



# THE TRIALS OF DARRYL HUNT

A FILM BY RICKI STERN AND ANNIE SUNDBERG

**A Break Thru Films Production**

**In association with**

**HBO Documentary Films**

**106 minutes**

**\*\*\*\* AWARD WINNER \*\*\*\***

**Best Documentary – Galway Film Fleadh  
Audience Award – Full Frame Documentary Festival  
Best Feature – Nantucket Film Festival  
Special Jury Prize – Chicago International Film Festival  
Best Film – New Hampshire Film Expo  
Golden Space Needle Audience Award – Seattle International Film Festival  
Audience Award – Atlanta Film Festival  
Audience Award – Newport International Film Festival  
Documentary Jury Prize – Newport International Film Festival  
Best Documentary – Nashville Film Festival  
Best Documentary – Palm Beach Film Festival  
Documentary Jury Prize – Sidewalk Moving Pictures Festival  
Audience Award – Sidewalk Moving Pictures Festival  
Documentary Jury Prize – Sedona International Film Festival  
Audience Award – Sedona International Film Festival  
Best Documentary – Bend Film Festival  
Audience Award – Bend Film Festival  
Best Documentary – Raindance Film Festival  
Best Documentary – St. Louis International Film Festival  
Audience Award – Denver Film Festival  
Audience Award – Atlanta Film Festival  
Best Documentary – Ojai Film Festival**

**OFFICIAL SELECTION**

**Sundance Documentary Competition 2006**

**Deauville American Film Festival 2006**

**NOMINATED**

**Spirit Award Best Documentary**

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**HBO DOCUMENTARY FILMS**  
**THE TRIALS OF DARRYL HUNT**  
A FILM BY RICKI STERN AND ANNIE SUNDBERG  
**FILM SYNOPSIS**

In a crime so brutal it shocked the entire state and region, Deborah Sykes, a young white newspaper reporter, was assaulted, raped, sodomized and stabbed to death just blocks from where she worked in Winston-Salem, North Carolina.

Although no physical evidence linked him to the crime, Darryl Hunt, a 19-year-old black man, was charged with the heinous crime based in large part by an eyewitness identification made by a former Klu Klux Klan member. In an atmosphere of racial division, Hunt was convicted by a jury of 11 whites and one black, and sentenced to life imprisonment.

The year was 1984.

Ten years later in 1994, DNA testing proved that Hunt did not rape Deborah Sykes, and cast serious doubts on his involvement in her murder. Yet he would go on to spend another ten years behind bars, all for a crime he did not commit.

It wasn't until 2004, through the help of a young journalist's probing and investigating, that Hunt was finally cleared. In that 20-year-span of being wrongfully imprisoned, his team of defense attorneys and public supporters never failed him. Now on the eve of his second anniversary of freedom, Hunt's story is being told through the riveting HBO documentary feature film, THE TRIALS OF DARRYL HUNT.

More than a decade in the making, Ricki Stern and Annie Sundberg's THE TRIALS OF DARRYL HUNT documents the aftermath of a brutal/rape murder and harrowing wrongful conviction in the modern American South. Told from the point-of-view of three principal subjects, an enterprising investigative journalist; an unyielding defense attorney; and a wrongfully convicted man, the film offers an eye-opening, provocative and haunting examination of a community – and a criminal justice system – subject to racial bias and tainted by fear.

Chronicling this capital case from 1984 through 2004, with extensive personal narratives and exclusive footage from two decades, filmmakers Stern and Sundberg painstakingly frame the judicial and emotional responses to this chilling crime - and the implications surrounding Hunt's conviction - against a backdrop of class and racial bias in America.

THE TRIALS OF DARRYL HUNT brings a unique personal look at one man's loss and redemption while challenging the assumption that all Americans have the right to unbiased justice.

The documentary will premiere on HBO in 2007.

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**DIRECTORS' STATEMENT**

Twelve years ago, we were captivated by a story of a community in racial turmoil over a murder that happened in 1984, and the man, Darryl Hunt, who was convicted of a crime many people felt he did not commit. As young filmmakers, we gathered equipment, borrowed a car and drove to Winston-Salem, North Carolina to film a hearing that would determine whether Hunt would get a new trial or the case would be closed. We had been drawn to this story by a private investigator who was working with the defense team and who had started to uncover what he believed to be disturbing accounts of police intimidation and manipulation of evidence in this high profile case. We were also driven by the idea that this could be the first American DNA exoneration story told on film, and it was our first project working together.

Our film team was made up of three college friends - Ricki Stern, Annie Sundberg and Director of Photography William Rexer - and one of our college film professors who helped record sound. We were short on funding but long on energy and time to commit to the story. From 1993-1994, we drove back and forth between New York and North Carolina with borrowed equipment and donated film stock, documenting a case we believed would draw to a climactic close. In 1994, with revolutionary scientific advances, DNA evidence taken from the vaginal swab of the victim could now be tested to determine with finality Darryl Hunt's role in this case. PCR Polymerase Chain Reaction (PCR) testing was done; Darryl Hunt's DNA did not match. Darryl Hunt would be released and we would have what we had come to believe was the proper conclusion to the story. After filming the defense team's emotional response to the news from the DNA lab, we followed the defense back into court where the judge returned with shattering news: the conviction was upheld. Darryl Hunt would be sent back to prison and his case was closed. We returned to New York and the film shot that day was put into storage in our DP's freezer where it lay processed but not transferred, never seen until recently, waiting for the outcome of a story we knew was unfinished.

Eventually, when the US Supreme Court rejected Darryl Hunt's final appeal and all funding leads dried up, we put the rest of the film and sound into storage and we went on to other films, other jobs and forgot about the frozen film.

In 2003, Hunt's defense made a final gesture, filing one last petition to a new judge for the DNA sample to be run against the newly established national data bank. In December 2003, after long months of waiting for the lab to comply with the court order to test the DNA, there was news. The data bank revealed a close DNA match, which ultimately led investigators to the real murderer. His name was Willard Brown. Once again, we were back shooting (this time on digital video).

We recovered the forgotten film from our DP's freezer and sent it for processing, hoping that the images were not damaged. We tried to remember exactly what we had filmed. We put the 16mm film onto an old Steenbeck and with great anticipation, we watched as the silent images started to play from the moment when Mark, Darryl's attorney, tells him

through tears that the case had been rejected by the North Carolina State Supreme Court. It was moving, it was in good shape – we were thrilled! But it was silent.

Now that we had the film, where was the 1/4” sound? Our best footage – and we had no sound. We searched for over ten months, pulling apart personal storage units, unearthing basement lockers and neighbors' attics where we had stashed old film over the years, and finally we convinced DuArt to organize its vault in search of the missing sound. We remained convinced that the sound was living somewhere in a dark corner on its 10th floor, hidden behind 1981 prints of classic “after school” specials.

When nothing turned up, we lost hope and started to work creatively with the silent footage, building dreamlike sequences, visual montages, adding in new interviews from defense attorney Mark Rabil and activist/supporter Larry Little, trying flashback reflective moments with voice over. Then unexpectedly our DP William called to say he might have found something. In a mislabeled box in William’s loft, we located the 1/4” reels – it was the missing sound. Our greatest mishap may have turned out to be a hidden blessing as it forced us to work creatively with the verité footage (rather than relying on straightforward storytelling) ultimately influencing our use of visual imagery in the final film.

Starting back in 1993, we had worked to compile exclusive footage of the crime scene, Hunt’s initial charge, the trials and the motions from over ten years ago, and we had also obtained additional archival and personal photographs. Much of the news station archival footage was destroyed in the years since 1984, except for what we had acquired in our years of working on this film.

We remained committed to Darryl Hunt’s story because it was a rare opportunity to examine a murder through twenty years of perspective and evolving truths. Avoiding sensationalism, we worked to explore the crime story as it unfolded, told through changing points of views, and we directly witnessed the magnitude of a case that racially divided the city of Winston-Salem as the fallout from the case altered lives. Jobs were lost, careers were changed, and futures were stalled if not destroyed. This case provided a chilling example of how police personnel, legal representatives and an entire city were firmly divided along racial lines, and so steadfastly focused on their own version of guilt or innocence, that truth was not only overlooked, it was disregarded.

For us, THE TRIALS OF DARRYL HUNT is not just another DNA case of a man wrongly accused. This is a story with two decades of perspective on the subtle, intangible influences of crime, race and law on a community. It is a story that emotionally details how individual lives are shaped by a twist of fate. It is a story that reveals the prejudicial position of an all-white jury embroiled in an emotional murder case, revealing the insidious way racism remains part of American culture, and our police and criminal systems. It is the story of the battle between defense and prosecution, with each side fighting for personal and political justification. It is also a story about fortitude, commitment and a powerful faith shared by those who stood by each other for twenty years.

It is our goal to use this film to move and educate a broad audience, and to inspire procedural and policy reform in the US criminal justice system. We are currently planning an extensive outreach campaign to launch in 2006.

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**FACT SHEET**

**HUNT'S CASE HAS LED TO STATEWIDE REFORMS.**

- The Chief Justice of the North Carolina Supreme Court refers to Darryl Hunt as "the poster child for misidentification" cases and uses his case as an example of why an Innocence Review Commission is needed in the state.
- In 2004, North Carolina senate passed moratorium legislation that included a two-year halt of executions and review of the state's death penalty system. The Speaker of the House has appointed a 15 member study commission to review the fairness of the death penalty to ensure that no innocent person is sentenced to death in North Carolina.
- The North Carolina legislature passed a law in 2004 that requires prosecutors to turn over copies of all law enforcement files. In Darryl's case, 2,700 pages were withheld.
- The North Carolina Actual Innocence Commission has recommended changes regarding eyewitness ID procedures and videotaping of suspects, and is currently reviewing improvements to state crime laboratories.

**DARRYL HUNT'S CASE IS NOT UNIQUE.**

- Darryl Hunt is the 142nd exonerated person in the United States. As of December 21, 2005, 168 men & women have been found wrongfully convicted and freed from incarceration. (Innocence Project)

**DARRYL HUNT FACED THE DEATH PENALTY IN HIS 1985 SENTENCING.**

- In December 2005, North Carolina was home to the 1,000th person put to death in the US states since capital punishment resumed in 1977. (Brenda Goodman, *New York Times*, December 3, 2005.)
- For every six people on death row, one person has been found innocent and been exonerated. (North Carolina Coalition for Moratorium) –

**HUNT'S CASE WAS INDICATIVE OF RACIAL DIVISIONS IN WINSTON-SALEM.**

- A comprehensive study on the death penalty in North Carolina found that the odds of receiving a death sentence rose by 3.5 times among those defendants whose victims were white. (Prof. Jack Boger and Dr. Isaac Unah, University of North Carolina, 2001)
- 96% of the states that have reviewed *race* and *the death penalty* found a pattern of race discrimination - either in race-of-victim or race-of-defendant discrimination, or both. (Prof. David Baldus report to the ABA, 1998)

### **HUNT'S CASE WAS BASED ON EYEWITNESS TESTIMONY ALONE.**

- 76.69% of post conviction DNA exonerations in the United States involve mistaken eyewitness identification. (Innocence Project, 2004)
- In controlled studies of people's abilities to identify a previously viewed face, people are approximately 50% more likely to mistakenly identify a face if it was cross-racial than if it was a person of their own race. (Professor Gary L . Wells, Iowa State University)

### **DARRYL HUNT WAS AN INDIGENT TEEN, REPRESENTED BY A COURT APPOINTED DEFENSE ATTORNEY IN 1984.**

- About 90% of people facing capital charges cannot afford their own attorney. (Center for Death Penalty Litigation, Durham, NC)
- Each post-conviction appeal costs an average of \$20,000 if done by a public defender, but upwards of \$50,000 if done by a paid attorney.

### **ESTIMATED TOTAL COSTS OF DARRYL'S CASE.**

- \$358,545.00 compensation from the state of North Carolina.
- \$517,006 to supervise close custody in North Carolina State Prison for 19 years.
- \$64, 000 total for Hunt's two trials  
("The Racialization and Privatization of American Prisons" by Earl Smith and Angela Hattery. 2005)
- 5 lawyers & 3 private investigators spent 15,000 hours from 1984- 2004, with value of over \$2.5 million for which the government paid less than \$100,000.  
("The Racialization and Privatization of American Prisons" by Earl Smith and Angela Hattery. 2005)

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**TIMELINE**

**August 1984**

Deborah Sykes is raped and murdered on her way to work at *The Sentinel* in Winston-Salem, NC.

**September 1984**

Darryl Hunt is charged with murder in the Sykes killing. Alderman Larry Little organizes the Darryl Hunt Defense Committee.

**June 1985**

Hunt tried in Forsyth County on charges of first-degree murder, which could get him the death penalty. A jury convicts him but sentences him to life in prison because of lingering doubts about the case.

**November 1985**

A city manager's report blasts police department for shoddy work in investigating the Sykes murder. The lead detective is demoted and two supervisors are reprimanded two months later.

**December 1985**

The State Bureau of Investigation begins its own investigation into the murder.

**May 1988**

Johnny Gray is convicted of murder in the 1987 death of a 66-year-old man named Willis Mabe in Winston-Salem. He will die in prison in 2001.

**May 1989**

Hunt wins a new trial in the Sykes murder.

**November 1989**

Hunt is freed on \$50,000 bond.

**January 1990**

Sammy Mitchell is charged with first-degree murder in Sykes' death. He has never been brought to trial.

**October 1990**

Hunt is convicted at his second trial in the murder of Deborah Sykes. He is returned to prison after 11 months of freedom.

**November 1994**

DNA testing excludes Hunt as the source of the semen collected from Deborah Sykes' body. Testing also excludes Mitchell and Gray. But Judge Melzer Morgan denies Hunt's motion for a third trial, saying that the DNA results, while related to the rape, don't necessarily clear Hunt of involvement in the murder.

**December 1994**

The N.C. Supreme Court agrees with Judge Morgan and denies Hunt a third trial.

### **December 1995**

District Attorney Tom Keith orders a new round of DNA testing of other suspects related to the crime. This time Hunt Mitchell and Gray are excluded as the source of the semen, as are two other potential suspects.

### **December 2000**

Hunt petitions Gov. Jim Hunt for clemency. No decision is made during his term. The petition then goes to Gov. Mike Easley.

### **October 16, 2000**

The U.S. Supreme Court turns down Hunt's final appeal for a third trial.

### **October 17, 2000**

Darryl Hunt marries April Griggs, daughter of Hunt supporter and Imam, Khalid Griggs. They have their ceremony at the Piedmont Correctional Institution.

### **April 2003**

At the request of Hunt's attorneys, Judge Anderson Cromer orders a new round of DNA testing to compare the Sykes sample against state and federal databases of DNA profiles taken from convicted felons.

### **December 19, 2003**

After DNA analysis and further investigation, the State Board of Investigation determines that the DNA of the semen deposited by the unknown assailant matches the DNA of a man named Willard E. Brown.

### **December 22, 2003**

The state arrests Brown. While being booked, Brown spontaneously confesses to the murder of Deborah Sykes.

### **December 24, 2003**

Judge Anderson Cromer orders Hunt's release from custody on an unsecured bond of \$250,000, pending a hearing on February 6, 2004.

### **February 6, 2004**

Judge Cromer conducts an evidentiary hearing on the newly discovered evidence about Willard Brown. Judge Cromer grants the joint motion of the state and the defense to vacate Darryl Hunt's conviction for the murder of Deborah Sykes and to dismiss the charge against Mr. Hunt with prejudice.

### **April 15, 2004**

Governor Easley grants Darryl Hunt a pardon of innocence, completely exonerating him of the murder of Deborah Sykes.

### **December 16, 2004**

Willard Brown pleads guilty to the rape and murder of Deborah Sykes. Brown is sentenced to life imprisonment.

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**Addendum to Chronology of State V. Darryl Hunt, 1984-2004**  
Completed by S. Mark Rabil  
Assistant Capital Defender

On December 16, 2004, Willard Brown pleaded guilty to the first-degree murder of Deborah Sykes and was sentenced to life plus ten years in prison. After investigating for a year (12/03 – 12/04), the District Attorney, the State Bureau of Investigation and the Winston-Salem Police Department concluded that Willard Brown acted alone. Brown and his attorney stated in court that Brown acted alone and that Darryl Hunt and co-defendant Sammy Mitchell had nothing to do with the crime. (See articles in “Murder, Race, Justice,” [www.journalnow.com](http://www.journalnow.com) )

In the year and half since obtaining freedom, Darryl Hunt started “The Darryl Hunt Project for Freedom and Justice” ([www.darrylhuntproject.org](http://www.darrylhuntproject.org)) with the goals of: (1) assisting inmates re-entering the community; (2) fighting for the wrongfully convicted through the formation of an Innocence Project; and (3) advocating for reforms in the criminal justice system. Because of the Hunt case, several reforms have already come about in North Carolina, including: legislation creating “open” discovery in felony cases in N.C. so that all investigative files must be disclosed; reforms to police lineup procedures as recommended by the N.C. Innocence Commission; and the likely passage of a Legislative Study Commission to address problems with the capital punishment system in N.C. The case has had a tremendous impact on the local court system, with several acquittals in murder cases resulting from skepticism created by the revelations in the Hunt case. The Mayor of Winston-Salem held several “Racial Healing” forums in the last year to deal with questions about racism in the court system and community as a result of the case. The local media have re-evaluated how criminal cases are covered.

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**CHARACTER BIOS**

**Darryl Hunt** was 19 years old when he was wrongfully charged with the 1984 rape and murder of a 26-year-old white copy editor for the evening paper in Winston-Salem, North Carolina. Despite no physical evidence connecting Hunt to the crime, juries twice convicted him of the murder based upon four eyewitnesses, including a former Klansman. The first jury rejected the death penalty because of doubts about guilt. The second all-white jury found Hunt guilty a second time, largely based on the emotionally stirring argument of the special prosecutor. Nineteen and one-half years later, in 2004, a court exonerated him following the DNA identification of the real killer. The Governor of North Carolina issued a Pardon of Innocence in 2004. Mr. Hunt's grandparents raised him in Winston-Salem, N.C., where his grandfather worked for the city. His mother was murdered when he was nine just a week after he met her. He had only a minor criminal record at the time he was charged, but was associating with Sammy Mitchell – who was ten years older and had an extensive criminal record. Together, Hunt and Mitchell were drinking every day in the summer of 1984 in illegal “drink houses.” Hunt maintained his innocence from the beginning of the case. In 1984 – when facing the threat of the death penalty -- he rejected an offer of reward money and freedom if he would falsely implicate Mitchell in the murder. In 1990, he rejected a plea offer of immediate freedom if he would plead guilty to a lesser offense. In 2000, one day after the United States Supreme Court rejected Hunt's appeal, he married **April Hunt**. Hunt now advocates for criminal justice reform, including a moratorium of the death penalty. He serves as Executive Director of the Darryl Hunt Project for Freedom and Justice, which has a re-entry program for felons released from prison and also works in association with the innocence projects of five law schools in North Carolina.

**Mark Rabil**, a native of Winston-Salem, N.C. and a 1980 graduate of the University of North Carolina School of Law, was practicing law for four years when he was court-appointed to assist a senior partner in his law firm, **Gordon Jenkins**, in representing Hunt. Rabil continued to represent Hunt for the next 20 years, through trials, hearings, investigations, appeals, and clemency and pardon proceedings. This was the first capital trial for Rabil and Jenkins. Rabil continued to work extensively on Hunt's appeals in 1992-93 while his first wife, **Pamela Rabil**, suffered from breast cancer; she died in June, 1993, ten days before post-conviction hearings began regarding witness intimidation and discovery violations. These hearings led to DNA testing showing Hunt and Mitchell were not involved in the rape of Sykes. Rabil, while in private practice, expended thousands of hours representing Hunt for very little compensation. Since 2003, Rabil has been an Assistant Capital Defender in North Carolina and represents individuals charged with first-degree murder and facing the death penalty. He is a member of the Board of Directors of the Darryl Hunt Project. Rabil has served the Wake Forest University School of Law as a supervising attorney for the Clinical Program since 1983 and as an adjunct professor of trial advocacy since 2003. Rabil married **Judith Rabil**, also an attorney in Winston-Salem, in 1995. They practiced law together for several years. Judith Rabil now works for The Children's Law Center in Winston-Salem, N.C.

**Larry Little** met Darryl Hunt while playing basketball at the YMCA when Little was a City Councilman. Little founded the Winston-Salem chapter of the Black Panther Party in the 1969. He later entered politics and served two terms on the city council. When Hunt was charged, Little did not believe Hunt was capable of such a heinous crime, and assisted Hunt's court-appointed attorneys with investigation of the case and by forming the Darryl Hunt Defense Committee. Little decided to attend Wake Forest University as a result of the injustices he observed in the Hunt trials. He practiced law for several years before becoming disillusioned with the practice of law, again because of his experiences with the Hunt case, and became a professor at Winston-Salem State University, where he teaches constitutional and administrative law. Little worked tirelessly for nearly 20 years with other members of the Darryl Hunt Defense Committee, keeping the case in the public eye and providing support to Hunt while he was in prison.

**James E. Ferguson, II**, a 1967 graduate of Columbia University Law School, is one of the most prominent civil rights attorneys in the Southeast. Ferguson became an attorney after observing discrimination in the justice system while growing up as a young African-American in Asheville, North Carolina. He is a founder of the prestigious Charlotte law firm, Ferguson, Stein, Chambers, Gresham & Sumpter. One of his former law partners, Representative Melvin Watt, is now leader of the Black Congressional Caucus. Ferguson and his partner, **Adam Stein**, agreed to represent Hunt at the request of the Darryl Hunt Defense Committee following the first conviction in 1985. They continued to represent Hunt through three jury trials, appeals, post-conviction hearings and clemency proceedings for the next 19 years, spending thousands of hours for little pay. Ferguson even declined to apply for court-appointed fees, despite his entitlement to do so.

**Richard McGough** served as an investigator in the case from 1990 until 2004. McGough earned a masters degree in anthropology from the University of North Carolina and began his private investigation work by investigating several political cases in Central America in the 1980s. McGough worked relentlessly from the time of the guilty verdict in 1990 until 1993 to locate defense witnesses who were "missing" during the 1990 trial. His work created sufficient evidence for the N. C. Supreme Court to order hearings on whether defense witnesses were intimidated by police before the 1990 trial. McGough worked thousands of hours for very little compensation. He now works as a trial consultant in capital cases and complex civil trials.

**Benjamin Dowling-Sendor** is a graduate of Harvard Law School and a former Assistant U. S. Attorney for the District of Columbia. He was on the faculty of the North Carolina School of Government in Chapel Hill, N. C. for several years. He later became an Assistant Appellate Defender for North Carolina and was appointed to represent Hunt on the appeal of the 1990 conviction. Dowling-Sendor worked on all the appeals for Hunt in the state and federal courts, and assisted with all the state and federal post-conviction hearings for over 12 years. He continues to work as an Assistant Appellate Defender, primarily representing defendants convicted of murder and sentenced to death.

**Phoebe Zerwick** joined the *Winston-Salem Journal* in 1987, after earning a masters degree in journalism from Columbia University. She began her career in a one-person bureau in Davidson County. After two years, she moved to the newsroom, where she has covered tobacco, banking, City Hall, health and medicine. She was the newspaper's metro columnist from 2001 through 2003 and is now the newspaper's investigative reporter.

Her 2003 narrative series *Murder, Race, Justice: the State vs. Darryl Hunt* probed a case that had divided Winston-Salem along racial lines for 19 years. The series helped win Hunt's exoneration in the 1984 rape and murder of a 25-year-old newspaper copy editor. Investigative Reporters and Editors, the Society of Professional Journalists and Columbia University recognized Zerwick for her work. She has never shied away from writing about the issues of race and ethnicity that underlie so many of the stories published by the newspaper. In 1996 she investigated the city's high rate of infant mortality — a crisis that disproportionately affected black families. She was a lead writer and project coordinator for a 1998 project on race relations. Both projects won public service awards from the Society of Professional Journalists.

She was born in New York City and graduated from the University of Chicago in 1982 with a BA in humanities. She lives in Winston-Salem with her husband and their three children.

**Sammy Mitchell** was indicted but never tried in connection to the rape and murder of Deborah Sykes. In 1986, Mitchell was convicted of second degree murder in the 1983 beating death of Arthur Wilson. On July 24th, 2005, Mitchell was paroled from Central Prison in Raleigh where he was serving his 50 year sentence for the Wilson killing. On September 7, 2005, Mitchell was arrested in connection with a serious assault in Winston-Salem, North Carolina.

**Mary Ann Sheboy** was the first television reporter on the scene when Deborah Sykes body was discovered on August 10, 1984. She reported for WXII News in Winston-Salem for 19 1/2 years, covering Hunt's first and second trials. She currently works for an orthopedic trauma surgeon at the level one trauma center in her hometown of Cleveland, Ohio.

**Dean Bowman**, prosecutor in Hunt's 2nd trial, is now an Assistant Attorney General in the Special Prosecutions section of the North Carolina Department of Justice.

**Donald Tisdale**, the district attorney who tried Darryl Hunt for the death penalty, is now a defense attorney in Winston-Salem.

**Eric Saunders**, assistant district attorney during Hunt's motions of appeals, is now Chief Assistant District Attorney in Winston-Salem.

**Rev Carlton Eversley & Rev John Mendez**, founding members of the Darryl Hunt Defense Fund, continue to live in Winston-Salem. They both sit on the board of directors for the Darryl Hunt Project for Freedom & Justice.

**The Winston-Salem Police Department** declined to be interviewed about Darryl Hunt's case.

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**THE DARRYL HUNT PROJECT FOR FREEDOM AND JUSTICE**

THE DARRYL HUNT PROJECT FOR FREEDOM AND JUSTICE's mission is to educate the public about flaws in the criminal justice system, to advocate for those wrongfully incarcerated as a result of those flaws, and to provide resources and support for those trying to re-build their lives post-conviction. Through public awareness, judicial advocacy, and re-entry programs, the project hopes to provide assistance to individuals who have been wrongfully incarcerated, to help ex-offenders obtain the skills, guidance and support they need as they return to life outside the prison system, and to advocate for changes in the justice system so innocent people won't spend time in prison.

## HBO DOCUMENTARY FILMS

### THE TRIALS OF DARRYL HUNT

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#### GLOSSARY OF TERMS

Appeals Process: The losing party in a decision by a trial court in the federal system normally is entitled to appeal the decision to a federal court of appeals. In a criminal case, the defendant may appeal a guilty verdict, but the government may not appeal if a defendant is found not guilty. Either side in a criminal case may appeal with respect to the sentence that is imposed after a guilty verdict. The litigant who files the appeal, known as an “appellant,” must show that the trial court or administrative agency made a legal error that affected the decision in the case. The court of appeals makes its decision based on the record of the case established by the trial court or agency and it does not receive additional evidence or hear witnesses. The court of appeals also may review the factual findings of the trial court or agency, but typically may only overturn a decision on factual grounds if the findings were clearly erroneous. The appellant writes a document called a brief in which the appellant tries to persuade the judge that the trial court made an error and that its decision should be reversed.

Death Qualified: In law, a trial jury pronounced fit to decide a case involving the death penalty. The fitness of jurors to serve in death-punishable cases depends on their views on capital punishment. To be a juror in a death penalty case, a potential juror has to agree that they would support the death penalty, and consequently those opposed to the death penalty are automatically excluded. Since demographically more black people oppose the death penalty, these people are excluded from being jurors which means that the juries in death penalty cases are usually white which creates racial issues and problems, particularly when the defendant is black.

Dismissal with prejudice: When a case is dismissed for good reason and the plaintiff is barred from bringing an action on the same claim.

#### PCR: Polymerase Chain Reaction

PCR is a method of replicating sections of DNA, also known as amplifying DNA. In the forensic context, DNA amplification means that very small amounts of DNA can be replicated to produce a large enough sample to subject to be analyzed. The PCR method was developed by Kary Mullis, who received the 1993 Nobel Prize in chemistry for his invention.

State Bureau of Investigation (SBI): The detective agency at the state level, the state’s equivalent to the FBI, who investigates all manner of cases assigned to them by their state’s laws and who usually report to the State’s Attorney General and in some cases to the state’s governor. They are plainclothes agencies which usually investigate both criminal and civil cases involving the state and/or multiple jurisdictions.

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**KEY PERSONNEL**

**EXECUTIVE PRODUCERS & DIRECTORS:**

**Annie Sundberg and Ricki Stern** recently co-directed and co-produced the award-winning documentaries “The Devil Came On Horseback” (Sundance 2007 and Gotham Award nominee) and “The Trials of Darryl Hunt.” “The Trials of Darryl Hunt” was short-listed for the 2007 Academy Awards for Best Documentary Feature, and was a 2007 Independent Spirit Award nominee for Best Documentary. That film won awards at more than twenty festivals to date, and premiered on HBO in spring 2007, with theatrical release (ThinkFilm) in summer 2007.

**Annie Sundberg** is a director, producer and writer of film and television. She is the co-director with Ricki Stern, and a producer of “The Devil Came on Horseback, ” a production of Break Thru Films, (Sundance 2007, Gotham Award nominee), theatrically released by International Film Circuit, airing on National Geographic (February 2008). The film has won over seven festival awards, including Best International Film at Brit Docs. Annie and Ricki Stern have been recognized with the Best Female Filmmakers Award- San Diego Film Festival, Adrienne Shelly Excellence in Filmmaking Award and Lena Sharpe/Women in Cinema Persistence of Vision Award – Seattle International Film Festival.

Annie recently co-directed and co-produced with Ricki Stern the award-winning documentary “The Trials of Darryl Hunt,” a production of Break Thru Films, about a man who spent 20 years in prison for a brutal rape/murder he did not commit. “The Trials of Darryl Hunt” (Sundance 2006) was a 2007 Independent Spirit Award nominee for Best Documentary and has won more than twenty festival awards to date. The film premiered on HBO early 2007, followed by a theatrical and DVD release, October 2007 (THINKFilm).

Annie also produced the independent feature film “Tully,” nominated for four 2003 IFP Spirit Awards (Best Film, Best Screenplay, Best Debut Performance, Best Supporting Actor). Tully screened at Toronto and London Film Festivals, and received Best Film at eleven festivals, including the Los Angeles Film Festival. Recent television directing credits include “Trailer Fabulous” for MTV. Prior to that, she directed the pilot for the series “Behind the Bash with Giada DeLaurentiis” (Food Network). Annie was Series Producer on “Family Plots” (A&E) following a family run funeral parlor in San Diego. Additional producing credits include a four part series on the Mayo Clinic for Discovery Health (2004) and the 1996 Academy Award and Emmy winning One Survivor Remembers, a co-production of HBO and the U.S. Holocaust Memorial Museum. She was co-producer of In My Corner, a feature documentary film on the world of amateur boxing and the lives of young men who train in the South Bronx, which premiered nationally as part of PBS’ award winning P.O.V. series (1999). She is currently at work on her first screenplay.

**Ricki Stern** is a director, producer and writer whose films have shown on HBO and PBS. She is the co-director with Annie Sundberg and a producer of "The Devil Came on Horseback," a production of Break Thru Films (Sundance 2007, Gotham Award nominee), theatrically released by International Film Circuit, airing on National Geographic (February 2008). The film has won over seven festival awards, including Best International Film at Brit Docs. Ricki and Annie have been recognized with the Best Female Filmmakers Award- San Diego Film Festival, Adrienne Shelly Excellence in Filmmaking Award and Lena Sharpe/Women in Cinema Persistence of Vision Award – Seattle International Film Festival.

Ricki recently co-directed and co-produced with Annie Sundberg the award-winning documentary "The Trials of Darryl Hunt," a production of Break Thru Films, about a man who spent 20 years in prison for a brutal rape/murder he did not commit. "The Trials of Darryl Hunt" (Sundance 2006) was a 2007 Independent Spirit Award nominee for Best Documentary and has won more than twenty festival awards to date. The film premiered on HBO early 2007, followed by a theatrical and DVD release, October 2007 (THINKFilm).

Ricki is the director and co-producer of the award winning *In My Corner*, a documentary film on the world of amateur boxing and the lives of the young men who train in the South Bronx. The film was nationally broadcast as part of PBS' award winning documentary series P.O.V. (Point of View). She directed and produced the EMMY nominated *Neglect Not The Children*, a documentary about a Harlem based youth program. *Neglect Not The Children* was hosted by Morgan Freeman and nationally aired on PBS. Ricki's producing credits include the HBO's series on forensic science "Autopsy I, II, III" and "Murder 9 to 5," on workplace violence. Ricki is the author of a children's book series "Beryl Bean: Mighty Adventurer of the Planet" published by HarperCollins. She founded Break Thru Films, inc. in 1990. The company is currently working on the feature film version of Darryl Hunt's story.

#### **PRODUCER:**

**Katie Brown** is an independent filmmaker who joined the Hunt team in spring 2004. Brown is the producer and director of "Mother Trucker," a feature documentary profiling the life of Stacey McCaig, a 34-year-old mother, grandmother and professional truck driver. Before learning to drive an 18-wheeler, Brown worked in production at Harpo Studios (Chicago) and London Management Talent Agency. A graduate of Northwestern University, Brown is a tutor and Junior Committee member at the East Harlem School at Exodus House. Originally from Philadelphia, Brown lives in the West Village of Manhattan.

#### **CINEMATOGRAPHER**

**William Rexer II** is a director of photography whose most recent work includes the feature films "Prime" (dir: Ben Younger) and "Fierce People" (dir: Griffin Dunne). William has an extensive resume of commercials, documentaries and independent features. Other feature films include: "Nights in Phnom Penh," "Lisa Picard is Famous" (GreeneStreet, Official Selection Cannes, 2000); "Unmade Beds" (BBC & HBO, Telluride, Toronto, Venice, London Film Festivals, 1997); "Blue Note: A Story of Modern Jazz" (Bravo, 1997, and SDR Arte, 1998, GRAMMY nomination, 1997); and "A,B,C...Manhattan" (Official Selection Cannes, 1997 Un Certain Regard and Sundance Film Festival, 1998).

As a documentary cinematographer he has worked for several companies, including the BBC, Channel 4, PBS, ABC, NBC, MTV, Audubon, and the Discovery Channel. His documentary films for television include "Obsession with Orchids" (PBS/Nature/BBC, 2000); "David Blaine: Magic Man" (ABC, 1999); "In My Corner" (ITVS, 1998); "John Denver: Let This be a Voice" (PBS/Nature, 1998); "Side by Side, AIDS and Zimbabwe" (Berlin Film Festival, 1994); "Belly Talkers," (Sundance Film Festival, 1996); "Neglect Not the Children" (1993 Cine Golden Eagle & Emmy Nominee, PBS, 1993). His early work includes "White Dresses" and "When God Doesn't Listen," two political shorts made in Nicaragua by the award-winning documentary director Ana Coyne Alonso. In 2001 the Sundance Film Festival presented two of his shorts: Simon Blake's "Minotaur" (Sony Dreams HD-24P) and Ralph Macchio's "Love Thy Brother" (Showtime, 2002).

### **ADDITIONAL CINEMATOGRAPHY (digital video):**

**John Foster** has split his career between narrative features and non-fiction films. Of his thirteen fiction films, "Sunday" earned him a nomination for an Independent Spirit Award, and *USA Today* called it "stunningly shot and classically framed and contained." The film also won the Grand Jury Prize at the Sundance Film Festival in 1997. While "Tully" was nominated for four Independent Spirit Awards, the critics gave raves for the cinematography including "Visual treat...like majestic paintings," in the *San Francisco Chronicle* and "Gorgeous cinematography" from Rex Reed in the *New York Observer*. More recently, John shot the Lodge Kerrigan film "Keane" that played at the Telluride, Toronto, New York, and Cannes Film Festivals. When "Keane" was released in September 2005, Ebert & Roeper lauded its "amazing camera work," while The National Catholic Reporter said, "If Mr. Lewis deserves an Oscar nomination for his ability to suggest the range of urban anxieties, recognition is also due to John Foster's hand-held camera work." John's documentary work includes the films "Resident Alien" and "My Knees Were Jumping," both released theatrically. Additional films include "Outside Looking In" and "The Green Monster" for PBS, "Innocent Until Proven Guilty" for HBO, and "I Sit Where I Want" for Noggin. John's producing credits include ten hours of "Trauma: Life in the E.R." and "Maternity Ward" for The Learning Channel.

### **EDITOR:**

**Shannon Kennedy** is an artist and editor. Her artwork has appeared in numerous museum exhibitions, including solo exhibitions at the St. Louis Art Museum and the Yerba Buena Center for the Arts. Her work has received numerous awards. As an editor, she works primarily in the documentary field. *THE TRIALS OF DARRYL HUNT* is her second feature documentary.

### **COMPOSER:**

**Paul Brill's** latest record, "New Pagan Love Song" received widespread critical acclaim and was chosen as an Critic's Choice – Top 10 CD of the Year by Rolling Stone Magazine; CD/Artist of the Week by Allmusic.com; and was hailed by GQ as "...*the soundtrack to a lost Wes Anderson film.*" Pitchfork Media lauded NPLS as "*a demure opus that serves as a testament to the enduring potency of classical pop songwriting...*," and Mojo called it "*masterful.*" Paul's next record will be released in spring 2006 on Scarlet Shame Records.

NYC native Paul Brill first chipped his musical teeth on the icy landscape of North-Central Vermont. After a few light-deprived winters, Paul hitched his wagon to the California Gold Rush, where he dabbled in brief stints as an herbal smokes salesman, valet, corporate errand boy, and marine biology instructor, among other glamorous endeavors. It was during this time that Paul began pursuing music in earnest, performing extensively across the U.S. Upon his return to NY, Paul worked at a small school in East Harlem, where he continues to volunteer when in town. In addition to writing and recording songs for his own CDs, Paul has composed music for several films, commercials and, most recently, the theme for a new NPR program.

### **SOUND EDITOR & DESIGNER:**

Brooklyn based **Brad Bergbom** has worked in sound for film and television since 1993. It has been his pleasure to record sound for documentary and feature films on 5 continents and 14 countries. Past film credits include Academy Award nominee "My Architect", "Unmade Beds", and "Tully". The Trials of Darryl Hunt is his second project as Sound Editor with Break Thru Films. He is honored to be able to help Darryl.

**HBO DOCUMENTARY FILMS**  
**THE TRIALS OF DARRYL HUNT**  
A FILM BY RICKI STERN AND ANNIE SUNDBERG  
**COMPLETE CREDITS**

executive producers & directors RICKI STERN & ANNIE SUNDBERG

producers KATIE BROWN  
WILLIAM REXER II  
RICKI STERN  
ANNIE SUNDBERG

editor SHANNON KENNEDY

cinematographer (16mm) WILLIAM REXER II

additional cinematography (DV) JOHN FOSTER  
ALAN JACOBSEN  
SHANNON KENNEDY

original score PAUL BRILL

sound edit BRAD BERGBOM

writers RICKI STERN & ANNIE SUNDBERG

in order of appearance: EVELYN JEFFERSON  
FRED FLAGLER  
JOHN REEVES  
MARY ANNE SHEBOY  
MARK RABIL  
GORDON JENKINS  
DARRYL HUNT  
LARRY LITTLE  
JOSEPH MASTEN  
SAMMY MITCHELL  
DONALD TISDALE  
JOHNNY GRAY  
KHALID GRIGGS  
THOMAS MURPHY  
JAMES DAULTON  
ROGER WEAVER  
MARGARET CRAWFORD  
MARK MAYHEW  
CYNTHIA McKEE  
REVEREND CARLTON EVERSLEY  
MONICA MALPASS  
JAMES FERGUSON  
APRIL HUNT  
DEAN BOWMAN  
BILL MILLER  
DEBORAH DAVIS  
KEVEY COLEMAN  
JESSE MOORE  
RICHARD McGOUGH  
WILLIS REYNOLDS  
LISA MCBRIDE  
AL KELLY  
BEN DOWLING-SENDOR  
ADAM STEIN  
ERIC SAUNDERS  
JUDGE MELZER A. MORGAN

BLAIR MEEKS  
PHOEBE ZERWICK  
CARL CROTHERS  
TOM KEITH  
WILLARD BROWN

visual effects supervisor  
radio newscasts  
additional sound

Yorgo Alexopoulos  
Bob Costner, WSJS  
Michael Hanitchak  
Emerson Bruns  
Matthew Bagger  
Josh Isaacs  
Nancy Hess  
Final Frame  
Will Cox  
Digit Audio  
Tom Efinger  
Nicholas Scheck  
DuArt Film & Video  
Asena Basak  
Ed Moye  
Casey McDonald  
John Lad  
Bronwen Gilbert  
Heidi Brikin

additional music productions  
post production services  
online editor  
audio post facility  
re-recording mixer  
assistant engineer  
film lab (16mm)  
production assistance

tape to film transfer  
digital film services  
sr. color timer  
imaging producers

Alpha Cine Labs, Seattle  
Marc Brown  
Bill Scott  
Jannat Gargi  
Lisa Cohen

Prints by Alpha Cine Labs, Seattle

still footage

The Winston-Salem Journal  
The Chronicle, Winston-Salem

news footage

WUPN 48 Greensboro NC  
WXII, Winston-Salem NC  
UNC, Chapel Hill NC  
WGHP News, FTS North Carolina  
Natalie Bullock Brown  
California State Dept. of Corrections  
Wynn Hausser  
Paul Jay  
Winston-Salem Visitor's Bureau

additional footage

time lapse photography

Ben Butin

legal

Emerson Bruns Esq.  
Sloss Law Office

For HBO:

Consulting Editor  
Geof Bartz, A.C.E.

Supervising Producer  
Nancy Abraham

Executive Producer  
Sheila Nevins

advisors to the film:  
DOUG & SHEILA BERRY, Truth in Justice  
STEPHEN. B. BRIGHT, Southern Center for Human Rights  
LARRY MARSHALL, Center On Wrongful Convictions  
MARC MAUER, The Sentencing Project  
DAVID A. MILLS, Common Sense Foundation  
RICHARD A. ROSEN, University of North Carolina at Chapel Hill School of Law  
BRYAN STEVENSON, Equal Justice Initiative of Alabama

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New York State Council on the Arts  
Foundation for a Fairer Capitalism  
The Milton & Bernice Stern Foundation  
Hugh M. Hefner Foundation  
Michael & Zena Weiner  
The Lucias & Eva Eastman Fund  
Nextpix Productions LLC

fiscal agent for the film:  
ARTS ENGINE INC.

Original soundtrack available on Scarlet Shame Records  
[www.scarletshamerecords.com](http://www.scarletshamerecords.com)

To help others who have been wrongfully convicted, please contact  
The Darryl Hunt Project for Freedom and Justice  
[www.darrylhuntproject.org](http://www.darrylhuntproject.org)

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in association with HBO Documentaries

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