

## Case Studies

### Case 2: Kenneth Junior French

#### The Crime

On the night of August 6, 1993, a man stepped out of a truck near Luigi's Restaurant and the Kroger supermarket in Cumberland County, North Carolina. The man carried a pump shotgun and was wearing shorts, a T-shirt and a hunting vest. A witness stated that there appeared to be a bottle of beer in his hunting vest. The man suddenly began firing in the direction of the Kroger store. He then walked to the back of the restaurant and entered through the kitchen area.

He then went to the restaurant proper, hollering "freeze". Patrons began running out the door and hiding under the tables. The man walked through the restaurant and killed four people and wounded numerous others, often firing right in people's faces after they asked for mercy.

A Fayetteville police officer who was working as an off-duty guard for Kroger's, heard the shots and, after calling for backup, entered the restaurant and shot the man holding the gun. When another officer approached, the man with the gun raised it and the officer fired twice. Finally, an officer removed the shotgun and placed the man under arrest. He was taken to a hospital for surgery.

#### The Suspect

There was little doubt about who had committed the crime. The man who was arrested at the scene of the crime was Kenneth Junior French, a 22-year-old mechanic in the Army, who had obtained the rank of Sergeant E-5. He had recently moved into a trailer rented by his fiancée, Elaine Sears, and her two children. At the time of the crime, Ms. Sears and her children were out of state.

#### The Trial

The defendant was charged with four counts of first degree murder, eight counts of assault with a deadly weapon with the intent to kill inflicting serious injury, and one count of discharging a firearm into an occupied building. The defendant pleaded not guilty to all counts. After a request by the defendant's appointed attorney, the trial was moved to New Hanover County.

Jury selection in the case began on February 14, 1994 and the guilt-or-innocence phase of the trial was completed by the end of March. The jury then deliberated for two and a half days and returned a verdict of guilty of four counts of first degree murder on the basis of premeditation and deliberation, guilty of three counts of assault with a deadly

weapon with intent to kill, guilty of four counts of assault with a deadly weapon inflicting serious injury, and guilty of other lesser counts.

The jury was then presented with testimony relaying aggravating and mitigating evidence. The aggravating evidence attempted to show that the crime was especially heinous, atrocious, or cruel; that the defendant knowingly created a risk of death to more than one person; and that the murder was part of a course of conduct which included other crimes of violence against other persons. The mitigating evidence is presented in the section about the defendant below.

### Meet the victims

Willie McCormick, a cook in the restaurant, was the first person shot, when he tried to walk away from the defendant. He did not die.

Pete Parrous, the proprietor of the restaurant, approached the man and asked him not to hurt anyone. He was shot in the face and died instantly. As Mr. Parrous fell to the ground, his wife, Ethel Parrous, stood up screaming. She was killed and fell by her daughter, Connie Kotsopoulos, who began screaming and was shot in the thigh. Wesley Cover, who had been tending to a patron who had been hit by a pellet from the shooting, asked the man with the gun not to hurt the woman he was helping because she was pregnant. Mr. Cover was shot in the head and died quickly. The woman was also shot, but not fatally.

James Kidd was covering his son and hiding in a booth. The man shot Mr. Kidd, who died almost immediately. The son was not physically harmed. Other patrons were wounded in the incident.

### Meet the defendant

The following facts about Kenneth French were presented to the jury considering his ultimate sentence:

On August 5, 1993 after work, Ken French went with three friends to several bars near Ft. Bragg, consuming a great deal of alcohol before returning to the barracks around 3 AM on August 6. French got up that morning around 9 AM. He visited some friends, played with their children, got a hair cut, rented some videos and returned to the trailer where he was living. He started watching TV and drinking beer. In particular, he watched a Clint Eastwood video, *The Unforgiven*, imitating some of the drinking and shooting that was going on in the movie.

At one point, he called an old girl friend, who reported that he sounded strange. He also called his mother in Florida, during which call he started crying and apologizing for not preventing the spousal abuse that he witnessed his father direct towards her. He also said he could have prevented the sexual abuse and rape of his sister by his father. His mother was so concerned that she offered to come to console him, but he said he was all right.

Ken French has no further memory of the events that then transpired, other than he remembered putting guns into his truck and he remembered shooting an older woman. French went from his trailer to a nearby party, where others reported that he drove erratically and that he was carrying several beers and a bottle of Wild Turkey and that he was hyperactive. He was overhead telling some children at the party to shoot or kill black people (using a pejorative term).

French continued acting strangely and alarmed those who saw him. He told a friend he wanted to go to a part of town frequented by blacks and that a black man had raped his sister.

Evidence presented during the penalty phase of the trial included information attempting to show that French had no significant history of prior criminal activity, that he was relatively young at the time of the crime, that he had a good reputation in the communities in which he lived, that he was a product of a violent and chaotic home, and that he accepted responsibility for the shootings.

