

DISTRICT OF COLUMBIA COURT OF APPEALS

Smith, Jr. v. United States

Smith · No. Nos. 18-CO-0289 & 20-CF-0190 · Decided January 29, 2026

SUMMARY

The District of Columbia Court of Appeals, sitting en banc, held that the trial court inadequately analyzed Glenn Arthur Smith, Jr.'s Batson challenge to the government's peremptory strikes of nonwhite prospective jurors. The court concluded that the government's strike of at least one juror was more likely than not racially discriminatory, reversed Smith's sexual-abuse convictions, and remanded for a new trial. The opinion explains that trial courts must rigorously evaluate all relevant circumstances bearing on whether proffered race-neutral reasons are pretextual.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Associate Judge Beckwith; Chief Judge Blackburne-Rigsby; Associate Judge Easterly; Associate Judge Deahl; Associate Judge Howard; Associate Judge Shanker
JURISDICTION	District of Columbia Court of Appeals
DECIDED	January 29, 2026
DOCKET	Nos. 18-CO-0289 & 20-CF-0190
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	En banc appeal from convictions in the Superior Court of the District of Columbia. A division of the District of Columbia Court of Appeals affirmed the convictions, after which the en banc court granted review and vacated the division's opinion and judgment.
STANDARD OF REVIEW	The court reviews de novo whether the trial court correctly interpreted and applied the Batson framework. On the ultimate question of discriminatory intent, the reviewing court examines the same factors as the trial court on the paper record; deference to credibility findings is unwarranted when the trial court failed to conduct a meaningful step-three inquiry.
PRECEDENTIAL VALUE	Published en banc opinion; precedential
PARTIES	Glenn Arthur Smith, Jr. v. United States

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QUESTIONS PRESENTED

1. What duties does a trial court have at step three of the Batson framework when evaluating whether proffered race-neutral reasons for peremptory strikes are pretextual?
2. Whether the trial court erred by evaluating the challenged strikes in isolation and by failing to consider all relevant circumstances, including statistical evidence, the racially charged nature of the case, voir dire context, side-by-side juror comparisons, and the plausibility and trial-strategy basis of the prosecutor's explanations.
3. Whether the record established that at least one challenged strike was more likely than not motivated in substantial part by discriminatory intent.
4. Whether the appropriate remedy was remand for additional Batson factfinding or reversal of the convictions and a new trial.

HOLDINGS

1. At Batson step three, the trial court has an affirmative duty to evaluate the plausibility and pretextual nature of the prosecutor's proffered race-neutral reasons in light of all relevant evidence and circumstances, whether or not the defendant specifically directs the court to each item of evidence.
2. The trial court's Batson analysis was legally insufficient because it accepted facially race-neutral explanations without rigorously evaluating them in light of the totality of the circumstances.
3. The record established that it was more likely than not that at least one of the challenged nonwhite jurors was struck on the basis of race, requiring reversal of Smith's convictions and a new trial.

KEY QUOTATIONS

"In short, while "[t]he ultimate burden of persuasion regarding racial motivation rests with, and never shifts from, the opponent of the strike," Purkett v. Elem, 514 U.S. 765, 768 (1995), the trial court retains the affirmative duty to "assess the plausibility" of the government's proffered reasons "in light of all evidence with a bearing on it," whether or not the opponent of the strike has directed the trial court's attention to particular aspects of that evidence." (at 12-13)

"The trial court's error will have led to a substantively erroneous ruling if at least one of the challenged strikes was more likely than not "motivated in substantial part by discriminatory intent." (at 15)

"In the eyes of the Constitution, one racially discriminatory peremptory strike is one too many." (at 31-32)

FACTUAL BACKGROUND

Smith, a Black man, was charged with sexually assaulting a white woman and attempting to rob her. The venire contained thirty-six qualified prospective jurors, including six nonwhite jurors; the government used six of its eleven peremptory strikes to remove all six nonwhite jurors. The trial court accepted the government's stated reasons for striking four Black jurors without adequately examining the strikes collectively or considering relevant comparative, statistical, contextual, and credibility evidence.

PROCEDURAL HISTORY

Smith was convicted by an all-white jury of two counts of first-degree sexual abuse and acquitted of attempted robbery. The trial court rejected his Batson challenge to the government's peremptory strikes of nonwhite prospective jurors. A division of the District of Columbia Court of Appeals affirmed, but the en banc court granted review, vacated the division's opinion and judgment, held that the trial court's Batson analysis was insufficient and that at least one strike was more likely than not racially discriminatory, and reversed the convictions.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for further proceedings consistent with the opinion, including a new trial.

CASES CITED

- Batson v. Kentucky, 476 U.S. 79 (1986)
- Smith v. United States, 288 A.3d 766 (D.C. 2023)
- Flowers v. Mississippi, 588 U.S. 284 (2019)
- Miller-El v. Dretke, 545 U.S. 231 (2005)
- Miller-El v. Cockrell, 537 U.S. 322 (2003)
- Powers v. Ohio, 499 U.S. 400 (1991)
- Johnson v. California, 545 U.S. 162 (2005)
- Hernandez v. New York, 500 U.S. 352 (1991)
- Foster v. Chatman, 578 U.S. 488 (2016)
- Epps v. United States, 683 A.2d 749 (D.C. 1996)
- Harris v. United States, Harris v. United States, 260 A.3d 663 (D.C. 2021)
- Melbourne v. Taylor, 147 A.3d 1151 (D.C. 2016)
- Purkett v. Elem, 514 U.S. 765 (1995)
- Tursio v. United States, 634 A.2d 1205 (D.C. 1993)
- Olden v. Kentucky, 488 U.S. 227 (1988)
- Snyder v. Louisiana, 552 U.S. 472 (2008)
- Robinson v. United States, 878 A.2d 1273 (D.C. 2005)

- United States v. Rutledge, 648 F.3d 555 (7th Cir. 2011)
- Lewis v. Lewis, 321 F.3d 824 (9th Cir. 2003)
- Machado v. United States, 325 A.3d 352 (D.C. 2024)
- State v. Cuthbertson, 886 S.E.2d 882 (N.C. Ct. App. 2023)
- United States v. Alvarez-Ulloa, 784 F.3d 558 (9th Cir. 2015)
- State v. Davis, 894 S.W.2d 703 (Mo. Ct. App. 1995)

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