

Judge Blocks Death Sentence Under Law on Race Disparity

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FAYETTEVILLE, N.C. — Concluding that racial bias played a significant factor in the sentencing of man to death here 18 years ago, a judge on Friday ordered that the man's sentence be reduced to life in prison without parole, the first such decision under North Carolina's controversial Racial Justice Act.

Reading a summary of his ruling from the bench, Judge Gregory A. Weeks of Cumberland County Superior Court said that "race was a materially, practically and statistically significant factor in the decision to exercise peremptory challenges during jury selection by prosecutors" at the time of the trial of the inmate, Marcus Reymond Robinson. The disparity was strong enough, the judge said, "as to support an inference of intentional discrimination."

From the jury box where they sat, the relatives of the man Mr. Robinson killed, Erik Tornblom, watched in disappointed silence. Mr. Robinson, wearing all white, was seated with his lawyers, his head lowered as the judge read his ruling.

The state said it would appeal.

The landmark ruling is expected to be the first of many under the law, which allows defendants and death row inmates to present evidence, including statistical patterns, that race played a major role in their being sentenced to death.

Over the course of the hearing, lawyers for Mr. Robinson presented the findings of a study by Michigan State University researchers showing that prosecutors used peremptory challenges to remove blacks from juries more than twice as often as they used such challenges against whites. The study, which Judge Weeks called valid and reliable, found that disparity existed statewide, and to an even greater degree here in Cumberland County and in Mr. Robinson's trial in particular.

Prosecutors, who have fiercely opposed the law since it was passed in 2009, criticized the Michigan State researchers' methodology, but, more pointedly, they said that jury selection was a "complex discretionary system," with thousands of possible reasons to remove a potential juror. To assume that race was the motive behind many of these decisions, prosecutors said, was not only wrong, but offensive.

"They do not have evidence of purposeful discrimination," Rob Thompson, an assistant district attorney in Cumberland County, said in his closing arguments. "They do not have some secret society of prosecutors maniacally plotting to remove people from juries. They do not have any of that because there is no such evidence. It doesn't exist. They have numbers."