

# Closing Arguments Conclude in Landmark Lawsuit that Could Affect More than 100 People on North Carolina's Death Row

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RALEIGH, N.C. – Attorneys delivered closing arguments today in *North Carolina v. Hasson Bacote*, a landmark case filed under North Carolina's Racial Justice Act that could affect more than 100 people on the state's death row. Hasson Bacote, a Black man sentenced to death in 2009, first filed a lawsuit in 2010 challenging his sentence on the grounds that race played an impermissible role in jury selection in his case, and in all death penalty cases across North Carolina. Bacote is represented by the ACLU Capital Punishment Project, the ACLU of North Carolina, the Legal Defense Fund, the Center for Death Penalty Litigation, and attorney Jay Ferguson.

“This fight for justice has been 15 years in the making,” **said Cassandra Stubbs, director of the ACLU's Capital Punishment Project.** “The outcome of this case will not just determine if Hasson Bacote's life is spared, but if North Carolina will continue to condone systemic racial injustice in its courts and criminal legal system. We hope to finally turn the page on that shameful chapter in history and ensure a new era of justice.”

The North Carolina Racial Justice Act (RJA) was a novel piece of legislation passed in 2009 that allowed people to challenge their death sentences if they could show race played a role in their trials. Those who prove racism stand to be resentenced to life without parole. Though the state legislature repealed the statute in 2013, the legal team brought a challenge in the North Carolina Supreme Court, which ruled in 2020 that those who had already filed claims under the RJA were entitled to hearings. Bacote's is now the leading RJA case and its outcome could affect the cases of everyone else on death row.

“The evidence of racism could not be more stark,” **said Gretchen M. Engel, executive director of the Center for Death Penalty Litigation.** “Black citizens have been denied their right to a voice in the jury box and prosecutors have referred to

Black defendants as ‘thugs’ and ‘predators of the African plain.’ When the punishment is as severe and final as the death penalty, we cannot tolerate discrimination in the system.”

Hasson Bacote’s hearing began earlier this year on February 26 and lasted two weeks, resuming today for closing arguments. Prominent historians, statisticians, and other researchers who gave expert testimony, put forth an unprecedented showing of discrimination by prosecutors in jury selections across North Carolina, as well as by juries in Johnson County against Black defendants. Bacote’s attorneys also presented evidence linking modern death sentences to the state’s history of racial terror and violence. Superior Court Judge Wayland J. Sermons, Jr. presided over the hearing.

“The lives of over one hundred people on death row in North Carolina could be determined by this case,” said **Ashley Burrell, senior counsel at the Legal Defense Fund**. “This is a historic opportunity to address a long, sordid history of systemic racism that has infected the criminal legal system broadly and the death penalty specifically. We are hopeful that the court will rule in the interests of justice.”

Learn more about *North Carolina v. Bacote* and the Racial Justice Act [here](#).

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