# Darryl Hunt, The NAACP, And The Nature Of Evidence

By William L. Anderson

One of the central issues in the Duke Non-Rape, Non-Kidnapping, and Non-Sexual Assault case has been the absence of what some might call "evidence" that demonstrates even minimal contact between the accuser, Crystal Gail Mangum, and the three former Duke student athletes, Reade Seligmann, Collin Finnerty, and David Evans. While the State of North Carolina still insists that these three young men beat and sexually assaulted Mangum, many of us are arguing that evidence should matter. Enablers of the state, however, declare that evidence matters only when they want it to matter.

One of the loudest voices demanding that the three young men go to trial has been the North Carolina NAACP. In an earlier article, I likened what the NAACP has done in this case to what occurred during the Jim Crow era. I had hoped that in the four months since I wrote those words, the North Carolina NAACP would be willing to look at the exculpatory evidence and see that this case truly is a hoax.

Instead, the NAACP has become even more shrill in its rhetoric. For example, even though the first Duke prosecutor Michael B. Nifong dropped rape charges, the NAACP in its website still insists that the three young men raped Crystal Gail Mangum.

As I noted in my previous article, the NAACP has gone against literally everything it has urged be established law, and has even gone against its own record for cases like this. To provide an example, I will tell the story of Darryl Hunt, who was wrongly convicted in a North Carolina court for rape and murder and served nearly 20 years in prison before being exonerated and ultimately pardoned by Governor Mike Easley in 2004.

I will say up front that I approve of the release and exoneration of Hunt, who through the Innocence Project and the urging of the NAACP finally was released, although even though it was obvious he was not guilty, the state's prosecutors nonetheless (and not surprisingly) dragged their feet. My purpose in using his example is twofold. First, we have to understand that wrongful convictions exist, and there is no excuse for them. None. One rarely, if ever, finds a wrongful conviction where there was not prosecutorial misconduct or a refusal to look at other evidence, no matter how compelling it might be. Second, I wish to point out the terrible inconsistency that the North Carolina NAACP has demonstrated in its demands that Seligmann, Finnerty, and Evans be tried and convicted for something that never happened. At least there was a dead body in the Hunt case.

Darryl Hunt

Invariably, as one looks at what happened during the course of an "investigation" and trial that has led to a wrongful conviction, there always are gaps, many of them huge, in the "evidence" that ultimately (and wrongfully) swayed a jury that all too often wanted to be swayed in the first place. And that is what happened to Darryl Hunt. Here, briefly, is his story.

On the morning of August 10, 1984, Deborah Sykes, a white copy editor at the *Winston-Salem Journal* was walking to work after parking her car two blocks away. Witnesses later said they saw two black men walking with her, but no one at the time suspected anything was happening. In fact, somewhere between her car and the newspaper office, Sykes was raped and murdered, stabbed 16 times.

I remember when the crime occurred because she had only recently left the newspaper in Chattanooga where I had my first real job after being graduated from college. Sykes was tall, attractive, and well-liked, and her brutal rape and murder shocked not only people in North Carolina, but also those who knew her from Chattanooga.

Ultimately, police arrested Darryl Hunt, who at the time was 19, black, and jobless and not looking to go anywhere in life. He did not have a criminal record, but neither did his life show any real promise at that time. Like so many police investigations of such a brutal crime, there was strong community pressure to "solve" it, and, more specifically find the suspects who could be charged. As medical science later would show, the rapist and murderer left his calling card all over the body with his DNA, but it would be more than a decade before such testing became reliable, so there was no way that DNA could convict – or acquit – Hunt when he went to trial in 1985.

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## All Charges Dismissed Against The Duke Lacrosse Three

North Carolina Attorney General Roy Cooper announced on April 11, 2007, that all charges were being dismissed against the Duke Lacrosse Three — Reade Seligmann, Collin Finnerty, and David Evans. It has been estimated that the families of the Duke players falsely accused by Crystal Gail Mangum spent over a million dollars in legal fees.

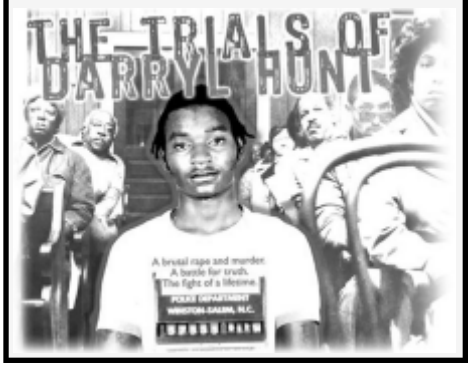
## Darryl Hunt Settles With City For $1.65 Million

The city of Winston-Salem, North Carolina announced on February 19, 2007, that it had agreed to pay $1.65 million to Darryl Hunt to forestall him filing a federal civil rights lawsuit against the city for his 18 years of wrongful imprisonment for murder. The settlement was midway between the $2.6 million sought by Hunt and the $500,000 the city had been offering. The city council also formally apologized to Hunt for his ordeal.

In 1985 Hunt was sentenced to life in prison after being convicted of murdering 25-year-old Deborah Sykes in August 1984. After his conviction was overturned he was retried in 1990, and again convicted and sentenced to life in prison. In December 2003 another man was matched to the crime scene DNA and he confessed to Sykes' murder. The charges were dismissed against Hunt on February 6, 2004. Governor Mike Easley granted Hunt an unconditional pardon on the basis of his actual innocence, on April 15, 2004.

The state of North Carolina paid Hunt $358,545 in 2004 based on the state's compensation law providing $20,000 for each year of wrongful imprisonment. The payment precluded Hunt from suing the State, but it didn't bar a suit against Winston-Salem or its police department.

Hunt's case is the subject of the documentary, *The Trials of Darryl Hunt*, that was among the final fifteen candidates for consideration for the 2006 Academy Award for Best Documentary. The documentary's official website is, http://www.breakthrufilms.org



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Space simply does not permit the details needed to explain what happened in the Hunt trial and subsequent conviction, but I have linked the outstanding series that the Winston-Salem Journal has done, and to permit the reader to draw his or her own conclusions about what happened – and what did not happen. We do know that in order to gain their conviction, police and prosecutors were forced to push square pegs of evidence into round holes. Writes the Journal:

District Attorney Don Tisdale didn't like much of anything about the case against Darryl Hunt, though he didn't say so publicly. Privately, he made it clear that the police had relied too heavily on unreliable witnesses to charge Hunt with the murder of Deborah Sykes.

The police hadn't even bothered to check on the background of their chief witness, Thomas Murphy. Had they done so, they would have discovered, as the defense had, that Murphy had briefly been a member of the Ku Klux Klan 10 years earlier. Murphy's near obsession with the case also troubled Tisdale. In a blistering, six-page memo to acting Police Chief Joe Masten on Oct. 19, 1984, Tisdale characterized Murphy as "an eyewitness who felt guilt because he did not stop and help Deborah Sykes."

This was a victory that ultimately would cost Tisdale his job – just as making arrests in the Duke case ultimately would secure Nifong's job with the voters. In both cases, the key voters were black. Despite Tisdale's apprehensions, and despite the sentiment in the local black community that Hunt was not the perpetrator or had been present at the rape and murder, he tried and won the case before a mostly-white jury. But even the jury had lingering doubts and refused to give Hunt the death penalty, opting for life in prison instead.

In May, 1989, the North Carolina Supreme Court overturned the conviction on the basis of testimony from Hunt's former girlfriend. Hunt was to receive a new trial. Prosecutors offered him a plea bargain, but he stood firm in his claim of innocence. He would take his chances before a jury in 1990.

The state, while using some of its old witnesses, also resorted to another tactic called "jumping on the bus." Authorities find someone who had contact with the accused while in jail, either in prison or in a holding cell, and then feed that person details of the case that supposedly only the perpetrator could know. The prisoner – usually in exchange for a reduced sentence or even freedom – then tells the jury that the accused "confessed" to him while the two were together.

It is a smarmy and thoroughly criminal tactic, but one that has been popular with prosecutors and law enforcement people for many years. In the Hunt case:

Two prison snitches – Jesse M. Moore and Donald Haigy – testified that Hunt had confessed to the crime in prison. The defense discredited Moore by pointing out that he was a racist, motivated by a belief that black inmates got preferential treatment. The defense also called another inmate whom Moore had identified as a witness to Hunt's confession, and that inmate denied Hunt had ever confessed. To discredit Haigy, the defense called his brother, who testified that he was a liar. Tom Sturgill, a retired SBI agent who knew Haigy, said recently that he was not a credible witness. "I know he did testify," Sturgill said. "Anyone that knew him then thought it was a joke."

A woman named Debra Davis said she saw Hunt and Mitchell (another suspect) outside Crystal Towers the morning of the murder, though she didn't come forward until after his arrest. The defense pointed out that she was on probation for welfare fraud and anxious to gain favor with the police.

This time, Hunt faced an all-white jury in a rural county, his attorney having asked for and receiving a change of venue. While his defense was able to poke holes in the prosecution's case, the cast of characters who testified in Hunt's defense were not exactly from the best part of town. As one juror had commented after the first trial, the people in the story came from the "underbelly" of Winston-Salem, and that is a world that was almost wholly unknown to those rural jurors in the second trial.

Thus, jurors ultimately figured that the prosecution would not bring a case unless it believed it to be true, and they convicted Hunt of robbery, kidnapping, sexual assault and rape, but this time not murder. But DNA evidence, which was just being perfected at about the time the jury voted guilty, ultimately would force people to take another look at the Hunt convictions.

In September 1994, a nurse would draw two vials of blood from Hunt's arm and the DNA testing was on. It did not take investigators long to find that the semen found in and on Sykes' body did not match the DNA of Darryl Hunt. In fact, all they had was eyewitness testimony that always had proven to be shaky, even from the prosecution's point of view, but now the prosecution had a problem. Their eyewitnesses had made Hunt to be the rapist, yet science was clearly telling them that Hunt could not have raped Deborah Sykes. It was like Sykes herself testifying from the grave that they had convicted the wrong man.

Yet, prosecutors are stubborn and, as they represent a state that claims omniscience, they hurriedly came up with a new theory: Hunt must have accompanied the murderer, but he still must have been involved. Either that, or Hunt raped her, but did not ejaculate. (Prosecutors forgot that even skin-to-skin contact is going to leave DNA evidence, something we have learned over and over in the Duke case.)

It did not matter that the prosecutors' new claims, in effect, impeached the testimony of their own witnesses. The DNA results were casting doubt literally on everything prosecutors claimed had occurred, all the way to the DNA not matching another person that the authorities said they believed had raped Sykes. Yet, the State of North Carolina was not willing to give an inch. It had secured convictions and it would not admit to anything but its original stories, even if those original stories were mutually exclusive to whatever claims the state was making up to explain what might have happened.

The state ultimately prevailed and the North Carolina Supreme Court ruled 4–3 in 1995 not to overturn the conviction. The DNA results were interesting, but the court did not believe that it would be central to the case or the conviction. But the case was not over.

In 2003, Willard Brown, who then was in prison, was found to be the one with the DNA match to the body of Deborah Sykes, and he confessed to her rape and murder. In February 2004, Hunt was freed, this time for good.

Not surprisingly, some police and prosecutors stick to their original claims of Hunt's guilt. Sykes' mother still believes that Hunt was involved in the murder of her daughter, DNA testing and Mitchell's match and confession notwithstanding. While I do not believe that their reluctance to accept the facts is racially motivated, nonetheless it points to the powerful emotions that occur when people have committed themselves to a certain point of view.

In the aftermath of Mangum's accusations, the whole Duke case seemed to be something almost as terrible as the Sykes rape and murder. Granted, Crystal was alive, but the accusations that three young men took a young black woman, beat and raped her for a half hour while she fought them off, were horrendous, and the reaction was predictable.

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But, unlike the Sykes case, there was no proof of rape. For example, we read on the NAACP's current website:

Mike Nifong
Prosecutor who filed charges against the Duke lacrosse players without any evidence of their guilt.

The sexual assault nurse examiner (SANE) found the "victim had signs, symptoms and injuries consistent with being raped and sexually assaulted vaginally and anally." The SANE also said the injuries and the victim's behavior were consistent with a traumatic experience. Theresa Arico, the SANE coordinator at Duke Hospital said "there was a certain amount of blunt force trauma present to create injury" and that the injuries the victim suffered were "consistent with the story she told." The ER doctor on duty that night also has reported that Ms. M. suffered trauma consistent with her story.

Literally, not one word of that statement is true. The medical reports do not say anything about "blunt force trauma." That comes from a highly-discredited police report made without notes and leaked to the *New York Times* in late summer, and even the *Times* has been running away from that story ever since. Neither do the medical reports say anything close to what the NAACP alleges. In short, there was no rape, and even Nifong had to back down from that shortly before he handed the case off to the state attorney general's office.

Then there is the question of DNA. While the NAACP was willing to defend Hunt against the critics who claimed (wrongly) that Hunt could have raped and beaten Sykes and left no DNA anywhere, it now urges that the courts absolutely ignore any exculpatory DNA evidence in the Duke case. Interestingly, the same people who tell us that the Hunt DNA evidence is "proof" of his innocence are telling us that in the Duke case, DNA means nothing, and that these young men somehow could have raped and beaten Mangum, but left no physical traits on her or her body.

This simply is nonsense, yet the NAACP has made a number of political threats to North Carolina Attorney General Roy Cooper, using the *Wilmington Journal* as a mouthpiece. Try this case, the organization demands, or Cooper will pay a political price.

In the end, we see a sad reversal. Darryl Hunt was wrongly convicted, and it is obvious now that the state never had a case worthy of trial. It is further understood that once again, we saw North Carolina juries failing in their duties to seriously evaluate evidence instead of just assuming that prosecutors are omniscient and would not bring a case to trial unless they had serious evidence.

Crystal Gail Mangum
She told investigators six different stories about the alleged rape/assault by Duke lacrosse players. She has a history of making false assault allegations.
Durham PD photo, March 16, 2006.

The NAACP and other black organizations were right in demanding Hunt's release, and I am glad that the authorities finally listened. Yet, I now see those same voices demanding the very kind of trial and conviction that they would denounce if the racial situation were not what it is in the Duke case. From its unrelenting praise of Nifong – who now faces serious misconduct charges from the North Carolina Bar Association – to its contemptuous dismissal of exculpatory evidence, the NAACP has discredited itself.

In the Duke case, the DNA – the very science that led the NAACP to demand the release and exoneration of Darryl Hunt – is the witness against the prosecution and for Seligmann, Finnerty, and Evans. The DNA and many other aspects of the case tell us clearly that it is a hoax.

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## Stolen Cellphone Leads To Wrongful Robbery Conviction

Lloyd Simons' claim of innocence fell on deaf ears when he was convicted in December 2001 and sentenced to 33 years in prison for armed robbery, being an accessory to a rape, and unlawful possession of a weapon and ammunition. His convictions were solely based on him having sold a cellphone in 1998 that was stolen when those crimes were committed a year earlier in the North West province of South Africa.

After Simons' sentencing, his family hired a private investigator. The investigator uncovered proof that Simons bought the stolen cellphone from a man involved in the crimes, and Simons later sold the phone to another man. When use of the stolen phone was traced to that man, he identified Simons as the person he bought it from.

Simons' convictions were quashed based on the new evidence and he was released in late 2002 after a year of wrongful imprisonment.

In February 2007 a hearing was held in Pretoria's High Court concerning Simons' claim for $157,700 (R1.1 million in South African money) in damages caused by the police's failure to properly investigate his case. Simons' asserts he not only had to endure imprisonment for a sex-related crime, but he lost his state job and had to sell his home to pay his legal fees. The Court did not immediately make a decision.

Source: Innocent man claims R1.1m from police, By Zelda Venter, *Pretoria News*, February 8, 2007.