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For more information contact:

Gretchen M. Engel, gretchen@cdpl.org, (919) 682-3983

Judge finds Johnston County’s death sentences poisoned by racism
Ruling in the case of Hasson Bacote has implications for others on death row

SMITHFIELD, NC -- Today, a Johnston County judge found that race played a key role in the death penalty trial of Hasson Bacote, influencing both the makeup of his jury and the decision to sentence a Black man to death. Superior Court Judge Wayland Sermons also found that racial discrimination extends beyond Bacote’s case, poisoning all death sentences in Johnston County and the prosecutorial district that also includes Harnett and Lee Counties. (Order attached.)

The decision was the result of a [two-week hearing](#) in early 2024 under North Carolina’s Racial Justice Act, which included detailed testimony from statisticians, social scientists, historians, and legal scholars.

“We are grateful that Judge Sermons carefully weighed the evidence and found that the administration of the death penalty in Johnston County remains deeply entangled with racism,” said Gretchen M. Engel, executive director of the Center for Death Penalty Litigation, which along with the ACLU and the NAACP’s Legal Defense Fund brought forward Mr. Bacote’s Racial Justice Act claim. “This decision is a damning indictment of the death penalty, and should serve as a call for every North Carolina death sentence to be reexamined. North Carolina must never carry out another execution tainted by racial discrimination.”

The ruling comes on the heels of Gov. Roy Cooper’s historic grant of clemency to 15 people on death row, including Mr. Bacote. Judge Sermons’ decision will not affect Mr. Bacote’s sentence because he has already been resentenced to life without parole. However, the ruling has significance for the 121 people remaining on North Carolina’s death row because it makes findings that go far beyond Mr. Bacote’s case.

“I am deeply grateful to my family, my lawyers, the experts, and to everyone who fought for justice—not just in my case, but for so many others,” Mr. Bacote said in a statement made through his attorneys. “When my death sentence was commuted by Governor Cooper, I felt enormous relief that the burden of the death penalty — and all of the stress and anxiety that go with it — were lifted off my shoulders. I am grateful to the court for having the courage to recognize that racial bias affected my case and so many others.”

Among the evidence Sermons cited in his order were statistical studies proving race discrimination in jury selection. The judge also considered prosecutors’ racist notes and disparate treatment of white and Black potential jurors, as well as evidence about the history of discrimination in Johnston County and statewide. All of this evidence showed Black people were disproportionately denied a voice in the justice system and, in front of majority white juries, prosecutors often felt free to invoke racist tropes and slurs.

In Mr. Bacote’s case, prosecutor Greg Butler struck prospective Black jurors at more than three times the rate of white potential jurors and referred to Mr. Bacote as a “thug” during the trial. In other cases he prosecuted, Mr. Butler referred to Black defendants with terms including “piece of trash” and “predators of the African plain.” It is no coincidence that all eight of the Black men tried capitally in Johnston county under modern death penalty laws have been sentenced to death. By comparison, only about half of white defendants in the county received death sentences.

Engel said she regretted that Gov. Cooper did not have the benefit of Judge Sermons’ order when weighing clemency for those on death row, including four other men sentenced in Johnston County.

“Judge Sermons was very clear in his ruling,” Engel said. “The evidence of racism in the death penalty is simply too egregious to deny, and it extends far beyond any one case. It’s now up to our new governor and attorney general to take action to remedy the systemic racism of the death penalty.”

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The Center for Death Penalty Litigation (cdpl.org) is North Carolina’s premier nonprofit law firm representing people facing the death penalty and other extreme sentences.