AGE AND THE LAW

Under North Carolina law, 16-year-olds are treated as adults if they commit a crime, but minors if they are victims of one. In some cases, they can be charged with victimizing themselves.

YOUTH CRIME; ADULT TIME

By Paul Woolerton
Staff writer

North Carolina’s political leaders refuse to decide whether a 16-year-old is a child or an adult and they are unlikely to make a decision until 2017 at the soonest.

Until they do, North Carolina teens age 16 and 17 are caught in a strange zone between adulthood and childhood. They are adults when they commit crimes, but, because they are younger than 18, they are children when they are the victims of crimes and for most other aspects of life.

The teens’ in-between status recently drew national attention when it came to light that the Cumberland County Sheriff’s Office in February charged a 16-year-old of being an adult maker of child pornography for making a nude photo of herself with her cellphone last year.

The teen faced two felony charges and would have had to register as a sex offender if convicted of them. These were later dropped in a plea bargain to a misdemeanor charge in July.

Her boyfriend, also 16 at the

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WHEN IS A TEEN AN ADULT?

States are not consistent in the age at which they consider a teen an adult for criminal charges. In most states, only those 18 and over are charged as adults for most crimes. Some states begin charging teens as adults, rather than juveniles, at age 17.

North Carolina and New York are the only states that treat 16-year-olds as adults for criminal prosecutions in all cases.
time, faced felony charges for sexually explicit pictures he made of himself and for having the picture she made. The boyfriend also made a plea bargain with the District Attorney’s Office to avoid a felony conviction.

In another case, the lawmakers’ indecision on the age of majority forced the Cumberland County jail to keep a 16-year-old locked up for more than two weeks this past spring while she waited for her trial date. That teen was accused of misdemeanor charge of threatening someone.

If the teen had been 18, the jail would have let her go free while she waited for her court date. Sheriff’s Office attorney Ronnie Mitchell said. An 18-year-old can sign a document — a contractually binding promise — saying that she will attend her court date.

But because the teen was younger than 18, the law says she was a minor, a girl too young to sign a legally binding promise. The girl couldn’t get out jail without an adult guardian signing for her. Her guardian, the Wake County Department of Social Services, refused, her lawyer said at the time.

As of Thursday morning, 16 teen age 16 or 17 were being held at the Cumberland County jail. They are kept segregated from inmates age 18 and older. Mitchell said. On Friday in the state’s prisons, 12 were age 16, and 60 were age 17.

An unknown number of inmates age 16 and older are incarcerated in the cases they committed when they were younger than 16.

In the 2014-15 fiscal year, about 3 percent of the state’s 18 million adult criminal arrest cases involved teens age 17 or younger, or 56,141, according to data provided by the N.C. Administrative Office of the Courts.

“IT’s an antiquated law that only two states still use,” said state Rep. Mark Hatfield Avila, a Raleigh Republican who has been trying for years to pass legislation to put 16- and 17-year-olds into the juvenile justice system instead of adult courts.

Avila said.

“Forty-eight other states have paid attention to studies of brain development and evidence-based programs, proving that intervention and rehabilitation work better than incarceration,” Avila said.

Only North Carolina and New York treat all teens age 16 and older as adults when they commit crimes. Most of the rest of the country sets the age for adult culpability at 18, according to data compiled by the National Conference of State Legislatures. Seven set a threshold at 17.

An effort to change the law in New York failed this year.

Juvenile advocates have been trying since the late 1880s to change North Carolina’s law, to “raise the age,” as their movement is now called, so that youth younger than 18 are automatically classified as minors by the criminal justice system.

They argue that teens naturally are prone to make bad decisions. Youth should have a chance to make mistakes, they say, without suffering a lifetime of punishment that an adult criminal record imposes on a person’s ability to go to college, join the military or get a job.

Avila faced stiff resistance from law enforcement and some lawmakers when she tried in 2013 and 2014 to pass a bill to change the law. Her legislation applied only to teens charged with misdemeanors; if it had passed, teens would still have gone to adult court for felony charges.

Cost is a factor.

Opponents such as state Rep. Jimmie Bales of Moore County argue, saying North Carolina would have to spend at least $50 million to expand the North Carolina juvenile justice system to take in the older teens. North Carolina can’t afford it, Bales said.

But Bales and other opponents also say an increased criminal age of majority would be a bad policy regardless of the monetary price.

“I just don’t think that a 16-year-old is that devoid of an understanding of right and wrong,” said state Rep. Larry G. Pittman when he argued against Avila’s legislation in May 2014.

“You do the crime, you pay the consequences,” said the Cabarrus Republican, a pastor from Concord.

Cost of expansion

Avila’s bill in 2014 passed the House but never got a hearing in the state Senate.

This year she filed a similar bill, again just for misdemeanor offenders. It never got a hearing in the House.

The critics who say it’s too expensive to expand the juvenile justice system aren’t looking at the full picture, Avila said. “It actually saves money in the long run,” she said.

Avila cited a report from 2011 that said young offenders in North Carolina would be less likely to commit further crimes if the system were changed.

plus they would be able to get better jobs and earn more money through their lifetimes without a criminal record to hinder them.

The matter is unlikely to be considered again by the legislature until the 2017 lawmaking session, Avila said. For the most part, major policy matters are considered in odd-numbered years at the General Assembly, while even-numbered years are mostly dedicated to state budgetary matters.

In the meantime, Avila said, she will continue to work with juvenile advocates; the schools, the prosecutors, law enforcement and others who have a stake in the issue.

Development, fairness

In Cumberland County, several people who see younger offenders routinely said the criminal threshold for adulthood should move to 18.

“I absolutely believe to 18,” Cumberland County Public Defender Bernard Condlin said. If youths age 16 and 17 are by law, too immature to enter into binding legal contracts, he said, then the law should not treat them as mature adults when they are charged with crimes.

State law already allows youth who are under 16 and charged with serious crimes to be moved into the adult court system.

Condlin said. He thinks that could and should continue if the juvenile court system expands to include defendants age 16 and 17.

“He definitely need to move the age,” said Shanna Hopkins at the Fayetteville Urban Ministry. At the attorney’s newly-conceived program, Hopkins tries to help teens straighten out after they get in trouble with the law.

“There’s been a plenty of studies proving that the brain isn’t developed yet, and so to charge someone — a 16-year-old — for a crime, that’s on their record forever, I don’t think that’s fair. It stops their life from happening, before it even starts,” Hopkins said. It has seen that with some of her clients.

Despite her efforts, after they turned 16, some committed more crimes and were charged as adults.

“If that happened to them, it was like a snowball effect,” Hopkins said. “They couldn’t find jobs. And so it forced them to basically turn to a life of crime to make ends meet.”

Cumberland County Sheriff Moose Butler said he doesn’t disagree with the idea of changing the age for juvenile justice, but he objects to the expense.

The state and counties will need additional housing for the young inmates, which costs more than adult housing, and additional courtroom facilities to process their cases, he said.

“The bottom line is: The cost, it’s going to be enormous,” he predicted.

“It’s going to take more people in the Sheriff’s Office, it’s going to take more places for them to stay — the facilities, you can’t put youth around those adults,” Butler said.

He wants to know who will pay for that.

The N.C. Sheriff’s Association opposes Avila’s legislation, not just because of the cost, said Carteret County Sheriff Ann B. Buck III, the group’s chairman.

“Many of these 16- and 17-year-olds have been committing crime for several years under the juvenile system and didn’t learn their lessons and continue to commit crimes once they get into the adult system,” Buck said. They need to face the adult courts.

Butler

Henry

He raised another concern: Adult criminals sometimes recruit youth younger than 16 for criminal activities because those teens face less severe legal risks in the juvenile justice system than the adult system.

If the age is raised from 16 to 18, Buck said, “that two more years of offenders that adults can use, to prey upon, to get them to do their dirty work for them.”

It’s unnecessary to raise the age, Buck said, because the court system has tools to help one-time offenders stay out of permanent criminal records.

The district attorney can offer deferred prosecutions to first-time offenders, he said. A deferred prosecution allows someone to be punished for an offense yet leave the court system without a conviction.

Further, the opportunity to have a criminal record expanded has been expanded in recent years by the legislature, Buck said.

“It seems like a lot of things are already in place to help people who make a mistake or two, and who then decide they want to straighten out and do right,” Buck said.

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CUMBERLAND COUNTY

Program to divert teens from adult court

By Paul Woolerton

Starting Thursday, teens ages 16 and 17 who get in trouble with the law in Cumberland County can avoid going to adult court for low-level offenses.

North Carolina’s criminal laws treat people ages 16 and 17 as adults instead of as juveniles, even though other laws in the Tar Heel state say teens are minors until they turn 18.

Starting Thursday, teens accused of misdemeanor crimes in Cumberland County can avoid adult court — and a lifetime criminal record — through a new Misdemeanor Diversion Program, county spokeswoman Sally Shutt said in a news release.

The program will be announced at a news conference Thursday at the Cumberland County Courthouse, Shutt said.

North Carolina and New York are the only two states that prosecute all 16- and 17-year-olds charged with criminal offenses in the adult system. Even when charges are dismissed, if the arrest and court records are not expunged, the incident and youth’s record of arrest follows him or her into adulthood.’

— Sally Shutt, county spokeswoman

Program

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“The diversion program is a collaborative effort between Cumberland County government, law enforcement, the District Attorney’s Office, public defender and court system officials,” Shutt said.

The news conference is to include Sheriff Moose Butler and Fayetteville Police Chief Harold Medlock.

When the Misdemeanor Diversion Program takes effect, 16- and 17-year-olds who are accused of most misdemeanor crimes won’t immediately be criminally charged or arrested, Shutt said.

Instead, “law enforcement officers in Cumberland County will issue the youth a referral with instructions to contact the Misdemeanor Diversion Program,” she said. “The teenager has 90 days to complete the program, which may include community service, classes, mentoring and other requirements.”

Those who fail to complete the program run the risk of getting arrested and prosecuted in criminal court as adults, she said.

The program has the following requirements, Shutt said:

■ The defendant must be age 16 or 17 at the time of the offense.
■ The defendant must have no adult criminal record.
■ The crime must be a misdemeanor offense. However, sex offenses, firearms offenses and traffic offenses are excluded.

Final discretion on whether the defendant may participate in the Misdemeanor Diversion Program lies with law enforcement officers and the District Attorney’s Office, Shutt said.

“North Carolina and New York are the only two states that prosecute all 16- and 17-year-olds charged with criminal offenses in the adult system,” Shutt said. “Even when charges are dismissed, if the arrest and court records are not expunged, the incident and youth’s record of arrest follows him or her into adulthood, creating significant impediments to employment, education and other areas.”

This policy has sometimes put youth in legal quandaries in Cumberland County.

For example, in 2015, a 16-year-old was put in jail as an adult when she was arrested on a misdemeanor charge of communicating a threat. But she was not allowed out on bail because the laws related to bail said she was a minor — too young and immature to sign the bail contract paperwork.

The teen was held in the Cumberland County Detention Center for 17 days, far longer than the potential punishment for her alleged crime, and released only when a judge intervened.

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DEATH PENALTY ON HOLD

North Carolina’s last execution was in August 2006. Death Row has 150 inmates, but none are likely to be executed for years. Here is why:

1. Execution Protocol

The procedures for carrying out the death penalty have been challenged in state and federal courts since January 2007. The issue remains unresolved.

The state’s death chamber.

2. The Racial Justice Act

The Racial Justice Act, enacted in 2009 to address racism in the use of the death penalty in the criminal justice system, has ongoing litigation even though the Act was repealed in 2013.

Death row inmate Quintel Augustine.

3. Prosecutorial discretion

Prior to July 1, 2001, the facts could mandate that prosecutors seek death sentences. The law was changed to let prosecutors choose when to seek death. Inmates sentenced under the old law say in court filings that it was unconstitutional.

Cumberland County District Attorney Billy West.

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Sources: Court records, North Carolina Center for Death Penalty Litigation

Staff and file photos
No end in sight for moratorium

By Paul Woolerton
Staff writer

Dixie Lowry Davis, whose husband was put to death on Interstate 85 in 1997, has no expectation that Timothy Golphin will be executed for the murder.

"No, I don’t really don’t," said Davis Wednesday. She thinks that Golphin, who was convicted of killing her husband, a state trooper, along with a deputy of North Carolina, is likely to die in prison of natural causes.

Criminal justice lawyers share Davis' assessment that it will be a long time before North Carolina carries out an execution again, if it ever happens.

North Carolina’s last execution was in August 2006 and its unofficial moratorium on the death penalty started in January 2007.

Legal challenges to the state’s capital punishment laws pending in state and federal courts have forced executions to grind to a halt. And most death row inmates filed claims under the now-repealed Racial Justice Act, which allowed them to claim discrimination in their sentencing.

These legal actions are keeping state's 150 condemned inmates away from the death chamber.

"Nobody is going to be executed as long as there is a motion pending in state or federal court that has not been heard," said Robeson County District Attorney Terry R. Johnson.

"Nobody can tell you how long it’s going to be, but I would expect, given all these different levels of litigation, it's probably going to be a while before we would have any executions," said retired University of North Carolina law professor Richard Rosen.

Defense lawyer Ken Rose with the North Carolina Center for Death Penalty Litigation said, "They’ve been so busy with the legal challenges that they haven’t even been able to file the death notices.

Bad protocol?

First, Rose said, are the continuing legal challenges to North Carolina’s execution protocols. These are in North Carolina and federal court.

THE RACIAL JUSTICE ACT CASES

MARCUS REED ROBINSON
Age: 43
Criminal: June 1991, robbery, death high school student Erik Tornelson.

CHRISTINA S. QUEEN WALTERS
Age: 36
Criminal: August 1998, a gang that kidnapped and murdered 15-year-old women, killing Tracy Rose Lambert and Susan Ray Moore.

TILMON C. DOLPHIN JR.
Age: 36
Criminal: September 1997, shot to death highway Patrol Trooper Ed Lowry and Cumberland County sheriff’s Deputy David Hathcock during a traffic stop.

QUENTIL M. AUGUSTINE
Age: 29

Fayetteville police Officer Roy Turner Jr.

The protocol questions triggered North Carolina’s execution hiatus in 2007, but the matters had been in court well before then.

The issues in 2007 included the role of a doctor in executions, whether the drugs used in executions by lethal injection were causing intense pain as they killed the inmates and whether North Carolina prison officials illegally modified the execution protocols by not first getting approval from the state’s top elected officials.

Over the years, the courts resolved some of the legal questions and North Carolina eliminated the use of the pain-causing drugs that were being challenged. Also, the legislature, upset that executions had been stopped for so long, changed death penalty laws to try to circumvent the legal challenges and resume carrying out death sentences.

The new laws fueled new legal motions by inmates.

"If the execution’s botched and the drug doesn’t kill the defendant in minutes, or even hours, what (are) the procedures that the state will use to revive the person — to prevent that person from just suffering without killing him?" — Ken Rose, a defense lawyer with the North Carolina Center for Death Penalty Litigation

"What is the current method of execution in North Carolina? What is the protocol?" asks Rose, who represents death row inmates. "...Where is the drug coming from? What is the drug?"

The Restoring Proper Justice Act of 2015, one of the laws aimed at restarting executions, has a provision to keep the company that produces the lethal drug a secret. Rose’s hope is that this will lead to a federal court nullifying the death penalty.

The rise of death row inmates filing claims under the now-repealed Racial Justice Act forced the state to halt executions for a time.

The law gave death row inmates a chance to have their sentences commuted to life in prison without parole. They had to prove to a judge that racial bias tainted their trials and led to receiving the death sentence.

The law was repealed in 2013 — and that repeal gave the inmates more legal fodder to postpone their execution dates.

The issue is whether the repeal unconstitutionally snatched away a vested right when it repealed the Racial Justice Act, Rose said.

Inmates, all defendants in Cumberland County homicides, had Racial Justice Act hearings.

In 2012, their sentences were commuted to life without parole, but the state Supreme Court said a procedural error by the judge tainted their hearings.

They have been sent back to death row and new hearings are scheduled.

The rest of the roughly 140 defendants who asked for Racial Justice Act hearings did not get them before the law was repealed.

Lawyers for the state argue that the law that did away with the Racial Justice Act prevents the inmates from pursuing the claims they filed before it was repealed.

"If the execution’s botched and the drug doesn’t kill the defendant in minutes, or even hours, what (are) the procedures that the state will use to revive the person — to prevent that person from just suffering without deprive people of that right," he said.

The four Racial Justice Act cases from Cumberland County are scheduled for a hearing Nov. 29 in Charlotte.

A judge is to hear arguments that day on the state’s motions to dismiss the cases.

Separately, the North Carolina Supreme Court has agreed to hear cases involving the death penalty.

The law change in 2001 gave prosecutors discretion freeing them to accept plea bargains that gave death row inmates their freedom and put those who were convicted of first-degree murder in prison for parole.

In the 1990s, North Carolina sometimes sentenced 20 to 30 people to death annually, according to a chart by the Death Penalty Information Center. In the past 10 years, juries have issued five or fewer death sentences per year, its chart says.

The old law that required prosecutors to seek the death penalty was unconstitutional, Rose argues.

Stress on families

Dixie Lowry Davis, Trooper Ed Lowry’s widow, thinks Tilmol Golphin and his brother, Kevin Golphin, should have been executed shortly after they were sentenced in 1998 for Lowry’s murder.

Now she worries whether she will be released from prison.

While Tilmol Golphin is on death row, Kevin Golphin, previously sentenced to death, is now serving life in prison and could become eligible for parole.

Kevin Golphin was 17 when he and Tilmol killed Lowry and Hathcock. The U.S. Supreme Court has ruled that defendants who were under 18 when they committed their crimes can’t be sentenced to death and may not be automatically sentenced to life in prison without parole.

"It’s been so long, we’re just all so frustrated," Davis said of her family. "We would like to see the end to it. But we don’t want it to be the case that they get out of jail. So we want them to stay right where they are."

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Racial Justice Act may have new use

Opponents of North Carolina’s Racial Justice Act of 2009 contend the anti-discrimination law was a back-door attempt to end the death penalty in North Carolina.

That was untrue, said lawmakers who pushed for the controversial law. The act gave death-row inmates a chance to convert their death sentences to life in prison without parole, if they could prove that racial bias in the court system influenced their trials.

But now, lawyer Ken Rose of the Center for Death Penalty Litigator says the Racial Justice Act can be used to try to overturn capital punishment here.

Rose told me this month the findings that Cumberland County’s retired Senior Resident Superior Court Judge Greg Weeks made in 2012 for

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Justice

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the state’s first four Racial Justice Act defendants show that North Carolina’s courts unfairly issued death sentences.

Weeks had reviewed a statistical analysis of jury selection in North Carolina’s capital trials. He concluded that prosecutors illegally considered the race of potential jurors when deciding which ones to strike from their cases — that prosecutors illegally prevented black citizens from serving on juries that would have to consider the death penalty.

This pattern was perhaps in light of a perception that black people are less likely to sentence someone to death than white people.

“I would say that the argument’s going to be made that there have been discriminatory use of strikes by prosecutors throughout the state so that race was a significant factor in the decisions to seek or impose the death penalty,” Rose said.

“Whether it’s intentional, unintentional, it happened. And as a result, race was a significant factor in the use of the death penalty in North Carolina.”

Weeks commuted the sentences of the first four Racial Justice Act cases to life without parole, but the N.C. Supreme Court last year reversed his decisions and said the hearings need to be done over. The Supreme Court ruled that Weeks did not give the prosecutors enough time to prepare for the hearings and should have conducted four separate hearings instead of two.

In the meantime, the legislature in 2013 ended the Racial Justice Act. Despite this, its litigation is continuing in the state and federal courts. Those who tried to use the law say it’s unconstitutional for the state to give it to them, let them try to use it and then take it back.

Of the 150 death row inmates, at least 141 have filed Racial Justice Act claims, according to the North Carolina Attorney General’s Office. Eight chose not to use the Racial Justice Act, and the status of one in light of the act was not available.

Theoretically, North Carolina could start executing the non-Racial Justice Act inmates as soon as an unrelated matter before the courts – North Carolina’s execution protocols and practices — is resolved. That litigation started in January 2007 and because of it, no one has been executed here since August 2006.

But Rose argues it would be wrong to resume executions for the eight or nine who don’t have Racial Justice Act claims.

“If the death penalty has been applied discriminatorily in the state, then it should be struck down across the board,” Rose said.

Because of the litigation over North Carolina’s execution protocol and the unresolved Racial Justice Act matters, it will be years until anyone on death row is put to death.

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Fayetteville police at the scene of the triple murder in November 2011. The trial of the man accused, Shawn Lee Legrand, will be the first death-penalty case in Cumberland County since 2014.

**Rare trial starts Feb. 1**

Shawn Lee Legrand of Fayetteville is accused of killing three people in November 2011.

By Paul Woolverton

Shawn Lee Legrand of Fayetteville goes to court on Feb. 1 for what has become uncommon in North Carolina: A death penalty trial.

Legrand, 48, is accused of killing three people and of trying to kill two others in Fayetteville in November 2011. Police said he broke into a home on Ingram Street on Fayetteville's east side. There, he stabbed a woman and a man to death and shot three other people, one fatally. He fled from officers in a car chase, the Police Department said, then crashed and got into a shootout with the officers near downtown Fayetteville. No officers were hit, but they wounded Legrand and captured him.

A psychiatrist wrote in September that Legrand was attempting to commit “suicide by cop” when he shot at the officers. As of

**ONLINE**

- See video of District Attorney Billy West discussing the Legrand murder trial at fayobserver.com.
- September, Legrand was still suicidal and wanted to be sentenced to death, the doctor said.
- But the sister of one of Legrand’s victims thinks he should serve life in prison without parole instead of being executed.

**Trials once common**

Capital murder trials once were common in this state. In 2000, according to the N.C. Center for Death Penalty Litigation, North See TRIAL, Page 4A
Trial: 2001 change in death penalty law major reason for decline

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Carolina had 57 death penalty trials, 18 of which ended in death sentences. This past year, there were four capital trials and no death sentences issued.

Cumberland County last had a capital murder trial in fall 2014. A jury deadlocked on whether to sentence Cedric Theodore Hobbs Jr. to death for killing a teen during a robbery of a pawnshop.

“I would say as a whole, we probably have less capital trials now than we did, say, maybe 10 years ago,” said Cumberland County District Attorney Billy West.

A change in death penalty law in 2001 is a major reason that the cases have declined. The prior law required prosecutors to seek the death penalty if any of 11 “aggravating circumstances” existed in the case. Those included murders in conjunction with other serious crimes such as kidnapping or rape, killings or that were especially cruel or murders committed for personal gain.

Now prosecutors have the option to forgo seeking the death penalty even if an aggravating factor exists. Instead of death, the defendant automatically gets a sentence of life in prison without parole if convicted of first-degree murder.

Prosecutors have good reasons to take the death penalty off the table in a trial or to accept a guilty plea to first-degree murder, West said.

A death penalty trial is far more time-consuming, expensive and resource-intensive than a non-capital trial or a court hearing for a guilty plea, West said. Death penalty trials usually take a bigger toll on the victim’s family members, too, he said.

If there is a death sentence, the appeals process can go for years before the execution is carried out, West said. Plus, still pending court challenges to the death penalty in court have blocked executions in North Carolina since January 2007, and it’s unclear when or if they will resume.

In light of those factors, prosecutors evaluate the likelihood of a jury returning a death sentence, West said.

“You don’t ever in our business know what a jury’s going to do,” West said. “But I think you can a lot of times gauge whether or not this is a case that a jury may think is truly worthy of the death penalty.”

Ken Rose, of the Center for Death Penalty Litigation, agrees that death trials are rarer these days. But he thinks prosecutors are unfairly using the threat of a death penalty trial to push defendants into guilty pleas.

“In almost all our cases now ... they’re using it as leverage,” Rose said. “They believe that life sentences are acceptable punishment, and suitable and fit the crime. But then they see the death penalty as leverage to get to the life sentences without having to go to trial.

“And what that does is, that penalizes people who assert their right to jury trials in a way that I don’t think is right,” Rose said.

If the state is going to have a death penalty, Rose said, it should be sought "only in the circumstances where it's really the only fitting punishment for a particular crime."

Seeking death

Despite the factors that weigh against seeking death, West is pushing for it in Legrand’s case for several reasons. They include the fact that he is accused of killing three people and that he has a history of violence stretching back decades.

The killings happened on Nov. 26, 2011, a Saturday morning, in a triplex at 288 Ingram Street.

In a court document, Legrand’s lawyer describes the residence as “a known drug house.”

According to news accounts and court records, Legrand is accused of tying up Krystel Price Paple and Gregory Steven Fitzgerald. He stabbed Paple to death. Fitzgerald briefly escaped, but a witness said Legrand chased him down in the back yard and stabbed him there. Fitzgerald died later in the day.

Two others, Bennie Darwin King and Stephanie Lashawn Croom, were shot in the face. They survived.

A 911 caller reported a woman was bleeding on the front porch and saying a man had tried to kill her.

The police received a description of Legrand’s car. Police Sgt. Steven Bates spotted it in the Arch Street area near downtown, about 1.5 miles away from Ingram Street, and tried to pull him over.

The driver fled, police said, and Bates and Officer Travis Smith chased the car to Legrand’s house at 216 S. C St.

Legrand crashed, jumped out of the car with a handgun and began shooting, the police said. The officers shot back and severely injured him.

Forensic psychiatrist George P. Corwin wrote in September that Legrand is chronically depressed and was trying to kill himself when he shot at the officers. He also has tried to kill himself by overdosing on medications, Corwin said.

Legrand has asked the court at least twice to dismiss his lawyers and let him represent himself. This is “with the clearly stated goal of doing whatever it takes to make sure that he is sentenced to death,” Corwin wrote.

Corwin wrote that he did not think Legrand was competent to stand trial.

Legrand defense lawyer Michael Driver said he and lawyer Lisa Miles are still on Legrand’s case. Legrand has been ruled competent to stand trial but not capable of representing himself, Driver said.

Angelica Saint-Surin of Columbia, South Carolina, was Krystle Paple’s sister. Saint-Surin said she has struggled with whether Legrand should be sentenced to death. At first she opposed it because “I was afraid he was going to ask for forgiveness and be granted forgiveness. And my heart was having a struggle with that.''

She changed her mind to favor death, she said, after seeing Legrand in court.

"He was arrogant, she said. "He hasn’t even tried to ask for forgiveness or repent for his sins."

But if Legrand has a death wish, it shouldn’t be granted, Saint-Surin said.

"He wants death. So yes, I don’t think he should be able to get anything he wants,” she said.

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