



## **Death Row Profile: Ryan Garcell**

*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 fourth in a series of case profiles illuminating the ways that modern death penalty cases still bear the hallmarks of North Carolina's racist legacy.*

The U.S. prison system is a multi-billion-dollar monument to the idea that people can — and should — be thrown away. Rather than investing in children and communities, we spend lavishly on a system designed to cage people after their lives have unraveled. The death penalty is the ultimate expression of these ineffective and cruel priorities.

Ryan Garcell, the son of a Cuban immigrant father and a mother of Puerto Rican descent, is an example of this merciless approach to “justice.” Ryan was just 18 years old in 2004, when he and four other young people killed a white woman, Margaret Bennick, during a robbery in Rutherford County. The crime reflected the extreme immaturity of the defendants: among the items they stole from Ms. Bennick’s house were frozen pizzas and a video game console. They used her money to pay for new tattoos.

Experts recognize that the human brain does not fully develop until we reach our mid-20’s. For this reason, children under eighteen cannot be sentenced to death; even an automatic life sentence is unconstitutional for this age group. Ryan was only five months past his eighteenth birthday.

Prosecutors offered favorable plea bargains to his co-defendants. Even though Kaylee Proctor, Ryan’s 17-year-old white girlfriend, chose the victim and planned the crime, she was allowed to plead guilty to second-degree murder and is scheduled for release in 2029.

For Ryan, however, prosecutors sought a death sentence. A study found that, in Rutherford County between 1990 and 2009, prosecutors sought the death penalty in every single case in which a defendant of color was accused of killing a white victim. By contrast, prosecutors held capital trials in only 6 percent of other cases.

This culture of discrimination extended to his trial. The lead prosecutor had a history of race discrimination in jury selection. In another case, this same prosecutor sat by while his co-prosecutor interrogated a potential Black juror about the fact that she was a single mother; the questioning was so blatantly racist that the judge stepped in to stop the harassment.

At Ryan's trial, the Rutherford DA's office continued its pattern of whitewashing the jury, with the prosecutor supposedly striking one Black juror because "it was apparent that she did not want to be on the jury," while accepting several white jurors who expressed similar, and unsurprising, reluctance to extended jury service.

In predominantly white Rutherford County, only one Latinx resident was called for jury service. In the end, Ryan was judged by eleven white jurors and one Black juror. After the trial, one of the white jurors admitted to an investigator that she "had never seen so many Mexicans, Puerto Ricans and Cubans before in her life" as she did during Ryan's trial and that she felt scared of all the "Hispanics milling around." But, she laughed, at least most "Hispanics are better than Blacks" because they "don't cause trouble."

It is not surprising that a prosecution that originated in racial bias and a jury selected through racial bias would produce a jury unable to see Ryan Garcell as the complex human being and teenager he was, capable of growth and change and deserving of a life sentence. That jury sentenced him to death, and another child of color's life was thrown away.