

Jones Vs. Georgia

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Court : US Supreme Court

Decided On : Oct-16-1967

Appeal No. : 389 U.S. 24

Appellant : Jones

Respondent : Georgia

Judgement :

Jones v. Georgia - 389 U.S. 24 (1967)

U.S. Supreme Court Jones v. Georgia, 389 U.S. 24 (1967)

Jones v. Georgia

No. 174, Misc.

Decided October 16, 1967

389 U.S. 24

ON PETITION FOR WRIT OF CERTIORARI TO THE

SUPREME COURT OF GEORGIA

SYLLABUS

Petitioner appealed his murder conviction on the ground, among others, that the evidence of systematic exclusion of Negroes from grand and petit juries established a *prima facie* case of discrimination under *Whitus v. Georgia*, [385 U. S. 545](#) . The Georgia Supreme Court affirmed because "public officers are presumed to have discharged their sworn official duties," and

"we cannot assume that the jury commissioners did not eliminate prospective jurors on the basis of their competency to serve, rather than because of racial discrimination."

Held: The State's burden to explain the "disparity between the percentage of Negroes on the tax digest and those on the venires" was not met by reliance on the stated presumptions.

Certiorari granted; 223 Ga. 157, 154 S.E.2d 228, reversed and remanded.

PER CURIAM.

The motion for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted.

Petitioner appealed his conviction for murder to the Georgia Supreme Court where he sought reversal on the ground, among others, that the evidence relevant to his claim of systematic exclusion of Negroes from the grand and petit juries drawn in the county established a *prima facie* case of the denial of equal protection within our

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decision in *Whitus v. Georgia*, [385 U. S. 545](#) . * The Georgia Supreme Court affirmed the conviction stating that *Whitus* was distinguishable because

"public officers are presumed to have discharged their sworn official duties. . . . Under the testimony in this case we cannot assume that the jury commissioners did not eliminate prospective jurors on the basis of their competency to serve, rather than because of racial discrimination."

223 Ga. 157, 162, 154 S.E.2d 228, 232.

We hold that the burden upon the State to explain "the disparity between the percentage of Negroes on the tax digest and those on the venires," *Whitus, supra*, at [385 U. S. 552](#) , was not met by the Georgia Supreme Court's reliance on the stated presumptions. See *Arnold v. North Carolina*, [376 U. S. 773](#) ; *Eubanks v. Louisiana*, [356 U. S. 584](#) ; *Williams v. Georgia*, [349 U. S. 375](#) ; *Avery v. Georgia*, [345 U. S. 559](#) ; *Cassell v. Texas*, [339 U. S. 282](#) ; *Norris v. Alabama*, [294 U. S. 587](#) . We therefore reverse the judgment of the Georgia Supreme Court and remand for further proceedings not inconsistent with our opinion.

It is so ordered.

* The record supports the following comparison of the salient facts in *Whitus* and in petitioner's case:

Whitus Petitioner' case

Over 21 population 42.6% Negro men 30.7% Negro

Jury Commissioners White (apparently) White

Source of juror Tax Digests sepa- 3 Tax Digests, two

names rated and identi- of which sepa-

fied as to race rated and identi-

fied as to race

Taxpayers 27.1% Negro 19.7% Negro

Negro jurors 9.1% grand jury 5.0% of jury list

venire and box (1 Negro

7.8% petit jury was on the grand

venire jury which in-

dicted petitioner)

Rebuttal evidence

by State None None

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