



## **Death Row Profile: Tilmon Golphin**

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

After the U.S. Supreme Court rescuscitated the death penalty in the 1970s, North Carolina revved up its machinery of death. Like an engine heating up, its momentum slowly grew, and by the end of the 1980s, the state was gripped by a new fervor for “law and order” and extreme punishments. Juries began sentencing people to die at rates that outpaced almost every other state in the nation. Under this so-called “modern” system, even children were not safe from death sentences.

It was at the peak of this era — in 1998 — that two brothers, Tilmon and Kevin Golphin, came to trial under the worst possible circumstances. They were Black teenagers accused of killing two white law enforcement officers during a traffic stop in Fayetteville. Tilmon was 19 and Kevin just 17 when the crime occurred, yet under the law at the time, both faced the death penalty. Amid public outrage, they were rushed to trial just five months after the crime — one of the speediest trials in the history of North Carolina's modern death penalty.

The shooting happened in Fayetteville, but because of a media frenzy, the jury was selected from another county. The judge chose Johnston, a heavily white, conservative county that for many years welcomed visitors with a sign advertising it as the home of the Ku Klux Klan. Johnston had one of North Carolina's highest death sentencing rates. Even today, Johnston has one of the state's largest death row populations and hosts a Sons of Confederate Veterans billboard urging residents to “Save Your Family History! JOIN TODAY!”

During jury selection, a Black member of the jury pool overheard two white members saying that the Golphin brothers “never should have made it out of the woods” where they were arrested. In other words, they believed that two black teens should have been lynched without a trial.

The Black juror reported this comment to the court. Yet, the judge made no attempt to identify or remove the white jurors. Instead, the prosecutor aggressively questioned the Black man about why he reported the incident, then struck him from the jury in part because he called out the racism of two white jurors.

The same prosecutor questioned potential Black jurors about whether they listened to Bob Marley or were familiar with Ethiopian emperor Haile Selassie, apparently worrying they might sympathize with Black defendants who practiced Rastafarianism. He did not ask similar questions of white jurors.

In the end, a jury of eleven whites and one Black woman decided the Golphins' fate. The white jurors who made racist comments were never identified, so it is possible they were on the jury.

That night in September 1997, Kevin was driving. Lowry pulled him over for not wearing a seatbelt. Lowry was part of a Highway Patrol team with a record of targeting Black drivers and aggressively pursuing suspects. When Lowry called in the license plate, he discovered Kevin was driving a car that had been stolen in an armed robbery earlier that day. Lowry called for backup, and the stop turned violent.

The trooper drew his gun, shoved Kevin against a car and, when he resisted, threw him to the ground and pepper sprayed him. Tilmon heard his brother say, "I can't breathe." Tilmon grabbed a shotgun and fired at Lowry and Hathcock. Once Kevin was free, he also shot the officers, killing both. The brothers fled in the stolen car. Shortly after his arrest, Tilmon told police he felt "scared ... like a rabbit being trapped."

One can never condone murder. But cell phone videos of the past decade have made irrefutable the brutality that police have deployed for centuries against Black people. Against this backdrop, it's possible to understand why two young Black men would respond with fear and force when cornered by aggressive white police officers.

Yet, in front of the nearly all-white trial jury, the prosecutor painted a different picture. He portrayed Rastafarianism as a white-hating cult. He described two teenagers who had suffered the ravages of racism all their lives as propelled by "racial hate," positing that they killed the officers not because they felt threatened, but because they hated white people. Both were quickly sentenced to death.

After the trial, elected Cumberland County District Attorney Ed Grannis told reporters: "There won't be any closure for me until those sons of bitches are dead... I hope they die a slow and painful death." He made no similar statements the year before, when he prosecuted James Burmeister and Malcolm Wright, two former paratroopers who murdered an African American couple while they were out for a walk. The murders allowed Burmeister to earn his spider web tattoo, signifying to other neo-Nazis that he, like Wright, had killed a Black or LGBT person. In separate trials, juries declined to sentence Burmeister and Wright to death; instead, they received life without parole.

Kevin Golphin later received a life without parole sentence after the law changed to prohibit the death penalty for children under 18.

In 2012, a judge found that racial discrimination had illegally infected the jury selection at Tilmon's trial and he was granted a life without parole sentence under the Racial Justice Act. The law was intended to ensure that race is not a factor in death sentences.

But Tilmon's victory was overturned by the state supreme court after the legislature, with the vocal support of the same prosecutors who have systematically excluded Black citizens from juries, repealed the Racial Justice Act.

Tilmon continued to challenge the racism that pervaded his trial and, on September 25, 2020, nearly eight years after proving his death sentence was tainted by race discrimination, the NC Supreme Court vacated his death sentence and ordered he be resentenced to life.