



Alameda County Death Penalty Cases Are Reviewed After Prosecutors Discover Evidence of Prosecutorial Misconduct Excluding Jewish and Black Residents from Jury Service in Death Penalty Cases

Apr 22, 2024 | [Press Release](#)



Alameda County
District Attorney
Pamela Price

FOR IMMEDIATE RELEASE

Alameda County Death Penalty Cases Are Reviewed After Prosecutors Discover Evidence of Prosecutorial Misconduct Excluding Jewish and Black Residents from Jury Service in Death Penalty Cases

U.S. Federal Judge Directs Alameda County District Attorney's Office to Review all Death Penalty Cases

April 22, 2024

San Francisco, CA— U.S. Federal District Court Judge Vince Chhabria directs the Alameda County District Attorney's Office to review all death penalty cases after evidence of what appears to be the exclusion of Jewish and Black jurors was found during the resentencing settlement of Mr. Ernest Dykes.

Ernest Dykes was convicted and sentenced in 1995 for the attempted murder of Bernice Clark and the murder of her 9-year-old grandson Lance Clark during an attempted robbery in 1993.

Judge Chhabria is presiding over the Dykes case, which was assigned to him in 2023. While reviewing the Dykes' case file, a Deputy District Attorney found handwritten notes by prosecutors which appear to show that they intentionally excluded Jewish and Black female jurors from the jury pool. The notes were promptly disclosed to the defense and the Court. In light of this discovery, Judge Chhabria has directed a review of all death penalty cases from Alameda County for any potential signs of prosecutorial misconduct in the form of the exclusion of jurors based solely on race.

"The Sixth Amendment of the U.S. Constitution guarantees the right to a trial by an impartial jury of one's peers," said DA Pamela Price. "Any practice by prosecutors to eliminate potential jurors because of their race betrays that core pillar of the criminal justice system. As the Ninth Circuit has pointed out, "It does not matter that the prosecutor might have had good reasons to strike the prospective jurors. What matters is the real reason they were stricken." A Wheeler violation is prejudicial per se because racial discrimination in jury selection undermines the structural integrity of the criminal tribunal itself. My office is committed to following Judge Chhabria's direction in reviewing all death penalty cases in Alameda County for any signs of being tainted by prosecutorial misconduct from the past."

35 death penalty cases have been identified and are now under review by the Alameda County District Attorney's Office. The District Attorney's Office is reaching out to victims and survivors whom these crimes may have impacted. Anyone who has not been contacted but who was directly impacted by one of these cases is urged to contact the assigned Victim-Witness Advocates at 510-208-9555 or email them at shawn.mitchell@acgov.org. Lawyers are also standing by to answer questions and offer information about the status of each case. On April 26, 2024, the District Attorney's Office, in collaboration with Broken by Violence, will host an open event for survivors who want trauma-informed support in connection with these events.

Contact: damedia@acgov.org

The Alameda County District Attorney's Office (DAO) is one of California's largest prosecutors' offices and is led by Alameda County's first Black woman District

Attorney Pamela Y. Price. Price brings her vision to this office to fairly administer justice in the pursuit of thriving, healthy, and safe communities for every person who steps foot in Alameda County, no matter their race, gender, religion, sexual orientation, income, or zip code. Price has been recognized as one of the most progressive prosecutors through her forward-thinking, innovative strategies to interrupt cycles of violence and crime and bring change to a criminal justice system rooted in systemic racism. Follow Madam DA on Instagram, Twitter, and Facebook, and @AlamedaCountyda on Twitter, Instagram, and Facebook.

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