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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

## SUPREME COURT OF THE UNITED STATES

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## RICE, WARDEN, ET AL. v. COLLINS

# CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 04-52. Argued December 5, 2005—Decided January 18, 2006

After the prosecutor struck a young, African-American woman, Juror 16, from the panel at respondent Collins' state-court drug trial, Collins objected that the strike was made on account of Juror 16's race. As race-neutral explanations for the strike, the prosecutor said that Juror 16 had rolled her eyes in response to a question from the court; that she was young and might be too tolerant of a drug crime; and that she was single and lacked ties to the community. In rejecting Collins' challenge, the trial court declared that it did not observe the complained-of demeanor by Juror 16, but noted that she was youthful, as was a white male juror also dismissed by peremptory challenge, and stated it would give the prosecutor "the benefit of the doubt." The prosecutor had also referred to Juror 16's gender in explaining the strike, but the trial court disallowed any reliance on that ground. The California Court of Appeal upheld the conviction and the trial court's ruling on the peremptory challenge, finding that the prosecutor permissibly excluded Juror 16 based on her youth. Even if youth was not a legitimate reason to exercise a peremptory challenge, said the court, Juror 16's demeanor supported the strike; nothing in the record suggested the trial court failed to conduct a searching inquiry of the prosecutor's reasons for striking her. The California Supreme Court denied review. The Federal District Court dismissed Collins' habeas petition with prejudice, but the Ninth Circuit reversed and remanded, concluding that, under the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), the State Court of Appeal's affirmance was based on an unreasonable factual determination in light of the evidence presented at trial.

Held: The Ninth Circuit's attempt to use a set of debatable inferences to set aside the state court's conclusion does not satisfy AEDPA's re-

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quirements for granting habeas relief. Pp. 3-8.

- (a) Under *Batson* v. *Kentucky*, 476 U. S. 79, 98, a defendant's challenge to a peremptory strike allegedly based on race requires, *inter alia*, that the trial court determine whether the defendant has carried his burden of proving purposeful discrimination. This involves evaluating "the persuasiveness of the [prosecutor's proffered] justification" for the strike, but "the 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. Because, under AEDPA, a federal habeas court must find the state-court conclusion "an unreasonable determination of the facts in light of the evidence presented in the State court proceeding," 28 U. S. C. §2254(d)(2), a federal court can only grant Collins' petition if it was unreasonable to credit the prosecutor's race-neutral explanations for the *Batson* challenge. Pp. 3–4.
- (b) Though the Ninth Circuit recited the proper standard of review, it improperly substituted its evaluation of the record for that of the state trial court, which, under §2254(d)(2), did not make an unreasonable determination of the facts in light of the evidence presented. Noting that the trial court had not witnessed Juror 16's purported eye rolling, the Ninth Circuit concluded that no reasonable factfinder could have accepted the prosecutor's rendition of the alleged incident because the prosecutor had completely undermined her own credibility based on three considerations: her erroneous statement that another prospective African-American juror, Juror 19, was "young" when, in fact, she was a grandmother; the prosecutor's improper attempt to use gender as a basis for exclusion; and the Court of Appeals' skepticism toward the prosecutor's explanation that she struck Juror 16 in part because of her youth and lack of ties to the community. As to the first reason, because the prosecutor's reference to Juror 19's youth occurred during a discussion of three prospective jurors, two of whom were, indeed, young, it is quite plausible that the prosecutor simply misspoke. It is a tenuous inference to say that an accidental reference with respect to one juror undermines the prosecutor's credibility with respect to another. Second, the Ninth Circuit assigned the prosecutor's reference to Juror 16's gender more weight than it can bear, given that the prosecutor provided a number of other permissible and plausible race-neutral reasons for excluding her. Collins provides no argument why this matter demonstrates that a reasonable factfinder must conclude the prosecutor lied about the eye rolling and struck Juror 16 based on her race. Finally, even if the prosecutor's concerns about Juror 16's youth and lack of community ties were overly cautious, her wariness could be seen as race neutral, for she used a peremptory strike on a white male juror, Ju-

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ror 6, with the same characteristics. Viewing the foregoing concerns together, the most generous reading would suggest only that the trial court had reason to question the prosecutor's credibility regarding Juror 16's alleged improper demeanor. That does not, however, compel the conclusion that the trial court had no permissible alternative but to reject the prosecutor's race-neutral justifications and conclude Collins had shown a *Batson* violation. Reasonable minds reviewing the record might disagree about the prosecutor's credibility, but on habeas review that does not suffice to supersede the trial court's credibility determination. Pp. 4–8.

365 F. 3d 667, reversed and remanded.

Kennedy, J., delivered the opinion for a unanimous Court. Breyer, J., filed a concurring opinion, in which Souter, J., joined.