

# **Petitioner in Landmark Racial Justice Case in North Carolina Receives Commutation of Death Sentence from Gov. Roy Cooper**

*Hasson Bacote is one of 15 people on North Carolina's death row who had their sentences commuted by the Governor.*

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CONTACT:

Troi Barnes, [media@naacpldf.org](mailto:media@naacpldf.org)

Emily Berkowitz, [eberkowitz@aclu.org](mailto:eberkowitz@aclu.org)

RALEIGH, NC – The American Civil Liberties Union, the Legal Defense Fund, the Center for Death Penalty Litigation, and attorney Jay Ferguson praised North Carolina Gov. Roy Cooper for commuting the death sentences of 15 people, including Hasson Bacote, who brought the lead case challenging the death penalty under North Carolina's Racial Justice Act (RJA). Today's commutations, the first of this scale in North Carolina, are a step towards addressing the harms and racial disparities of the death penalty in North Carolina, which has the fifth largest death row in the country.

Hasson Bacote, a Black man sentenced to death in 2009, first filed litigation 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.

"We are thrilled for Mr. Bacote and the other 15 people on death row who had their sentences commuted by Governor Cooper today," said **Cassandra Stubbs, director of the ACLU's Capital Punishment Project**. "This decision is a historic step towards ending the death penalty in North Carolina, but the fight for justice does not end here. We remain hopeful that the court will issue a ruling under the state's Racial Justice Act in Mr. Bacote's case that we can leverage for relief for the many others that still remain on death row."

The 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. Though the state legislature repealed the statute in 2013, the legal team brought a challenge in the North Carolina Supreme Court, which ruled in 2020 that those who had already filed claims under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.

"The RJA hearing demonstrated that racial bias infiltrates all death penalty cases in North Carolina, not just Mr. Bacote's and those in Johnston County," said **Ashley Burrell, senior**

**counsel at the Legal Defense Fund.** “Today’s decision is one step closer towards redressing the death penalty’s long history of racialized, systemic violence.”

During the hearings in Hasson Bacote’s case, prominent historians, statisticians, and other researchers who gave expert testimony, put forth an unprecedented showing of discrimination against Black defendants by prosecutors in jury selections across North Carolina, as well as by juries in Johnston County. 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.

“Mr. Bacote brought forth unequivocal evidence, unlike any that’s ever been presented in a North Carolina courtroom, that the death penalty is racist,” said **Shelagh Kenney, deputy director of the Center for Death Penalty Litigation.** “Through years of investigation and the examination of thousands of pages of documents, his case revealed a deep entanglement between the death penalty and North Carolina’s history of segregation and racial terror. We are happy Mr. Bacote got the relief he deserves, and we hope Governor Cooper’s action will be a step toward ending North Carolina’s racist and error-prone death penalty for good.”

The judge has yet to rule in Bacote’s case, which has the potential to affect the cases of everyone else on death row. Although Bacote has now been awarded relief from death row by the governor, counsel expect that the judge will still issue a ruling because of the widespread public interest in the case and the relevance of the evidence for death row prisoners statewide. Bacote is represented by the American Civil Liberties Union's Capital Punishment Project, the ACLU of North Carolina, the Legal Defense Fund, the Center for Death Penalty Litigation, and Durham attorney Jay H. Ferguson.

**More on North Carolina’s Racial Justice Act:**

- [Closing Arguments Conclude in Landmark Lawsuit that Could Affect More than 100 People on North Carolina’s Death Row](#)
- [Challenging the Racist Death Penalty in North Carolina](#)
- [North Carolina v. Bacote and Racial Justice Act FAQ](#)

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