

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
91 CrS 3316-17
92 CrS 2

STATE OF NORTH CAROLINA

v.

KENNETH BERNARD ROUSE

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AFFIDAVIT OF RENEE WALTHALL

The undersigned, first duly affirming, deposes and says:

1. I am Renee Walthall. I am a third year law student at Duke University School of Law, and I reside in Raleigh, North Carolina.

2. I became involved in this case through my clinical coursework at Duke Law School. I was assigned to assist Kenneth Rouse's co-counsel, Andy Whiteman and Grady Jessup, in the investigation of possible grounds for a motion for appropriate relief. Becky Conrad, another Duke Law School student, was also assigned to this case.

3. During the course of our investigation, Becky and I met with Joseph Scott Baynard, a juror in Mr. Rouse's case, and his wife. Subsequently, I met with Mr. Baynard and his wife on one other occasion and with Mr. Baynard alone on one occasion. In each meeting, I informed Mr. Baynard that I was working for Mr. Rouse's attorneys as well as performing duties related to my coursework.

4. Mr. Baynard volunteered to Becky and me during our first meeting that his mother had been murdered in Florida by a drug addict in the mid-1950s and that the killer had been executed a couple of years later. Mr. Baynard informed me at our second meeting that his mother's name was Margaret L. Baynard, and that she was murdered by Joseph L. Ezzell in Jacksonville, Florida. Mr. Ezzell was a thorazine addict. Margaret Baynard was taking thorazine at the time, and Mr. Baynard stated that he believes that Mr. Ezzell murdered his mother after a chance encounter to obtain her thorazine. In addition, it was suspected that Mr. Ezzell had committed a sexual assault on Mr. Baynard's mother.

5. Mr. Baynard stated in our first meeting with him that he did not disclose the information about his mother's murder to the court during the jury selection process of Mr. Rouse's trial.

6. During the course of our third meeting, I showed Mr.

Baynard the attached newspaper and magazine articles concerning his mother. He stated that there were dozens of such articles published at the time, that his mother's murder was front-page news and rather notorious when it occurred. I requested Mr. Baynard to sign an affidavit attesting to the murder of his mother and to his deliberate withholding of this information at the Rouse trial, and he agreed to do so. He made statements to me indicating that he understood that Mr. Rouse's attorneys would use his affidavit in their efforts to help Mr. Rouse get a new trial or new sentence. After the meeting, I left Mr. Baynard with a complete copy of the transcript of his voir dire statements during the Rouse jury selection.

7. During the course of our discussions, Mr. Baynard also expressed views concerning racial matters. Mr. Baynard stated that "blacks do not care about living as much as whites do." Further, he stated that black men rape white women so that they can brag to their friends about having done so, and that such probably was Mr. Rouse's motivation for attacking Ms. Broadway. In my presence Mr. Baynard used the word "niggers" to refer to members of the black race.

8. Mr. Baynard also expressed his belief in the death penalty as "a life for a life," and "an eye for an eye." He stated also that the purpose of the death penalty is to get rid of defective human beings. He characterized Mr. Rouse as "one step above a moron."

9. Mr. Baynard stated that he definitely wanted to serve on the Rouse jury and therefore did not reveal the information concerning his mother's murder because he knew that if he did so he would be excused from the jury for cause, as was another potential juror who had experienced violence in her family. He also stated that he listened closely to the questions asked of potential jurors during the jury selection process of the Rouse trial so that he could formulate answers that would keep him from being disqualified.

FURTHER AFFIANT SAYETH NAUGHT.

Renee Walthall
Renee Walthall

Sworn to and subscribed before me this 17th day of April, 1996.

Lonze E. Jacobs
Notary Public

My Commission Expires

12-21-98