

**North Carolina
Black Leadership Caucus**



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Protecting, Promoting, and Pursuing African American Interests Since 1976

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www.ncblconline.org

ncblc@ncblconline.org

www.ncblconline.org/membership/

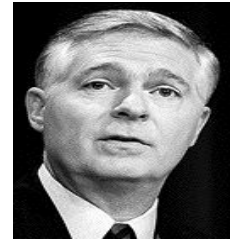
Questions of the Month

- **If capital punishment could cure crime, then can charity cure poverty?**
- **What white man in America would accept an all black jury as a jury of his peers?**
- **Who said, "Thou shall not kill"?**
- **Should NC execute the mentally ill?**
- **After deinstitutionalization, has "prison" become NC's treatment for the mentally ill?**



LeGrande

Killing Justice: Guy LeGrande A North Carolina Tragedy



Easley

BY N. CARNELL ROBINSON

Governor Michael F. Easley, a former prosecutor, now faces one of the most difficult decisions of his political career. It is a matter of fairness. It is a matter of life and death. A mentally ill man, Guy Tobias LeGrande is scheduled to be executed in North Carolina on December 1, 2006 for the 1993 murder of Ellen Munford.

The North Carolina Black Leadership Caucus, Julian Bond and Reverend William Barber of the NAACP, People of Faith, Mark Urban, bishops, pastors and others from across North Carolina have asked Governor Easley to grant clemency to Mr. LeGrande. They believe that the facts indicate that LeGrande, who defended himself, received inadequate representation in a capital case because of his mental illness. They also believe that racial bias and an all white jury were major factors in LeGrande's death sentence.

Mr. LeGrande was allowed to represent himself even though he believed that Oprah Winfrey and Dan Rather were speaking to him personally through television sets. He wore a superman shirt to court and believed he would get lots of money from the state after his acquittal.

The Facts: Tommy Munford sought someone to kill his estranged wife, Ellen, in 1993 for insurance money.

Munford asked Greg Laton to kill his wife. Laton declined but, knowingly, provided the gun used to kill Ellen Munford.

Munford recruited Guy LeGrande to do the murder for \$6,500.

Munford drove LeGrande to the murder scene, picked up his children for a beach trip and signaled LeGrande that the coast was clear to proceed with the plan (Munford's Plan).

Ellen Munford was shot twice in the back. There were no witnesses.

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Killing Justice Cont'd from page 1

The Trial: Tommy Munford, the “white” mastermind, was allowed to plead guilty to second degree murder. After testifying against LeGrande, Munford received a life sentence and will be eligible for parole next year.

Greg Laton, who provided the gun and knew Munford planned to kill his wife, has not been charged with conspiracy or anything else.

Ken Honeycutt, who built a reputation convicting people of color using all white juries, prosecuted the case. Honeycutt had gained notoriety for wearing a gold lapel pin shaped like a noose.

LeGrande was allowed to represent himself and was tried by an all white jury.

The trial judge failed to hold a legitimate competency hearing in the LeGrande case. When back up attorneys presented a motion questioning LeGrande’s competency, the judge asked LeGrande if the motion should be heard.

During the trial, LeGrande taunted the jury calling them the “Antichrists”. After being convicted, LeGrande said, “Hell ain’t deep enough for you people”. And later, “All you so-called good folks can kiss my natural black ass in the showroom of Helig Meyers”.

The Sentence: Forty-five minutes later the jury sentenced LeGrande to death.

The Questions: Will North Carolina execute a mentally ill black man who was allowed to represent himself at trial?

Is it fair to kill Guy LeGrande when the white mastermind of the murder was sentenced to life and will be eligible for parole next year?

Join Us: Ask Governor Easley to grant clemency because the LeGrande conviction is reprehensible and mocks not only our system of justice, but our humanity and our moral integrity.

Mental illness in black face

Condemned man's trial tainted by racism, overzealous prosecutors

JULIAN BOND

Special to the Charlotte Observer

Convinced he was receiving signals from Oprah Winfrey and Dan Rather through his television, Guy Tobias LeGrande fired his attorneys and, wearing a Superman T-shirt, represented himself in the trial for his life. The State of North Carolina plans to execute LeGrande Dec. 1.

It is now universally acknowledged that capital defendants are entitled to competent defense lawyers. Why did North Carolina allow this seriously mentally ill man to represent himself?

In the last few years, the U.S. Supreme Court has decided that some offenders -- juveniles and those with mental retardation -- are less morally culpable, and for that reason should not be subjected to the death penalty.

Last August, the American Bar Association, in concert with the American Psychiatric and Psychological Associations, formally recommended that people with serious mental illness should not be eligible for execution if the illness prevents them from "exercis[ing] rational judgment in relation to conduct." Under that standard, LeGrande should not be executed.

Unfair from the start

LeGrande's case is the appalling story of zealous prosecutors exploiting a mentally ill man. Although I have seen progress in race relations in my lifetime, it is an undeniable fact that racism continues to play an insidious role in our criminal justice system.

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Munford told the white man with whom he had planned the murder and who provided the murder weapon that he had found a "n----- from Wadesboro" to kill his wife. As a result of decisions by the prosecutors, this "n----- from Wadesboro" was the only person to face the death penalty for the murder.

Prosecutors freely acknowledged that Munford was the mastermind and driving force behind the murder. Nevertheless, they offered Munford an extraordinary deal for his testimony fingering LeGrande as the triggerman: Munford pled guilty to charges that leave him eligible for parole. The other white accomplice and co-conspirator was not even charged.

Outrageous statements

LeGrande's trial was farcical. Before trial, a psychiatrist at a state mental facility interviewed LeGrande and found that he had "narcissistic, grandiose, and hypomanic traits" and prescribed anti-psychotic medication, which LeGrande refused to take. Fueled by his mental illness, LeGrande made outrageous statements to the prosecutor and others, claiming among other things that celebrities were sending him messages over the television, his case was receiving national attention (it wasn't), that he was innocent and entitled to a large sum of money from the state, and that the FBI was taking his calls.

LeGrande was prosecuted by a district attorney's office with a sordid history of race discrimination. The prosecutor gained notoriety for wearing in court a gold lapel pin shaped like a noose. In an effort to "boost morale," the prosecutor awarded nooses to assistant district attorneys who won death penalty

cases. In LeGrande's case, the prosecutor used a rope metaphor throughout his opening statement, obviously referring to a noose. The prosecutor selected an all-white jury.

As the trial progressed, LeGrande became increasingly agitated. The judge suggested LeGrande try to calm himself. During the crucial penalty phase of the trial, LeGrande's incoherent ramblings reached a pinnacle when he goaded the all-white jury to "Pull the damn switch and shake that groove thing." The jury sentenced him to death after only 45 minutes of deliberation.

Commute sentence to life

The issues of mental illness and race that plague this case cannot be separated. The sad fact is that for many white Americans, mental illness is even scarier when it appears in black face. I am convinced that LeGrande was condemned to death in part because his all-white jury could not muster any empathy for this mentally ill black man who had killed a white woman in their community.

LeGrande should be punished for his role in the death of Ellen Munford. But human decency compels us to acknowledge the central role that his mental illness, entangled with racial prejudice and fear, played in both the crime and the punishment. Gov. Mike Easley has a tremendous opportunity to address an obvious injustice. He can right this wrong by commuting LeGrande's sentence to life in prison.

Julian Bond is board chairman of the NAACP, 4805 Mt. Hope Drive, Baltimore, MD 21215.

Panel proposed to decide on death penalties

By Lynn Bonner of the News and Observer

A Raleigh defense lawyer told legislators Tuesday that they should consider taking decisions about which murder suspects face the death penalty away from district attorneys.

Joseph B. Cheshire V proposed having the state establish a panel to determine before trial whether a defendant should face the death penalty if convicted.

The suggestion interested legislators on a House committee studying how North Carolina carries out capital punishment. Cheshire said such a panel would help take political considerations out of murder cases.

Rep. Paul Luebke, a Durham Democrat, said a disproportionate number of death row inmates come from a small group of counties, while 39 counties have no one on death row.

"A person's chances of being sent to death row seem to depend on the district where the crime was committed," he said.

Peg Dorer, director of the N.C. Conference of District Attorneys, criticized Cheshire's suggestion, saying it would reduce prosecutors' discretion.

"They don't believe their current discretion is inadequate or inappropriate," she said.

The committee started meeting about a year ago after the House failed to pass a two-year moratorium on the death penalty.

Cheshire said the system has improved in recent years. The Office of Indigent Defense Services, which started appointing and paying lawyers for poor criminal defendants in 2001, eliminated incompetent or inexperienced lawyers from defending murder suspects, he said. Another help was a 2004 law requiring prosecutors and criminal defense lawyers to share information, he said.

The law was mainly a response to cases in which prosecutors or police investigators withheld information favorable to the defendant.

The most noteworthy case was that of former death row inmate Alan Gell of Bertie County. Gell had been convicted of murder in 1998 after prosecutors withheld numerous witness statements casting doubt on his guilt. He was acquitted on retrial in 2004.

Misconduct is rare, DA says

Tom Lock, district attorney for Johnston, Harnett and Lee counties, told legislators that misconduct by prosecutors is rare but that sometimes they make mistakes.

"There is no epidemic of prosecutorial misconduct," he said.

James E. Coleman, a Duke law professor who is representing death row inmate Guy LeGrande, said the prosecutor abused his discretion in LeGrande's case. Attorneys for LeGrande, who defended himself at his trial, say he is mentally ill. LeGrande's execution is scheduled for Dec. 1.

Prosecutors say LeGrande is not mentally ill.

In 1993, Tommy Munford recruited LeGrande, who is black, to murder his wife. Munford, who is white, testified against LeGrande and was allowed to plead guilty to second-degree murder. He was sentenced to life in prison.

Coleman said that prosecutors in Stanly County decided on the plea agreement with Munford because, based on the results of a similar murder-for-hire case from 1994, they did not think a jury would sentence a white defendant to death.

Prosecutors decided to seek the death penalty against the person the jury was most likely to sentence to death, Coleman said.

Michael Parker, district attorney from the district that includes Stanly County, said that race had nothing to do with the trial's results. Parker did not prosecute LeGrande but supports the death sentence for LeGrande.

Staff writer Lynn Bonner can be reached at 829-4821 or lbonner@newsobserver.com.