



## **Death Row Profile: Kenneth Rouse**

*By CDPL Staff*

*North Carolina still imprisons about 140 people on death row, even though its last execution was carried out in 2006. This is the second in a series of case profiles, illuminating the ways that modern death penalty cases still bear the hallmarks of North Carolina's racist legacy.*

Kenneth Rouse's trial had the appearance of fairness. It was conducted in open court, in front of a judge and jury, and Rouse had two court-appointed attorneys defending him. But one need only scratch the surface to see that the "fairness" afforded this black man accused of the most racially charged of crimes — the alleged attempted rape and killing of a white woman — was illusory.

Rouse was tried in Randolph County in 1992 for the killing of Hazel Broadway, a 63-year-old white woman who was working a night shift in a convenience store. As the trial began, the prosecutor used his peremptory strikes to remove every Black citizen from the jury, leaving an all-white panel to decide Rouse's fate during a period when North Carolina had one of the nation's highest death sentencing rates.

This all-white jury was no anomaly. Rouse is one of at least five people sent to death row by all-white Randolph juries. In addition to keeping its juries nearly as white as in the days of Jim Crow, Randolph also uses the death penalty exclusively to punish crimes against white victims. Every one of the eleven death sentences that Randolph juries have handed down since the 1980s is for the killing of a white person.

For Rouse, the situation was especially dire. One of his jurors was Joseph Baynard, an older white man who told the prosecutor that neither he nor his close family members had been victims of violent crime. However, a few years after Baynard helped send Rouse to death row, he admitted to a law student who was investigating the case that, years before Rouse's trial, his mother was raped and murdered.

Baynard brazenly declared in a sworn affidavit that he concealed his mother's murder because he was eager to serve on the jury. He added to the affidavit in his own handwriting the admission that "bigotry" was a key factor in his decision to vote for death. He said he strongly supported the death penalty as a way to rid society of defective people, and that Rouse was "one step above a moron." He also told the student that "n[-----]s," as he called them, "did not care as much about living as white people" and raped white women so they could brag to their friends.

Baynard and the rest of the jury accepted the prosecutor's portrayal of Rouse as someone who plotted and killed with "no remorse, no conscience — just cool, cold, calculated." In reality, Rouse was a deeply troubled 28-year-old man.

Rouse has suffered from learning disabilities since early childhood and scored as low as 59 on an IQ test. He failed out of school and began drinking heavily and using drugs in adolescence; he became a full-fledged addict while still a teenager.

He made his first suicide attempt at 20 and was frequently confined in mental hospitals as he overdosed on pills and slashed himself with knives. Until Broadway's killing, Rouse had no history of violence except against himself.

At his trial, after his mother testified to his intellectual disabilities and his father's abuse, he once again attempted suicide. Left alone in a room during a break, he smashed his hands through a window and tried to slash his wrists. The trial continued with no evaluation of whether Rouse was competent.

No doubt, racism made it easier for the all-white jury to see Rouse as a caricature of a black criminal preying on white women, rather than as a damaged person unable to comprehend his own actions.

And what of juror Baynard's admission that bigotry led him to vote for Rouse's execution? Unfortunately, Rouse's attorneys missed a key deadline. Because they filed Rouse's appeal **one day late**, the federal courts have never considered evidence that Rouse's death sentence was the result of racism.

Rouse remains on death row today.