jury nullification as it is about an impartial jury. Furthermore, the principles, as presented, are almost the same. Therefore, the State submits *Sparf* is relevant to the Court's consideration of this writ

In *Sparf* the Court took great pains to review the law as it existed in 1895 and its history in reaching its decision that juries are to consider the facts of a case and the court is to provide the law. After this exhaustive review, the Court stated:

> "The trial was thus conducted upon the theory that it was the duty of the court to expound the law, and that of the jury to apply the law as thus declared to the fact as ascertained by them. In this separation of functions of the court and jury is found the chief value, as well as safety, of the jury system. Those functions cannot be confounded or disregarded without endangering the stability of public justice, as well as the security of private and personal rights."

Sparf, 156 U.S. at 107, 15 S.Ct. at 295.

Based on the above review of various court rulings near and during the time of the drafting of the Sixth Amendment, a clear indication of the contemporary views, at that time, of the duties of the jury and the court is possible. It is this theory of division of responsibility (law for the Court and evidence for the jury) upon which the Sixth Amendment was drafted. Petitioner's writ is without merit and should be denied.

F. EFFECTS OF GRANTING THE REQUEST OF THE PETITIONER

Essentially, the Petitioner asks this Court to disallow the current mechanism which provides a defendant an impartial jury in capital cases. This mechanism provides impartial jurors who can follow the law as to the possible sentences. If the Petitioner's request is granted, the requirements for the selection of capital jurors will be altered dramatically, quite possibly to the detriment of defendants. Theoretically, it would be possible for an entire jury of jurors who are opposed to capital punishment to be seated, as would it also be possible for an entire jury of jurors who would automatically impose the death penalty to be seated. Either one of these options are not in accord with the constitutional theory of an impartial jury.

Logically extending the Petitioner's advocated "take the juror as he stands" standard in this particular case creates an interesting scenario. The defenses in this case were sanity and intoxication, along with a small dose of someone else did it.

Applying the "take the juror as he stands" standard, and not allowing the court to question (or allow questioning by the attorneys) on the sanity defense would harm a defendant's quest for an impartial jury. Under the current standard, eliminating jurors who do not believe in the sanity defense (or more typically, potential jurors who think the sanity defense is just a dodge of responsibility), favors a defendant. To allow all jurors to sit on a jury, without qualification during voir dire, would produce a jury that is anything but impartial. Given the popular view of the insanity defense, to "take the juror as he stands" would virtually insure that there would be no verdict of insanity.

The same thought summarily applies to the intoxication defense (which is typically looked upon by many jurors as a similar attempt to evade justice), in the quest for an impartial juror. If one takes the theory "take the juror as he stands" at face value, there will be no qualification of jurors in their ability to follow the law as provided by the court in the consideration of the death penalty, or any other legal defense or legal concept.

That cannot be the intent of the Framers when the Constitution was constructed. In fact, as detailed above, the State submits that the Framers did not so anticipate, or advocate, the concept that one must "take the juror as he stands". As shown above, it was intended that the court is the final arbiter of the law and the jurors are responsible for facts of the case.

CONCLUSION

The Petitioner has failed to show that any of the issues raised herein necessitate the granting of certiorari. The State of Louisiana requests that, for the foregoing reasons, the Petition for Writ of Certiorari be denied.

Respectfully submitted,

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