

AFJ NOMINEE SNAPSHOT

LILES

BURKE

U.S. District Court for the Northern District of Alabama

INTRODUCTION LEGAL AND OTHER VIEWS

Liles Burke currently serves as an Associate Judge on the Alabama Court of Criminal Appeals. He was nominated on July 19, 2017 by President Trump for a seat on the U.S. District Court for the Northern District of Alabama. Alliance for Justice has prepared this brief fact sheet to highlight areas of Burke's record in which we believe greater scrutiny by the Senate is warranted. This snapshot report does not attempt to analyze the entirety of his record.

BIOGRAPHY

Burke received his B.A. in 1991 from the University of Alabama and his J.D. from the University of Alabama School of Law in 1994. After law school, he joined the firm of Burke and Beuoy (now known as Burke, Beuoy and Maze) in Arab, Alabama, where he was in private practice until 2006. During that time he also served as a Municipal Prosecutor and Municipal Attorney, and later as a Municipal Judge, for the City of Arab. In 2007 he became a Marshall County, Alabama, District Judge. In 2011, he was appointed by Governor Robert Bentley to the Alabama Court of Criminal Appeals to serve the remainder of Justice Kelli Wise's term, and in 2012 he was elected to a full six-year term on the court.

Burke has consistently voted to affirm the imposition of the death penalty, even in cases tainted by racial discrimination and cases involving defendants with intellectual disabilities.

- » In [*Lane v. State of Alabama*, 169 So. 3d 1076 \(Ala. Crim. App. 2014\)](#), he rejected arguments that the defendant had intellectual disabilities, despite an IQ of only 70. This holding was vacated by the U.S. Supreme Court; however, when the case was remanded back to the state of Alabama, Burke again affirmed the death penalty.
- » In *Lane*, Burke also ruled that rap lyrics written by the defendant could be used against him. He noted, "the fact that Lane wrote such lyrics makes it more likely, though not certain, that he held such violent behavior in high esteem. The fact that Lane valued that type of behavior is probative of both his motive and intent in shooting Wright and stealing his vehicle." As the dissent noted, the rap lyrics were written years before the crime and had no value as proof of motive in the

case.

- » In [Floyd v. State, 190 So. 3d 987 \(Ala. Crim. App. 2013\)](#), the defendant, who was on death row, argued his rights were challenged by the decision of the prosecutor in his case to strike 10 out of 11 African-American potential jurors as well as 12 out of 18 women in the potential juror pool, violating *Batson v. Kentucky*. Despite the prosecutor's actions, Burke affirmed the imposition of the death penalty, which was affirmed by the Alabama Supreme Court, but reversed by the U.S. Supreme Court. When the case was remanded back to Alabama, the Alabama Supreme Court reinstated the death penalty against Floyd.

Burke has ruled that pregnant women may be prosecuted for harm done to their fetuses if they take illegal drugs during pregnancy.

- » In [Ankrom v. State, 152 So. 3d 373 \(Ala. Crim. App. 2011\)](#), he held that the word "child" in Alabama's child endangerment statute applies to the unborn. His ruling raises questions about whether he will properly apply Supreme Court jurisprudence regarding reproductive rights.

Burke keeps a portrait of Confederate President Jefferson Davis hanging in his office.

- » This is a choice that communicates hostility to communities of color and raises questions about Burke's commitment to civil rights and his ability to be an impartial jurist for all who come before him.

CONCLUSION

Alliance for Justice urges senators and the nominee to address the aforementioned issues at his confirmation hearing.