



**Winston-Salem**

***SYKES ADMINISTRATIVE REVIEW  
COMMITTEE REPORT***

***OFFICE OF THE CITY MANAGER  
WINSTON-SALEM, N.C.***

***FEBRUARY 2007***



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*(Originally requested by Council Member Vivian H. Burke  
and approved by the Winston-Salem City Council)*

***OFFICE OF THE CITY MANAGER***

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## ***Sykes Administrative Review Committee Members***

- Chairman Don Nielsen
- Vice Chairman Ike Black
- Marcia Cole
- Renarde Earl
- Anita Hairston
- Jet Hollander
- Rick Pender

## ***Mayor and City Council Members***

- Mayor Allen Joines
- Council Member Vivian H. Burke, Mayor Pro Tempore
- Council Member Dan Besse
- Council Member Robert Clark
- Council Member Joycelyn Johnson
- Council Member Molly Leight
- Council Member Nelson Malloy
- Council Member Wanda Merschel
- Council Member Evelyn Terry

## ***City Manager***

- Lee D. Garrity

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# EXECUTIVE SUMMARY

## A. Introduction

Darryl Hunt has endured 20 years of system failures and human errors, beginning with the initial 911 call as Deborah Sykes lay dying. The victimization extends beyond Darryl Hunt to Ms. Sykes' family and to other victims and their families. After almost 20 years, at a February 6, 2004 hearing, investigators testified that there was no evidence that Mr. Hunt was involved in Ms. Sykes' rape or murder. The Winston-Salem Police Department (Police Department), the prosecutors, the defense attorneys, the judges, and the jurors all could have made different decisions or taken different actions, any of which may have altered the tragic course of events.

The investigation and prosecution of the Sykes case and of other crimes this report discusses involved several agencies and individuals. It is important to note that this review does not address the actions of all other involved entities because those entities were outside the scope defined in the authorizing resolution. The report instead focuses only on the Police Department's actions.

The focus throughout has been twofold: 1) what shortcomings were found in the Police Department's investigation; and 2) what steps could minimize the risks of such shortcomings in future investigations?

During 1984-1985, several as-yet-unsolved rapes occurred in the downtown area; the same assailant may have committed all of these attacks. We will likely never know for certain whether Williard Brown raped, not only Deborah Sykes, but also Linda E., Kathleen D., and Regina K. Compelling evidence indicates that he may have. Incomplete records, lapses in time, deaths of witnesses, destroyed evidence, time-clouded memories, and former employees' refusals to assist are among the reasons these matters cannot be resolved more conclusively.

This report, which incorporates valuable input from the Sykes Administrative Review Committee (Committee), focuses on issues the City Council specified in its 2004 resolution. The report includes a chronological history beginning with investigations of the Arthur Wilson homicide (1983), the Sykes rape and homicide (1984), and the rapes of Linda E. (1984), Kathleen D. (1985), and Regina K. (1985), followed by a focused analysis of the issues. Next, the report addresses changes over the past 20 years and provides responses to scope questions the Committee compiled. The findings reach conclusions where possible, and the recommendations introduce changes that are appropriate. Consequently, this executive summary is not intended to replace the entire report. Rather, it provides a brief overview and highlights certain points and issues.

## B. Historical Overview

Following Sykes' murder on August 10, 1984, police began to focus their investigation on Darryl Hunt and Sammy Mitchell, two individuals known to police officers at the time. Investigators relied on Johnny Gray, who said he was walking by when Sykes was attacked. Other witnesses gave varied accounts and descriptions of the attack. However, Gray and Thomas Murphy identified Hunt in a live line-up; subsequently, he was arrested and charged with Sykes' murder. The execution of a search warrant containing false statements led to the recovery of a spider t-shirt, which police falsely said witnesses to the crime observed the assailant wearing. Then, in November 1984, police learned that

Hunt was a type “B” secretor; Sykes’ rapist was a type “O” secretor.<sup>1</sup> Nevertheless, Hunt remained in jail and was convicted the following summer.

Two months before Sykes’ murder, Linda E. reported that she had been raped numerous times by a black male over several hours; the last rape occurred a few hundred yards from where Sykes was raped and killed. Then, on January 1, 1985, Kathleen D. was raped by a black male behind Brunson Elementary School. On February 2, 1985, a black male abducted Regina K. as she was reporting to work at Integon in downtown Winston-Salem. Forcing her back into her car, he made her drive to another location, where he raped her. She fought her assailant, and although he repeatedly cut and stabbed her neck and face, she managed to escape. Regina K. questioned whether her assailant could have been the same as Sykes’ assailant; she recounts that police told her that an arrest had been made in the Sykes case, and they did not want to cast doubt on Hunt’s guilt. Regina K. identified Williard Brown as her attacker on May 23, 1985 from photographs. In the Regina K. case, no physical evidence indicating the attacker’s blood type was detected.

After police located Brown in 1986, they learned that he was an “O” secretor, but Brown denied any involvement in the Sykes case. Subsequently, although Regina K. identified Brown in a live line-up, the Police Department declined to conduct a voice exemplar.<sup>2</sup> Records are incomplete and accounts conflict, but it appears that the lack of a voice exemplar or physical evidence proving that Brown was Regina K.’s attacker was key in the decision not to charge Brown in the Regina K. case.

During the same period, two Police Department detectives and two North Carolina State Bureau of Investigation (SBI) agents reinvestigated the Sykes homicide. Detective Carter Crump worked on this reinvestigation while he was the investigator in the Regina K. case. It appears, however, that Crump either never connected Brown to the Sykes case or made no record of this possible connection. Kevey Coleman<sup>3</sup> recalls that he told Crump and the SBI investigators in 1986 that Brown was the man he saw with Sykes on August 10, 1984. Committee investigators located no records of that identification. Crump said that he discovered that Brown was in jail at the time of the Sykes murder. Although Crump documented many other “dead ends,” he did not write a report concerning this discovery.

In 1986, the Police Department reopened its investigation of Arthur Wilson’s murder (which occurred in 1983), obtained a confession from Merritt Drayton, and charged Drayton, Hunt, and Mitchell with the crime.<sup>4</sup> Hunt and Mitchell were both convicted; both received new trials after appeals; and only Mitchell was convicted in his second trial.

In 1989, the Supreme Court of North Carolina (N.C. Supreme Court) reversed Hunt’s 1985 conviction in the Sykes case. Preparation for his new trial began when appointed prosecutors Bowman and Yeatts selected a team of Police Department officers (Biggers, Hicks, McCoy, Nifong, and Weavil) to re-interview witnesses and help prepare the case for trial. Kevey Coleman was perhaps the most significant new witness to emerge;<sup>5</sup> Witness Ed Reese also placed Mitchell near the crime scene on the morning of August 10, 1984. Jurors convicted Hunt a second time in 1990.

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<sup>1</sup> The SBI determined on March 11, 1985 that Sammy Mitchell, Hunt’s alleged co-assailant, was a type “A” secretor.

<sup>2</sup> A voice exemplar is a vocal identification test conducted to provide a means of identification in addition to eyewitness identification.

<sup>3</sup> Coleman was an eyewitness identified during the 1986 reinvestigation through a CrimeStoppers call.

<sup>4</sup> Drayton pled guilty.

<sup>5</sup> See Key Issue 8 for more information about Kevey Coleman’s role.

Subsequently, Hunt filed several post-conviction motions for appropriate relief and an appeal. The result of these legal proceedings was that the N.C. Supreme Court in 1994 upheld the conviction and determined that the DNA testing results conclusively excluding Hunt as the rapist would not likely change the verdict in a new trial.<sup>6</sup> Subsequently, in 2003, a judge ordered comparison of the case's DNA evidence to a national DNA databank. That directive and subsequent investigation led to Williard Brown's arrest and confession in December 2003; Brown is serving a sentence of life plus 10 years. In early 2004, Hunt's sentence was vacated and the case dismissed with prejudice. The Governor subsequently pardoned Hunt.

### **C. Report Contents, Findings, and Recommendations**

Those interested in a more detailed history of the events the Committee examined will find the historical overview helpful. The key issues section focuses on topics that have emerged as being most significant in this investigation. Unfortunately, in that many former employees declined to provide interviews, many questions remain unanswered. I have refrained from engaging in speculation, as it serves no purpose when one is seeking facts. However, I have drawn reasonable inferences from available information.

Following the key issues discussion is the *Scope of Report* section, which includes Council and community members' questions and responses to those questions. The *Current Practices* section outlines improvements in various Police Department functions over the past 20 years. Recognizing these areas of improvement is important; the Police Department has made significant changes to address case investigation issues over the past decade. Lastly, I have included my *Findings* of fact and *Recommendations*. It is my hope that we will continue to build on the advancements already accomplished to develop an even better Police Department.

After a thorough review of what we know today, I conclude that:

1. There is no evidence that Mr. Hunt was involved in the Sykes rape or murder.
2. By later November 1984, given the false statements in search warrants, Johnny Gray's false identification of Terry Thomas and subsequent identification of Darryl Hunt, and subsequent blood group evidence (November 1984 SBI lab report) eliminating Darryl Hunt as the rapist, probable cause to believe that Hunt committed the offense no longer existed. Furthermore, once detectives knew that Hunt and Mitchell's blood type did not match the blood type of the rapist, they conducted little or no investigation to locate the rapist.
3. Police Department detectives should have connected the Sykes and Regina K. cases in the spring of 1986 and connected Williard Brown's blood group evidence with that from the Sykes case, in that the same investigator was working on both cases at that time.
4. Police Department detectives should have considered all available evidence and should have more thoroughly investigated the Kathleen D. and Linda E. cases to determine if the same rapist committed both crimes and whether that rapist was the Sykes/Regina K. attacker.
5. Had the Police Department recognized and acted upon any of the above, Sykes' assailant would likely have been identified much sooner than 2003.

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<sup>6</sup> See Historical Overview, Section XIV, and related footnotes for more specific information on these post-conviction legal proceedings.

## ADMINISTRATIVE REVIEW COMMITTEE PROCESS

After Hunt was exonerated in the Sykes homicide and Williard Brown was sentenced to prison, Council Member Vivian H. Burke, chair of the Public Safety Committee, recommended that the City Manager conduct an administrative investigation of the city's actions regarding the Sykes homicide and related investigations. The City Council then created an advisory committee, the members to be appointed by the City Council, to assist the manager in this review. The Committee consisted of the following seven members: Chairman Don Nielsen, Vice Chairman Ike Black, Marcia Cole, Renarde Earl, Anita Hairston, Jet Hollander, and Rick Pender. When the Committee convened on July 26, 2005, it was assisted by city staff.<sup>7</sup>

The Committee began its work by conducting a series of public hearings where citizen participation was invited to identify issues and concerns community members had. The Committee also solicited input from key stakeholders. From these hearings, written contacts, and input from Committee members themselves, the Committee developed a list of scope questions. Also, the Committee and staff developed a list of individuals who may have useful information.

Meanwhile, Committee investigators reviewed all documents they could locate associated with police investigations of this case. Those documents included: all available reports from the Sykes,<sup>8</sup> Wilson, and Integon investigations, reports from other unsolved rapes that may be related to the Sykes case, the City Manager's 1985 report, court documents [trial transcripts from Hunt I and Hunt II, the 1994 Motion for Appropriate Relief, all appellate court opinions in *State v. Hunt* (Sykes) and (Wilson) and *State v. Mitchell* (Wilson)], the 1986 Internal Affairs Report, transcripts and affidavits in Johnny Gray's civil suit against the city, transcripts and affidavits in J. I. Daulton's civil case against the city, unsealed documents maintained by the clerk of court, personnel files, crime scene photographs, suspect photographs, assorted newspaper articles, and portions of the 1986 SBI investigations that were sealed by court order in 1994.<sup>9</sup>

During the course of the review, staff summarized information from interviews for the Committee and provided periodic reports. Also, the Committee gathered information regarding legal issues, police department policies and practices, and changes in police operations over the approximately 20 years since Sykes was murdered.

Committee investigators Ferrelli and Byrom conducted the bulk of the investigation and interviews. Some witnesses declined to be interviewed but agreed to address the committee. Other witnesses declined to be interviewed. In four cases, individuals requested written questions; three of these individuals responded.

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<sup>7</sup> City Manager Lee Garrity, Police Chief Patricia Norris, Assistant Police Chief Barry Rountree, Assistant Police Chief Louis Saunders, Police Lieutenant Staff Investigator Joseph Ferrelli, Police Captain Kevin Leonard, Police Sergeant Staff Investigator Chuck Byrom, Public Safety Attorney Julie Risher, Assistant City Attorney Angela Carmon, and Recording Secretary Paige Deal.

<sup>8</sup> Committee investigators compiled the most comprehensive version of the Sykes homicide investigation report to date, spanning from August 10, 1984 to July 26, 2006. See Appendix A-8. While this compilation is as comprehensive and complete as currently possible, the investigators, city staff, and the Committee recognize that due to human error and lost, missing, and discarded documents, even this file may not be complete. The file includes documents preserved in the Evidence Management Section that were not previously merged with the Records Division's Sykes file.

<sup>9</sup> In July 2006, the State Bureau of Investigation (SBI) consented to an order unsealing portions of the 1986 SBI investigation (which Judge Morgan had sealed in 1994 in connection with Hunt's Motion for Appropriate Relief) for an eight-hour period to permit three designated Police Department employees to review the documents. The SBI had previously allowed Police Department personnel to view unsealed portions of the 1986 investigation.

Those agreeing to be interviewed included: James Allen, Mike Barker, Al Beaty, Frieda Carpenter, Kevey Coleman, Cheryl Collins, Homer Craig, J. I. Daulton (deceased), Jeff Dorn, Linda E., Craig Fraser, Darryl Hunt, James Johnson, Christy Josey, Al Kelly, William Klinzing, Carl Koontz, Charles Lynch, Davida Martin, Peggy Matthews, Lisa McBride, Donna McKee, Sammy Mitchell, Randy Patterson, Vicky Pearl, Mary Rumble, Warren Sparrow, Karl Schulte, Riley Spoon, Anthony Stover, Bryce Stuart, Yvetta Thomas, David Wagner, Charles Walker, and Randy Weavil.

People who declined interviews outright, did not respond to requests, or said they had no useful recollections or information and therefore declined include: Cleveland Bankhead, Earl Biggers, Dean Bowman, Williard Brown, Gid Cornatzer, Carter Crump, Brenda Dew Bissette, Tom Keith, Furman Mason, Joe Masten, Jerry Matthews, Michael McCoy, Terry Moorefield, Bill Miller, Richard Nifong, Barry Owens, Jerry Raker, William Reingold, Eric Saunders, Bobby Spillman, Louis Stoakley, Dan Stone, Don Tisdale, David Walker, and Mike Wilkins.

The following persons addressed the Committee: Regina K., Larry Little, Mark Rabil, Warren Sparrow, and Larry Womble.

The following persons requested written questions: Claire McNaught, George Sweat, Bryce Stuart, and Teresa Hicks. McNaught, Sweat, and Stuart sent written responses. Hicks initially did not respond, but she contacted the investigators several months later to arrange a time to review numerous documents. She was unwilling to agree to respond to the questions; she never submitted responses to the questions prepared for her.

Investigators were unable to locate Margaret Marie Crawford (Perkins), and Thomas Murphy's poor health precluded an interview.

The following persons are deceased: Bob Archer, Kathleen D., Johnny Gray, William Hooper, David Keller, Mary McKey, Ed Reece, Willis Reynolds, and Roger Weaver.

As the review progressed, Committee investigators identified two other rapes that have been labeled as Linda E. (occurring June 13, 1984, in virtually the same location, involving similar sexual acts, similar suspect description) and Kathleen D. (occurring January 1, 1985, behind Brunson Elementary at 155 North Hawthorne Street; similar sexual acts, weapon, and suspect description). Victims in all of these four rapes were white females, and all rapes occurred in public locations. Consequently, investigators reviewed these case files and contacted relevant witnesses for interviews.

After completing as much investigation as was possible given the passage of time, refusals to cooperate, and other factors, city staff drafted this report, which was reviewed, revised, and adopted by the Committee.

Conclusions are drawn from all available evidence, and while the city staff and the Committee did not engage in speculation, their conclusions are only as sound as the available information upon which those conclusions are based. In the absence of information to the contrary (such as could possibly have been provided by persons who declined to participate and be interviewed), city staff and the Committee reached the most reasonable conclusions possible under limitations beyond their control.

Although questions about the initial murder investigation of Deborah Sykes and the subsequent investigations about the case remain, the Committee sincerely hopes that this investigation will answer some of those questions.

## HISTORICAL OVERVIEW

### I. Arthur Wilson

At about 2:30 a.m. on September 17, 1983, emergency personnel responded to the 1700 block of Claremont Avenue, where a black male lay in the street in front of a drink house. The male, Arthur Wilson, died from his injuries, the most obvious of which was a blow to the right backside of his head. Witnesses in a passing car told police that they saw three slender black males in their 20s, about 5'6" to 5'8", wearing light-colored short-sleeved shirts and blue jeans or khakis, hitting Arthur Wilson and going through his pockets. The officers canvassed the neighborhood but obtained no further information. Ezell Clowers, the owner of the drink house, was also interviewed but claimed to know nothing about the victim or his attackers.

One witness prepared a composite of one suspect. Case Detective Mike Wilkins had no other apparent leads and requested that the case stay open while the homicide aired on Channel 13's CrimeStoppers program. Anonymous tips were received, and Wilkins prepared photo line-ups for two of the witnesses from the car, but they were unable to make any positive identifications.<sup>10</sup> The investigation was closed inactive on December 6, 1983.<sup>11</sup>

### II. Linda E.

Linda E., a white female, told police that at about 9:00 p.m. on June 13, 1984, she was walking in front of the Shipp Travel Agency in the 500 block of Fifth Street in downtown Winston-Salem. She was approached by a black male whom she had never seen before, with a red and white shirt wrapped around an unknown object in his hand. The man stuck the unidentified object, which Linda E. said felt like a gun, into her back and told her she had to come with him. Over approximately the next six and a half hours, the man "dragged" Linda E. over a four-block area, forcing her to perform fellatio on him and vaginally raping her five times. The two rape locations Linda E. could positively identify were one near the Southern Bell building on Fifth Street and another between the bushes and the fence behind Crystal Towers.<sup>12</sup> At the end of the assaults, Linda E. walked away from the attacker near a building with "Hanes" printed on its side and immediately called the police.

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<sup>10</sup> According to the file, an anonymous CrimeStoppers report (no file number) was received on September 26, 1983, identifying Samuel Mitchell, Richie Davis, and "a black male named Darrell" as the individuals who beat a man to death at Claremont and 17th Streets. Detective Wilkins reported on September 29, 1983 showing a photograph of Mitchell to the witnesses in the car, but they did not recognize Mitchell. On October 11, November 11, and December 15, 1983, three CrimeStoppers reports (file numbers 2598, 2670, and 2748) came in stating that Richard Wright, Chuckie Simmons, and Wade Brady had committed the Arthur Wilson murder. The documentation is unclear as to what photographs were used in the subsequent line-up, but the witnesses made no identification.

<sup>11</sup> **City Manager's Note:** The 1983 case file contains no record of any concerted effort to identify patrons who were at Ezell Clowers' drink house on September 17, 1983. By contrast, in 1986, the effort was much more comprehensive. See Investigator's Notes, 1986 Arthur Wilson case, Appendix A-36. Additionally, Wilkins never documented efforts to interview the suspects named in CrimeStoppers tips. Wilkins obtained nontestimonial identification orders to obtain photographs of Richard Wright and Chuck Simmons, but Wilkins documented no efforts to interview them. Wilkins' reports mention no efforts to identify the "black male named Darryll." Also, Wilkins witnessed two statements Daulton took from Brenda Morino in the Sykes case in 1984. Both statements mentioned Darryl Hunt and Sammy Mitchell. No documentation exists to indicate Wilkins made any effort to determine if Hunt was "the black male named Darryll" in the Wilson case or to in any other way revisit the 1983 Wilson investigation.

<sup>12</sup> See Crime Analysis Map of Crime Locations, Appendix A-2.

Linda E. described her attacker as a medium-complected black male, between 5'3"-5'4" tall, and slender, weighing about 120 pounds. She thought he was around 25 years old, with very hollow cheeks and high cheekbones. He had black hair, brown eyes, a thin mustache and beard, and was wearing a silver ring on his left ring finger.

The responding officer took Linda E. to the hospital for a rape kit and, on the doctor's recommendation, seized Linda E.'s clothes as possible evidence.<sup>13</sup> He then took Linda E. to the police station, where she tentatively identified Thomas Mashack from photographs as a person who resembled her assailant.<sup>14</sup>

Assigned as the case detective on June 15, 1984, Detective Teresa Hicks interviewed Linda E. on June 26, 1984.<sup>15</sup> On July 3, Linda E. was polygraphed; the results indicated no deception. Nine days later, on July 12, 1984, Hicks and Detective Miller drove around the areas where Linda E. reported being raped but did not see any individuals who resembled the suspect. Detective Hicks reported on July 23, 1984 that her "heavy caseload" prevented any further investigation into Linda E.'s case. The case was not assigned to another detective.

On August 2, 1984, nearly seven and a half weeks after Linda E.'s initial report, Hicks showed Linda E. a photo line-up of possible suspects; the line-up included Darren Haile's photo.<sup>16</sup> Linda E. picked Darran Haile as a potential suspect but said that she wanted to see a more recent photo of him to be sure.<sup>17</sup> When Hicks showed Linda E. a more recent photo of Haile on August 24, 1984, Linda E. thought Haile might be her attacker. Because she still was not sure of her identification of Haile, Linda E. requested to see him in person. Detective Hicks reported trying to locate Haile but apparently was never successful. On September 12 and 13 and October 3, 1984, Detective Hicks tried unsuccessfully to contact Linda E., who had since moved away from the area. With no further documentation concerning the Haile lead and citing her inability to contact Linda E., Detective Hicks closed the case as inactive on October 16, 1984.

### III. Deborah Sykes

Shortly before 7:00 a.m. on August 10, 1984, 911 operators received a call from a person identifying himself as "Sammy Mitchell"<sup>18</sup> reporting that a man was beating a woman near the downtown fire station.<sup>19</sup> Later that same morning, Fred Flagler, editor of the Winston-Salem Journal & Sentinel,

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<sup>13</sup> Destruction of this property is discussed in more detail in Key Issue 4. The rape kit seized in relation to Linda E.'s rape was destroyed on September 5, 1984, and clothing was destroyed on September 8, 1984.

<sup>14</sup> Mashack was a dark-complected black male, 5'3", and 21 years old in 1984. He weighed 165 pounds when arrested in 1987. The Linda E. investigative files include no further mention of Mashack. Identification Technician T. D. Ireland reported that Linda E. viewed IDMO file 122 but identified no one in that file. **City Manager's Note:** IDMO was the identification photographic system the Police Department used to help witnesses identify suspects in the 1980s. IDMO consisted of photo files sorted by height, age, and sex within racial groupings. IDMO photographs only showed the head and shoulders and did not indicate the height of the suspects.

<sup>15</sup> Hicks unsuccessfully tried to contact Linda E. on June 15, 1984 and was on vacation until June 26, 1984.

<sup>16</sup> **City Manager's Note:** Mashack and Haile's photos would not have been in the same IDMO file because of their height differences. In fact, Linda E.'s description of her attacker would seem to preclude showing Haile's photo. Because no documents have been found recording the individuals included in the photo line-up shown to Linda E. by Detective Hicks, it is unknown if Thomas Mashack's photo was included.

<sup>17</sup> **City Manager's Note:** Linda E. probably viewed Haile's 1982 arrest photo, when he weighed 162 pounds. Haile, a light-complected black male, was 5'10" and 20 years old in 1984. He had been implicated in two previous sexual attacks on white women. One of the cases had been prepared for prosecution by Detective Hicks.

<sup>18</sup> Police subsequently learned that the caller was actually Johnny Gray on August 22, 1984.

<sup>19</sup> The caller also said that the incident was happening near Crystal Towers, but the 911 operator focused on the fire station description and sent a police car to a wrong location. The 1985 City Manager's Report addressed this issue in depth. See 1985 City Manager's Report, Appendix A-15.

called the police to report that Deborah Sykes, a copy editor, had not come to work, but her car had been found parked on West End Boulevard.

Shortly before 1:55 p.m. the same day, a local man walking behind the creosote posts separating an open field from West End Boulevard, found a sweater, pair of sandals, and pocketbook neatly piled on the ground.<sup>20</sup> Nearby, there was a pair of pants with one leg turned inside out. Then he saw the partially clothed, bloody body of a white woman lying in the grass. She had numerous cuts and stab wounds around her chest, neck, and throat. The man notified a Journal & Sentinel reporter who was searching nearby for his co-worker. The reporter then informed Detective J. I. Daulton, who was also searching the area.<sup>21</sup>

Throughout the next few days, the police thoroughly searched the area surrounding the body for evidence. They canvassed Crystal Towers and the area for witnesses and conducted surveillance. Officers identified owners of cars parked near the scene of the crime and investigated leads from incoming CrimeStoppers tips.

#### **A. Initial Witnesses (Hooper, Murphy, Nash, and Upchurch)**

At around 4:00 p.m. on August 10, 1984, William Hooper approached officers at the scene and told them he had been driving on West End Boulevard at about 6:20 that morning. He saw two black men standing on the sidewalk with a white female. One of the men was shaking his fist in the woman's face; the other man kissed her on the lips. Hooper's description of the woman matched that of Deborah Sykes. He made composites of the two men he saw with her. The one shaking his fist in the woman's face was described as a light to medium-complected black male in his 20s, about 6'0" tall, around 150-160 pounds with short black hair and wearing dark colored clothing. The man who kissed the woman was described as about 6'2" tall, around 150 pounds, darker-skinned, with short black hair and wearing dark colored clothing.

Also, on the afternoon of August 10, 1984, Thomas Murphy contacted police. The first recorded statement from Murphy did not occur until August 28, 1984.<sup>22</sup> Murphy stated that he saw two black males with a white female in the early morning hours of August 10, 1984, leaning toward each other near Sixth and Spruce Streets. One man had his right arm around the woman's neck and was holding her right hand in his left. He was described as being ruddy and medium-complected, in his late teens or early 20s, 5'9" to 6'0", about 140-150 pounds, wearing a brown-checked shirt and light colored pants. The other male was about 100 feet down the street. He was about 6'0" to 6'3" tall and wore dark clothing.

The police interviewed a third witness, Ralph Nash, on August 10, 1984. Nash said that he was walking in the open field near West End Boulevard with Bobby Ray Upchurch when he saw a black person and a white person on the sidewalk. Nash was unable to tell the gender of the individuals but said they seemed to be holding each other up and walking closely together. When the pair got behind the fence, the black person threw the white person to the ground and lay on top of the white person while holding his/her hands to the ground. Nash thought the pair was fighting and left.

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<sup>20</sup> See Crime Analysis Map of Crime Locations, Appendix A-2.

<sup>21</sup> Daulton was assigned as lead investigator in the case. Although he had been with the department for 18 years, he only had two years of limited experience in the Criminal Investigations Division. Other personnel who came to the scene included Detectives Daulton, Hicks, Crump, Spoon, and Miller, Lieutenant Raker, Identification Technician Vicki Pearl, and Captain Gid Cornatzer.

<sup>22</sup> Detectives Daulton, Hicks, and Identification Technician Mary Rumble met with Thomas Murphy on August 10, 1984. Rumble prepared a composite sketch from Murphy's information, and Daulton drove Murphy around the crime scene to see if he recognized anyone as a suspect.

Nash's co-worker, Upchurch, said he was with Nash and saw a black male pushing or pulling a white person before throwing the white person down to the ground near the fence and straddling him/her. He thought they were just drunks fighting so he did not interfere. He described the black male as being dark-complected, in his early 20s, with broad shoulders and wearing a medium blue shirt.<sup>23</sup>

## **B. Initial Investigation and Later Witness Statements**

Police began looking for Sammy Mitchell, the reported 911 caller, the evening of August 10, 1984. While looking for Mitchell, Detectives Bowen, and Patterson spoke with Darryl Hunt (who they thought was Mitchell's brother) who told them that Mitchell did not call the police about Sykes. The detectives left their cards with Hunt and asked that Mitchell contact them at the police station.

Ms. Overby, a resident of Crystal Towers, reported that she and her son heard a woman screaming at about 7:00 a.m. on the morning of the murder. Her son, Marvin Overby, told a detective that he looked out the window when he heard the woman screaming and saw a black male walking west on Spruce Street. Each time the woman screamed, the black male would look over his shoulder at the open field. After the screaming stopped, the man returned and kept looking at the same spot. Overby described the male as being about 5'8" to 5'10" tall with a slim build and wearing a flat hat.

Thomas Murphy continued trying to help the police find Sykes' assailant. He made a composite of the man he saw and searched through IDMO the night of the murder.<sup>24</sup> That same night, Daulton drove Murphy around the area surrounding the crime scene to see if he could identify a suspect. Throughout the next few days, as the Police Department received possible leads, Daulton showed photo line-ups to Murphy. On August 14, 1984, Murphy identified Charles "Too Tall" Wall as the man he saw on the sidewalk approximately 50 feet away from the black male Murphy said was holding Sykes around the head and neck.<sup>25</sup> Murphy also called the detectives on August 28, 1984 to say that he thought he had just seen the suspect downtown. The black male he saw was wearing the same clothes as Sykes' assailant, was in his mid-20s, about 5'10" to 6'0" tall, 165-175 pounds, and was carrying a radio. Murphy often accompanied officers on surveillance of the crime scene area August 29, 1984 through September 6, 1984.<sup>26</sup>

## **C. Johnny Gray Admits Calling 911; Identification of Terry Thomas**

On August 22, 1984, Gray approached an officer on Fourth and Liberty Streets. Gray told the officer that he had seen the suspect in the Sykes murder at a nearby bus stop wearing an orange shirt or jacket. The officer had the bus pulled over and after frisking the man in the orange shirt, Terry Thomas, arrested him for possession of marijuana.<sup>27</sup> Thomas was brought to the Police Department's Detective Division and kept in a room alone with an officer guarding the door.

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<sup>23</sup> Upchurch later said that he saw the pair near a light blue car. Deborah Sykes drove a light blue Opal to work on August 10, 1984.

<sup>24</sup> **City Manager's Note:** Given the witness's description, Hunt's and Brown's photographs could have been in the IDMO file Murphy viewed, but it is impossible to say whether in fact the photos were in that file.

<sup>25</sup> Wall, a well-known character to the police, was investigated as a suspect in this case, but police concluded that his mental instability and the various witness descriptions precluded him from being the perpetrator. Wall, a 6'3" medium-complected black male, was 37 years old in 1984.

<sup>26</sup> It was reported that Murphy later stated that he felt guilty about not helping Sykes the morning of her death, and that motivated his efforts to assist the police.

<sup>27</sup> Thomas is a dark-complected black, slender, male, 6'3" tall, who was 32 years old in 1984.

During Thomas' detention, Gray came to the Police Department, where Detectives Daulton and Miller interviewed him about the Sykes murder. During this interview, Gray admitted to being the 911 caller on August 10, 1984.<sup>28</sup> He said that while he had been walking on West End Boulevard that morning, he saw a black male sitting on top of a white female's stomach and beating her around the head, shoulders, and chest. When the black male was finished beating her, he jumped up and ran toward the fire station while trying to fasten and adjust his pants. In the transcription of the interview, Gray identified the man in the next room (Terry Thomas) as the killer.<sup>29</sup> Gray described the assailant as being 6'2" to 6'3" and weighing approximately 170-175 pounds.

Thomas was immediately interviewed, but when he discovered why detectives were questioning him, he told them he had been in jail on August 10, 1984. The detectives confirmed that Thomas had been in jail.

Due to his incorrect identification of Thomas and general questions about his credibility, the police polygraphed Gray after his interview on August 22, 1984.<sup>30</sup> Although he passed the test, the officers requested that Gray be tested again on August 24, 1984 to ensure that he was a witness rather than a suspect in the crime. Once again, Gray passed the test, and the focus shifted to Mitchell and Hunt as suspects.

#### **D. Darryl Hunt as a Suspect**

Hunt and Mitchell came to the Police Department on August 29, 1984 in response to business cards detectives had left for Mitchell.<sup>31</sup> Detectives interviewed Hunt, and he stated that he had been with Marie Crawford on August 28. He also told investigators that he and Mitchell were with Mary and Cynthia McKey the night of August 9, 1984 through the morning of August 10, 1984. Mitchell confirmed Hunt's story and said that they had been with the McKeys during the time of Sykes' attack.<sup>32</sup> The next day, Daulton interviewed Marie Crawford, who stated that she had been with Hunt and Mitchell on August 10, 1984. This inconsistency raised police suspicions and kept Mitchell and Hunt as viable suspects in the Sykes murder.<sup>33</sup>

Meanwhile, Identification Technician Pearl compared three latent prints collected at the crime scene with Charles "Too Tall" Wall, Sammy Mitchell, Darryl Hunt, Terry Thomas, and Darran Haile,<sup>34</sup> but none of these individuals matched the collected prints.

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<sup>28</sup> Gray, a 5'9" dark-complected black male, weighed 181 pounds in 1987. He was 35 years old at the time of Sykes' attack.

<sup>29</sup> The Terry Thomas identification is discussed in more detail in Key Issue 2.

<sup>30</sup> Polygraphs are discussed in more detail in Key Issue 5. Detective Owens, the polygraph operator, had been informed that Gray had been drinking before the test. How impaired Gray was when the test was given is unknown based on the different statements given by various individuals who interacted with Gray that day.

<sup>31</sup> Due to the fact that Gray used Mitchell's name when he made the 911 call on August 10, 1984, the police were interested in Mitchell as a suspect. Hunt was one of Mitchell's best friends and was often found in his company. Hunt had claimed to be with Mitchell on August 10, 1984. Hunt, 19, was a dark-complected black male, 5'11" tall.

<sup>32</sup> Mitchell, a bearded, medium-complected black male, was 5'10" tall and 29 years old in 1984.

<sup>33</sup> In the early morning hours of September 8, 1984, police were called to a shooting in the 1900 block of N. Dunleith Avenue. There, officers found the victim, Dennis Speaks, and the suspected shooters, Hunt and Mitchell. Speaks accused Hunt and Mitchell of being the "Twin City Rapists" and alleged that Hunt shot him in retaliation. Speaks declined to prosecute but changed his mind the next day; consequently Hunt and Mitchell each received a criminal summons on September 9, 1984.

<sup>34</sup> Thomas was in jail on August 10, 1984, as discussed in Section III.C. Haile was developed as a suspect in Hicks' Linda E. investigation on August 8, 1984. See *supra* notes 16-17 and accompanying text.

Detective Daulton discovered that Marie Crawford was a 15-year-old runaway working as a prostitute. The police took Crawford into custody on September 11, 1984 and re-interviewed her about Hunt and Mitchell's activities on August 10, 1984. In this interview, she said that Hunt and Mitchell, both dressed in dark clothing, left her motel room at 6:00 a.m. to go downtown. Hunt returned three and a half hours later with stains on his pants and acting very nervous. She also said that she and Hunt were watching TV together two weeks later when the Sykes CrimeStoppers aired. Crawford claimed Hunt said that Mitchell had raped and killed Sykes.<sup>35</sup>

As a result of this interview, Hunt was arrested for indecent liberties with a minor on September 11, 1984. According to detectives, Hunt admitted to being with Crawford at Motel 6 on the night of August 9, 1984 until 9:30 a.m. on August 10, 1984. Hunt was polygraphed the day after his arrest about the Sykes murder, but the test results were inconclusive.<sup>36</sup> That same day, District Attorney Tisdale interviewed Hunt,<sup>37</sup> and Hunt participated in a live line-up<sup>38</sup> for Murphy. Murphy identified Hunt as the individual he saw with his arm around Sykes' head and neck. The next day, Hooper and Gray viewed live line-ups of Hunt.<sup>39</sup> Hooper did not make an identification, but Gray wrote "1-4." Gray would later explain that this meant that the number one suspect was the man holding the number four (Hunt).<sup>40</sup>

#### **E. Blood Evidence and Search Warrants**

On August 24, 1984, Daulton, the lead investigator on the case, learned that the official cause of death for Sykes was a stab wound that nicked the aorta above her heart. The SBI lab reported that the sperm found in Sykes' vaginal swab was from an "O" secretor. The lab also determined that Sykes was an "O" secretor.<sup>41</sup> The vaginal and anal smears indicated the presence of spermatozoa. The SBI did not test the anal swab.

Daulton obtained a search warrant for Hunt's blood, hair, and saliva samples<sup>42</sup> and a search warrant for Mattie Mae Mitchell's home<sup>43</sup> on September 13, 1984.<sup>44</sup> Subsequently, Hunt was charged with the first-degree murder of Sykes on September 14, 1984.

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<sup>35</sup> **City Manager's Note:** Crawford was a "Willie M." youth and, according to social worker Darcena Nahigyan (who was Crawford's therapist when Crawford was an inpatient at Forsyth Mental Health), had a tendency to be untruthful and could readily lie. See pp. 1567-1577, May 1985 Hunt Trial Transcript, Appendix A-19.

<sup>36</sup> Polygraphs are discussed in more detail in Key Issue 5. Hunt complained of a ringing sound in his ears when the test was performed. According to the polygraph tester, ringing in the ears indicates that the individual is a poor subject for testing. See Topic 3, 1986 Police Department Internal Affairs Report, Appendix A-16. A second polygraph was scheduled but was later cancelled by District Attorney Tisdale.

<sup>37</sup> Hunt did not admit to killing Sykes during this meeting. According to his 2005 interview with Committee investigators, Hunt said that Tisdale offered to let him go if he gave the police information about Mitchell's involvement in the crime. Hunt refused to do so. See 2005-2006 Committee Investigators' Interviews, Appendix A-17.

<sup>38</sup> In live line-ups, five to six men held up numbered place cards, and witnesses wrote down the identified person's number.

<sup>39</sup> Hunt had asked for his attorney before the line-ups. The officers let him call the attorney, but Hunt was unable to get in contact with him. Hunt then agreed to the line-up without the advice of his attorney.

<sup>40</sup> It is unclear from the documentation and subsequent court testimony the extent to which Daulton shared this information with his supervisors and/or the District Attorney. The Gray identification of Hunt is discussed more fully in Topic 2, 1986 Police Department Internal Affairs Report, Appendix A-16.

<sup>41</sup> There are four possible blood types: "A," "B," "O" and "AB." For a certain percentage of the population known as secretors, blood type can be determined by typing other bodily fluids, such as saliva and semen or vaginal fluids. For example, an "A" secretor has "A" blood type, and this blood type could be detected from his/her saliva as well. Non-secretors' bodily fluids, excluding blood, do not indicate an individual's blood type.

<sup>42</sup> **City Manager's Note:** In his application for the search warrant, Daulton stated that a "reliable confidential witness" saw Hunt with Sykes between 6:25 and 6:30 on the morning of her murder. He also wrote that the witness,

## **F. Roger Weaver as Witness**

Roslyn Johnson, a secretary at the Hyatt House,<sup>45</sup> called police on September 17, 1984 to report a conversation she overheard between her co-workers Roger Weaver and Danny Holt about Hunt. When police interviewed Weaver, he told them that he had seen Hunt's photograph in the newspaper and recognized him as a man he saw in the Hyatt at about 7:00 a.m. on August 10, 1984. Weaver said that Hunt came in the Hyatt House and used the restroom. After the man who looked like Hunt left, Weaver entered the bathroom and saw pink spots that looked like blood around the sink. He also saw a pile of what appeared to be bloody paper towels in the wastebasket.<sup>46</sup>

## **G. Ongoing Investigation**

Due to concerns about his truthfulness, Gray was given a third polygraph by Forsyth County Sheriff's Deputy Charles Lynch on September 19, 1984. Gray's answers to two questions indicated deception: 1) when Gray said he did not recognize the person he saw on top of Sykes; and 2) when he claimed not to know Mitchell before August 10, 1984.<sup>47</sup>

On October 23, 1984, the SBI lab reported that all hair evidence recovered was Sykes' hair and did not include any hairs from the suspect. On November 19, 1984, the SBI informed Daulton that Hunt was a "B" secretor.<sup>48</sup> The District Attorney was notified. Nevertheless, the state continued preparations for Hunt's murder trial.

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a long-time citizen of Winston-Salem with no criminal history, identified Hunt and Sykes from photo line-ups on August 10, 1984. The only witnesses who identified Hunt as being at the crime scene by September 13, 1984 were Murphy and Gray. Gray had a criminal record (whether Murphy did is unknown), and neither one identified Hunt as a suspect on August 10, 1984.

<sup>43</sup> Mattie Mae Mitchell is Sammy Mitchell's mother. In a previous arrest, Hunt had listed her house as his residence.

<sup>44</sup> The Mitchell residence search warrant described a black shirt with a spider design on it, dark or black pants, and a knife with a blade of five inches or less. According to the probable cause statement sworn to by Daulton, a citizen witness saw Hunt, dressed in dark pants and a black shirt with a spider design on it, with his arm around Sykes' head and neck on the morning of her attack. Daulton stated that the citizen was a long-time member of the community who was gainfully employed and had no criminal record. In his 2005 Committee interview, Daulton affirmed that he signed the search warrant but claimed not to know who wrote it. When asked the identity of the citizen witness, Daulton thought it might refer to Murphy. See 2005-2006 Committee Investigators' interviews, Appendix A-17. No documents found by Committee investigators record a statement from Murphy, or any other witnesses at the scene, describing the assailant as wearing a black t-shirt with a spider design on it before the issuance of the search warrant. The search warrant was executed on September 14, 1984, and the officers seized several pieces of clothing and two knives. The clothes, which included a spider web t-shirt, were never introduced in evidence. The Mitchell residence search warrant is discussed in more detail in Key Issue 3.

<sup>45</sup> The Hyatt House was located at 460 N. Cherry Street, approximately two blocks from the Sykes crime scene.

<sup>46</sup> Weaver identified Hunt's photograph from a line-up. He was not shown a live line-up including Hunt until May 13, 1985, nearly eight months after his photographic identification.

<sup>47</sup> Polygraphs are discussed in more detail in Key Issue 5. Gray was not interviewed by the Police Department following this test and was released. For a more in-depth discussion of this issue, see the 1986 Police Department Internal Affairs Report, Topic 3, Appendix A-16. Later, police investigators learned that Gray also went by the name Johnny McConnell. He had three outstanding warrants for his arrest under that name. On October 19, 1984, District Attorney Tisdale wrote a letter to the police chief concerning the questionable search warrant for Mattie Mitchell's house, the identification of Thomas, and Gray's overall credibility.

<sup>48</sup> A previous SBI report from August 24, 1984 noted that the seminal fluid recovered from Sykes came from an "O" secretor.

#### IV. Kathleen D.

An individual called the Police Department on the morning of January 1, 1985<sup>49</sup> to report that a woman had come to his apartment saying she had been raped.<sup>50</sup> When the police arrived, they found Kathleen D., a white woman, wrapped in a blanket sitting on the caller's couch with her pants and pantyhose around her feet. Her arms were tied behind her back with her bra, and her feet were tied together with her underwear.

After she was untied, Kathleen D. told the police that she had left her house around 8:00 a.m. and walked north on Broad Street toward her work place. A black male crossed the street and walked in front of her for a few blocks before he started to limp. He stopped, rested his leg on a nearby building, and said that his bone was hurting. She passed him, and he began to follow her. When Kathleen D. neared Brunson Elementary School, the black male grabbed her from behind, holding a knife near her face.<sup>51</sup> The black male pulled a brown and tan ski mask over his face while forcing her to walk towards the north side of the school.

The attacker tried to rob Kathleen D.<sup>52</sup> but she had no money in her purse. He then tore her coat and clothes off with his knife and hands.<sup>53</sup> He forced her to her knees and made her perform fellatio upon him.<sup>54</sup> Next, he bent her over at the waist and penetrated her from behind. Throughout the attack, he told her not to look at him. When he was finished, he tied her up and left the scene but returned a short time later and asked her for the time before leaving again.

Kathleen D. waited at least 20 minutes before she got up and sought help at the nearby apartment building. After showing the officers her attack site, she submitted to a rape kit at Forsyth Memorial Hospital. The police collected the rape kit, Kathleen D.'s clothing, and the blanket as evidence.<sup>55</sup> At the Police Department, Kathleen D. described her attacker as a black male, about 5'3", very thin, wearing faded, dirty jeans, a white sweatshirt, and a black leather or vinyl jacket. She was unable to positively identify any photographs,<sup>56</sup> but she did make a composite drawing of the suspect.<sup>57</sup>

On January 2, 1985, Peggy Matthews called to report a person matching the description of Kathleen D.'s attacker near the area of the assault. Ms. Matthews said that on December 30, 1984, she had been shopping at Food Fair on W. First Street when a black male, about 5'3" to 5'5",<sup>58</sup> approached her and asked her questions about plumbing. The man was directly in her face while speaking with her. Ms. Matthews described him as light-skinned with several small dark black spots on his face and wearing a large silver ring on his left hand.<sup>59</sup> She thought she could identify the man if she saw his photograph again.<sup>60</sup>

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<sup>49</sup> Hunt had been in jail since September 11, 1984.

<sup>50</sup> See Crime Analysis Map of Crime Locations, Appendix A-2.

<sup>51</sup> Linda E.'s assailant pointed what she believed was a gun to her head while he forced her to perform fellatio on him. Deborah Sykes had numerous cuts and stab wounds on her neck and throat.

<sup>52</sup> Detectives never conclusively determined the amount of money missing from Sykes' purse.

<sup>53</sup> The violence to Kathleen D.'s clothing resembles the damage done to Sykes' clothes.

<sup>54</sup> Linda E.'s attacker forced her to perform fellatio upon him.

<sup>55</sup> The rape kit was destroyed on August 27, 1987. Kathleen D.'s clothes were destroyed on February 4, 1988. The blanket Kathleen D. was found wrapped in was destroyed on March 22, 1991.

<sup>56</sup> Identification Technician Lewellyn reported that Kathleen D. was shown IDMO file 122 on January 1, 1985.

<sup>57</sup> The composite has not been found in the police documentation.

<sup>58</sup> Linda E. described her attacker as being between 5'3" and 5'4" tall. Kathleen D. said that her assailant was about 5'3".

<sup>59</sup> Linda E. described her attacker as having a large silver ring on his left hand.

<sup>60</sup> There is no further documentation of Police Department contact with Ms. Matthews. When Committee investigators contacted this witness in 2006, Ms. Matthews was unable to recall speaking with the Police

Also on January 2, 1985, Darryl Sturdivant was arrested for housebreaking. Hicks, assisting the arresting officer, questioned Sturdivant about his possible involvement in the Kathleen D. attack.<sup>61</sup> When Kathleen D. was shown a photographic line-up that included Sturdivant, she was unable to identify him. Hicks also brought Kathleen D. to Sturdivant's breaking and entering hearing on January 21, 1985 for a possible in-person identification, but Kathleen D. again did not identify Sturdivant as her attacker.<sup>62</sup> Kathleen D. then wrote a detailed statement of her attack.<sup>63</sup> Due to a lack of leads, on January 31, 1985, Hicks asked that the case be closed inactive.

The next report, filed on May 14, 1985, noted that Hicks had Kathleen D. view "all IDMO photographs" that fit the description of her attacker.<sup>64</sup> Kathleen D. did not identify any of the photographs as her attacker, and the police had been unable to find any witnesses to her assault. On May 15, 1985, Kathleen D. was shown a photograph of Billy Thompson and mentioned that she had seen a composite from the Integon rape (Regina K.) case, but she identified neither as her attacker.<sup>65</sup> Hicks again requested that the case be closed inactive on the same day.

## V. Regina K.

At about 8:15 a.m. on February 2, 1985,<sup>66</sup> police responded to Eastview Apartments, 2500 Old Greensboro Road, on a reported rape. There, the police found Regina K., a naked, blood-covered white female,<sup>67</sup> wrapped in a bedspread.

### A. Victim's Account and Description

Regina K. told the officers that she had parked her car in the 400 block of Poplar Street around 7:45 a.m. and walked toward her work place, Integon.<sup>68</sup> As she neared the building, a black male approached her from the left, sticking a small dark-colored pistol into her side.<sup>69</sup> The man forced her back to her car and told her to drive around downtown Winston-Salem.

Regina K.'s attacker told her to park in the gravel parking lot at Eastview Apartments, near Fifth Street. There, he went through her purse, taking \$300<sup>70</sup> and her watch. He then told her to remove her clothes and get in the back seat of her Volkswagen. He crawled into the back seat, forced her to get on all fours, and unsuccessfully tried to penetrate her. Finally, he made her

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Department in 1985 or any details of the incident. See 2005-2006 Committee Investigators' Interviews, Appendix A-17.

<sup>61</sup> Detective Weavil had investigated Sturdivant in a sexual assault of a white 15-year-old female in the spring of 1983. The case was not prosecuted. Sturdivant was 19 years old at the time of Kathleen D.'s attack and was about 5'8".

<sup>62</sup> **City Manager's Note:** Had Kathleen D. identified Sturdivant at this hearing, a court would most likely have excluded the identification as being unduly suggestive.

<sup>63</sup> Kathleen D.'s statement has not been found in the police documentation.

<sup>64</sup> This report did not specify which IDMO files Kathleen D. viewed. According to police reports, Kathleen D. had been hospitalized in March and April for mental illness and depression.

<sup>65</sup> Billie Eugene Thompson, a 5'6" black male, had been arrested for the rape of a black woman in 1981; he was 24 years old when Kathleen D. was attacked. It is unknown if Kathleen D. saw a photograph of Williard Brown. Regina K. was raped on February 2, 1985, about four weeks after Kathleen D.'s attack.

<sup>66</sup> Hunt was in jail beginning September 11, 1984.

<sup>67</sup> Linda E., Sykes, and Kathleen D. were all white women.

<sup>68</sup> This was one block from Linda E.'s abduction, two blocks from Sykes' attack, and approximately seven blocks from Kathleen D.'s attack. See Crime Analysis Map of Crime Locations, Appendix A-2.

<sup>69</sup> Linda E. was attacked by a man carrying what she thought was a gun.

<sup>70</sup> It is unknown how much cash Sykes had in her purse the day she was killed. Kathleen D.'s attacker tried to rob her, but she had no money.

stand outside the back passenger side door and bend over while he penetrated her from behind.<sup>71</sup> The attacker never ejaculated. Throughout the attack, the man repeatedly told her not to look at him.<sup>72</sup>

Subsequently, the attacker put the handgun on top of the car while he pulled up his pants. Regina K. grabbed the gun, aimed it at him, and pulled the trigger, but the gun did not fire. Regina K. reported that he said, “Stupid bitch, it’s not loaded, but I got a knife here that will kill you dead.”<sup>73</sup> Pulling a knife from his pants, he snatched the gun away from her and hit her with the gun around her left eye. He then got behind her and put the knife to her throat.<sup>74</sup> Regina K. grabbed the knife and struggled for control of it with her attacker. After being cut a number of times,<sup>75</sup> she got control of the knife and ran toward the apartment building. She knocked on the apartment manager’s door and asked for help. The apartment manager let her in and looked outside for the attacker but did not see anyone else in the area.

Regina K. described her attacker as a dark-complected, slightly built black male 25-35 years old, about 5’5” to 5’9”,<sup>76</sup> weighing about 125-135 pounds.<sup>77</sup> He had eyes that were set slightly back in his head, short black hair, a slight gap between his two front teeth, and he was wearing gray gloves. He smelled strongly of alcohol.

## B. Evidence

Because the Regina K. attack triggered a Criminal Investigations Division division-wide callout on February 2, 1985, several detectives responding to the scene were familiar with the Sykes homicide scene. Miller was assigned the case. Regina K. was taken to Forsyth Memorial Hospital for a rape kit<sup>78</sup> and to the Police Department to see IDMO photos<sup>79</sup> and to make a composite of her attacker.

Police found the bloody six-inch butcher knife that had been used in the attack in the hallway of the apartment building. In Regina K.’s car, they found her clothing.<sup>80</sup> Two sets of footprints, one of shoes and the other of bare feet, led from the car toward the apartment building. The shoe prints branched off in the direction of Fifth Street. Investigators also found a bloody glove on E. Fifth Street matching Regina K.’s description of her attacker’s gloves.

On the ground near Regina K.’s car, the police also found a bus schedule and transfer ticket issued on February 2, 1985 for bus route 25. Route 25 started at 7:00 a.m. at 24<sup>th</sup> Street and

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<sup>71</sup> Kathleen D.’s attacker forced her to bend over at the waist while he penetrated her from behind.

<sup>72</sup> Kathleen D.’s attacker told her not to look at him throughout her assault.

<sup>73</sup> Sykes died as a result of knife wounds. Kathleen D. was grabbed from behind and threatened with a knife.

<sup>74</sup> Sykes had numerous cuts and stab wounds around her neck and head. Kathleen D.’s assailant held a knife to her throat from behind.

<sup>75</sup> Doctors treated a number of cuts and lacerations on Regina K.’s chin, neck, and the back of her head.

<sup>76</sup> Regina K. repeatedly told officers that the man’s hood was pulled up over his head during the attack, so she was unable to tell the size and shape of his head. She was only able to see his face.

<sup>77</sup> Linda E. described her attacker as a medium-complected 25-year-old black male, between 5’3”-5’4” tall, and slender, weighing about 120 pounds. Kathleen D. described her attacker as a black male, about 5’3” and very thin.

<sup>78</sup> Doctors found that Regina K. had been vaginally raped, but that there was no sperm or seminal fluid.

<sup>79</sup> One report stated she was shown IDMO files of all black males under 34 years old, and another report stated she was shown the “complete IDMO file composed of black males,” but she made no identification.

<sup>80</sup> **City Manager’s Note:** Regina K. told Detective Miller that she had taken off a blouse, bra, blue jeans, panties, and stockings. When Identification Technician Vicki Pearl inventoried the clothing found in the car, she found a blouse, bra, blue jeans, and pantyhose. There is no further mention of panties in the documentation. Linda E.’s attacker told her he took her bra to “fantasize” with.

Bowen Boulevard and reached Third and Liberty Streets, the nearest stop to Integon, at around 7:20 a.m. The bus driver remembered picking up only four individuals that morning, two of whom matched the attacker's description.<sup>81</sup> One was picked up at 23<sup>rd</sup> Street and Jackson Avenue, and the other at 14<sup>th</sup> Street and Hattie Avenue. Williard Brown's mother resided at 1615 E. 14<sup>th</sup> Street, which is at the 14<sup>th</sup> Street and Hattie Avenue bus stop.

### C. Investigation

On February 4, 1985, Detectives Miller and Barker and Regina K. drove through the Maryland Avenue Apartment Complex, which is in the direction the suspect fled, in an attempt to identify the suspect.<sup>82</sup>

Integon Security Director James Allen informed employees of the facts of the case and interviewed 21 employees working on February 2, 1984. No information about suspects emerged.<sup>83</sup> A CrimeStoppers segment, aired during the week of February 11, 1985, generated no documented leads or suspects.

Miller received information that Billy Eugene Thompson fit the description of the suspect.<sup>84</sup> On February 7, 1985, Regina K. viewed Thompson's photograph in a line-up, but she did not identify him.<sup>85</sup> The case was assigned to Crump on May 15, 1985.<sup>86</sup>

Using a photo of Williard Brown<sup>87</sup> that Miller had given him, Crump showed Regina K. a photo line-up on May 23, 1985.<sup>88</sup> She identified Brown as a possible suspect and said that he looked very familiar. On June 3, 1985, Crump documented that the SBI lab results determined that all of the blood at the scene came from Regina K. and that the rape kit contained no semen or seminal fluid. Crump also noted that he was looking for Brown.

Crump showed Regina K. two more photo line-ups during May 1985, according to a June 27, 1985 report. Regina K. continued to say that of all the photos viewed, that of Brown most closely resembled her assailant. She asked to see him in person to confirm her identification. Crump was unable to find Brown and therefore asked that the case be closed inactive on February 3, 1986.

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<sup>81</sup> The bus driver was never able to identify any suspects in this case.

<sup>82</sup> Maryland Avenue Apartments is off Fifth Street, and detectives had located the attacker's bloody gray knit glove on Fifth Street. Miller noted in his report that Maryland Avenue Apartments was "in the direction the suspect fled to [sic] the morning of the rape." See Miller's February 5, 1985 supplement report, Regina K. case file, Appendix A-10. **City Manager's Note:** Williard Brown's niece, Sandra Denise Brown, told Committee investigators that Brown and his then-girlfriend Frieda Hairston Carpenter lived in Maryland Avenue Apartments at this time. See 2005-2006 Committee Investigators' Interviews, Appendix A-17.

<sup>83</sup> Detectives Reaves and Hicks met with Allen and other Integon management personnel. Hicks was also the case detective in the Linda E. and Kathleen D. rape cases.

<sup>84</sup> No documents record from where or how Miller received this information. Billie Eugene Thompson, a 5'6" black male, had been arrested for a rape of a black woman in 1981 and was 24 years old at the time of Regina K.'s attack.

<sup>85</sup> Thompson's photograph was also shown to Kathleen D. on May 15, 1985, but she made no identification.

<sup>86</sup> Crump was the Police Department's liaison in the Sykes investigation from January to October 1986. It is unknown why the Regina K. case was transferred to Crump. This is also the day after Kathleen D.'s case was closed inactive.

<sup>87</sup> Williard Brown, a 5'7" dark-complected black male, was 24 years old at the time of Regina K.'s attack.

<sup>88</sup> **City Manager's Note:** Up to this date, detectives had shown suspects in the Kathleen D. case to Regina K. and suspects in the Regina K. case to Kathleen D. Kathleen D. told Hicks that the person in the Integon sketch was not her attacker. However, no documents record police ever showing Kathleen D. Brown's photograph, even after Regina K. identified him twice from photographs and asked to see him in person.

On February 23, 1986, Crump reopened the case to show Regina K. two photo line-ups, one containing Sturdivant<sup>89</sup> and the other Haile,<sup>90</sup> but she did not identify either man. Meanwhile, from May 1985 through March 1986, Crump filed numerous supplement reports stating that he was still looking for Brown and was keeping Regina K. informed on a regular basis about the search for Brown.<sup>91</sup> On April 1, 1986, Regina K. identified Brown in a live line-up as her attacker.

After this identification, Detective Crump got a search warrant for Williard Brown's hair, saliva, and blood on April 24, 1986.<sup>92</sup> The blood group results Detective Crump received on May 19, 1986, showed Williard Brown to be an "O" secretor, but added that no physical evidence of the attacker had been found at Regina K.'s crime scene, making a comparison impossible.<sup>93</sup>

Regina K. had told detectives that she could recognize her attacker's voice, so on May 20, 1986, Crump asked Regina K. to write down all words she remembered her attacker saying in order to prepare a voice identification with Brown. Crump reported that, as a result of a meeting with the Police Department Public Safety Attorney Claire McNaught to review the case, a voice identification of Brown would not be done at that time.<sup>94</sup>

From June 10, 1986, to February 1987, Crump documented in numerous supplement reports that he was waiting for the SBI lab analysis of Brown's hair samples.<sup>95</sup> He noted in each of these reports that he constantly updated Regina K. about the status of the case.

Crump interviewed Brown on February 12, 1987.<sup>96</sup> Brown refused to talk to Crump without an attorney present. Based on information from Brown and his mother, Crump unsuccessfully searched for any witnesses who could testify about Brown's location during Regina K.'s attack.

On April 30, 1987, Crump called Regina K. and told her to take the weekend to decide if she wanted to prosecute Brown for her rape.<sup>97</sup> Crump documented that she called back on May 4, 1987, and said she did not want to go forward with the case if the prosecution would be based only on her testimony with no other physical evidence to support her account.<sup>98</sup> Crump requested

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<sup>89</sup> Sturdivant had originally been a suspect in Hicks' Kathleen D. investigation. Kathleen D. had failed to identify Sturdivant's photo on January 2, 1985. See supra notes 61-62 and accompanying text.

<sup>90</sup> Haile was a suspect in Hicks' Linda E. investigation. Linda E. had identified Haile as a possible suspect on August 2, 1984. See supra notes 16-17 and accompanying text.

<sup>91</sup> Police arrested Brown on March 12, 1986 on two outstanding warrants for housebreaking.

<sup>92</sup> **City Manager's Note:** It is unclear how or why Crump obtained this search warrant in the Regina K. case. On May 25, 1985, he had received a report from the SBI lab that none of the assailant's blood or semen had been found. Therefore, there would be no evidence from the attacker to which to compare Brown's blood and semen. At the time, Crump was also involved in the SBI Sykes investigation. The court's copy of this search warrant was destroyed pursuant to a January 13, 1999 blanket destruction order. See Appendix A-32.

<sup>93</sup> All of the blood found at Regina K.'s crime scene came from an "A" secretor (Regina K. is an "A" secretor). The blood results from the SBI lab indicated that Brown was an "O" secretor. The failure to connect Brown to Sykes is discussed in more detail in Key Issue 7.

<sup>94</sup> McNaught stated that she did not recall this meeting in her 2006 responses to the Committee's questions. See 2005-2006 Committee Investigators' Interviews, Appendix A-17.

<sup>95</sup> The SBI results from January 22, 1987 showed that there was no hair transfer from the attacker to the victim, so a comparison to Williard Brown's hair was impossible.

<sup>96</sup> Brown had been in custody since March 12, 1986.

<sup>97</sup> **City Manager's Note:** It is unclear why Crump would offer Regina K. the weekend to make up her mind about prosecuting the case due to the fact that she had actively been involved in looking for her attacker for over two years.

<sup>98</sup> In her statement to the Committee in 2006, Regina K. said that she was discouraged from prosecuting the case against Brown. According to her, when she questioned the similarities between her attack and Sykes' murder, she

that the case be closed as “exceptionally cleared” on May 5, 1987, and again on September 10, 1989, stating that Regina K. had identified Brown as her attacker but did not want to prosecute.

## **VI. Preparation and 1985 Trial: *State v. Hunt (Hunt I)***

Detectives meanwhile continued to document their work on the Sykes case. The McKeys (Hunt’s alibi witnesses) confirmed that Hunt and Mitchell were at their house when the murder occurred. Daulton executed a search warrant for Mitchell’s saliva and blood on February 15, 1985.<sup>99</sup> The SBI lab reported in March 1985 that Mitchell was an “A” secretor. Gray was arrested on common law robbery charges on March 12, 1985; the state dropped the charges after Gray testified at the 1985 Hunt trial. On May 13, 1985, Roger Weaver identified Hunt in a live line-up as the man he saw at the Hyatt House the morning of the murder.

Hunt’s trial for the murder of Sykes began on May 28, 1985 in Forsyth County Superior Court. Daulton, the lead case detective, testified that Gray wrote down “1-4” as his identification of Hunt and explained that it meant that Hunt (number 4) was the number one suspect. He also said that District Attorney Tisdale ordered the eight-month delay in showing Weaver a live line-up. Finally, Daulton claimed that Gray never identified Terry Thomas as a suspect.

SBI Serologist Brenda Bisette testified that all bodily fluid samples recovered from Sykes’ body were from one or more blood group type “O” secretors.<sup>100</sup> Sykes was an “O” secretor; Hunt is a “B” secretor, and Mitchell is an “A” secretor. Bisette said that she was unable to determine whether the fluids she was testing were from Sykes or from her attacker. Bisette testified that Sykes’ “O” secretor fluids masked evidence (or markers) of the rapist’s blood group. Therefore, the failure of tests to detect any other blood groups in the samples did not perforce demonstrate the absence of the other group(s) from the sample. In other words, Bisette’s contention was that even though the samples tested indicated the presence of only “O” secretor fluids, the results did not exclude Hunt or Mitchell as the rapist because Sykes’ “O” secretor fluids masked any “A” and “B” secretor markings. The defense did not call a serology expert at trial to dispute this contention.

Following his testimony for the prosecution, Murphy saw Gray in a hallway outside the courtroom. Murphy informed Assistant District Attorney Reingold and Robert Henning, the private investigator for Sykes’ mother, that he recognized Gray as the other man he saw at the crime scene.<sup>101</sup>

On June 14, 1985, Hunt was convicted; he then appealed.

## **VII. The Lassiter Letter**

Community-wide concerns developed about the Sykes investigation and Hunt trial. After Hunt’s guilty verdict, and at Council Member Vivian Burke’s request, Reverend Leonard V. Lassiter, Jr. compiled concerns and questions the community had about the Sykes investigation and Hunt’s arrest. He presented several points in a letter to Council Member Burke on August 12, 1985. One of the points concerned the Police Department’s reliance on Gray’s reliability as a witness. There were also numerous concerns related to the role of the Police Department in witness identifications of Hunt. Several questions centered on Marie Crawford’s veracity and her general level of understanding of

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was told that Sykes’ killer was in jail and that the police did not want to do anything to raise doubt in people’s minds about Hunt’s charges. See Committee 2005-2006 Investigators’ Interviews, Appendix A-17.

<sup>99</sup> See Key Issue 3 for more information about this warrant.

<sup>100</sup> At this time, identification beyond blood type and secretor vs. non-secretor was not available in North Carolina.

<sup>101</sup> Crump mentioned this identification in an April 30, 1986 report; Weavil and Hicks reported this as part of a July 28, 1989 pre-trial interview with Murphy.

the proceedings. Members of the community questioned the time delay in getting information that connected Hunt to the Sykes murder. Finally, the letter expressed worries about potentially lost and/or destroyed evidence that was important to the case. The concerns in this letter provided the direction for the 1985 City Manager's review of the Police Department's activities and performance.

### **VIII. 1985 City Manager's Report**

In November 1985, the City Manager's Office reviewed police actions taken in the Sykes investigation and released a report on November 20, 1985. The six groups of questions concerned:

- 1) the credibility of Johnny Gray as a witness and the credence police gave him;
- 2) the response to Flagler's call;
- 3) the Terry Thomas arrest;
- 4) suspect composites;
- 5) misplaced or lost pertinent information and/or evidence; and
- 6) the relationship between the District Attorney's Office and the Police Department.

After a four-month investigation, the 1985 City Manager's Report concluded that the Police Department should have checked Gray as a suspect and witness more carefully. The report also acknowledged that accounts and opinions conflicted regarding whether Gray actually identified Thomas. Also, the report identified three instances where the District Attorney's Office seemed to have taken over the Police Department investigation.<sup>102</sup>

As a result of these findings, the City Manager suggested several actions to Police Department administrators. He referred the report to the police chief and Internal Affairs for investigation of possible misconduct and suggested asking the SBI for a report and recommendation.<sup>103</sup> In terms of internal police procedures, the City Manager called for survey of new or more effective methods of investigative case management including the maintenance of appropriate relationships with the District Attorney's Office. The City Manager called for an analysis of the role of officers in conducting photographic and in-person line-ups. He suggested ongoing training for police communications operators and directed personnel to study the need to develop a career track for detectives. Finally, he suggested uniform written policies for interviewing, recording statements, and verifying and preserving evidence.

### **IX. 1986 Internal Affairs Report**

The 1986 Police Department Internal Affairs Investigation was conducted after the City Manager's investigation and focused on similar issues. The first issue addressed was Gray's background and the fact that the police did not know of his alias, Johnny McConnell. The report concluded that the Police Department was not at fault for not discovering Gray's alias. The Gray in-person line-up identification of Hunt was reviewed; the investigation determined that Daulton testified truthfully and that the District Attorney's Office knew of the "1-4" identification before trial. The investigation concluded that the polygraphs showed that Gray was a witness (not a suspect) who knew Hunt and Mitchell and who admitted drinking before the polygraph. Concerning the Thomas identification,<sup>104</sup> the report concluded, from vague and unsure statements during interviews with the involved officers

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<sup>102</sup> These were Tisdale's decision to cancel Hunt's second polygraph, Tisdale's September 12, 1984 interview of Hunt, and his decision not to show Weaver an in-person line-up until right before the 1985 trial.

<sup>103</sup> This led to the 1986 SBI report, discussed in more detail in Section XI.

<sup>104</sup> Daulton, in his January 8, 1986 interview, said Gray never identified Thomas. He stated he considered "any black male in town to be a suspect" at that point in the investigation. See 1986 Internal Affairs Report, Appendix A-16.

and from the trial transcript, that Gray did not positively identify Thomas as the suspect.<sup>105</sup> The investigation stated that Thomas' interview was not documented because he had no "helpful" information concerning the Sykes murder. Further, the report concluded that the District Attorney did not take over the Police Department's investigation.

According to the Internal Affairs Report, the Miller/Daulton/Gray interview tape from August 22, 1984 had been reused,<sup>106</sup> and inadequate responses to Flagler's call on August 10, 1984 had been resolved internally. The investigation determined that the Police Department had not manipulated witnesses in the case<sup>107</sup> and that a number of circumstances rather than one individual's decision caused the delay in the Weaver line-up. The report stated that police gave Gray money from the Police Department's Informant's Fund but never gave him any reward money. Finally, the report concluded that there were a few deficiencies in the Sykes investigation, ranging from minor to serious. Most of these deficiencies had to do with professionalism issues. Following this report, the police chief disciplined three officers and the City Manager disciplined the police chief.<sup>108</sup>

## **X. Arthur Wilson Reinvestigation**

On January 6, 1986, in an attempt to clear cold cases, Detective J. K. Dorn was assigned the unsolved Arthur Wilson murder.<sup>109</sup> Dorn talked with the victim's wife, Elizabeth Griffin, who said she had heard that Sammy Lee Mitchell had bragged about killing Wilson.

By April 1986, Detective Teresa Hicks was the case detective.<sup>110</sup> In a jail interview, Merritt Drayton told Detectives R. A. Spillman and R. Weavil on April 9, 1986, that he and his wife, Mattie Mae Davis, had been at Ezell Clower's drink house on the night of Wilson's murder. He saw Mitchell hit

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<sup>105</sup> See Key Issue 2 for more information about this conclusion.

<sup>106</sup> Lieutenant Raker, on January 2, 1986, stated that he believed that the interview tape should not have been recycled. In his Internal Affairs interview, Daulton admitted that he stopped the tape to convince Gray to give his name. The amount of time the tape was stopped is unknown. Sergeant Mason told Chief Masten on February 3, 1986 that he believed that 75% of the content of the Miller/Daulton/Gray interview was not recorded on the tape. Raker thought 60-70% of the interview did not make it onto the tape. See 1986 Internal Affairs Report, Appendix A-16.

<sup>107</sup> See Topic 8, 1986 Internal Affairs Report, Appendix A-16.

<sup>108</sup> On February 24, 1986, Chief Masten signed disciplinary action reports for three members of the Police Department. Daulton was found to have committed Conduct Unbecoming and Unsatisfactory Performance for giving deceptive testimony two times at the Hunt trial: 1) for not testifying on direct examination that he instructed Gray to write the suspect's number on a piece of paper; and 2) for falsely stating at trial that the delay in showing Weaver an in-person line-up was due to conflicting work schedules). Daulton was demoted to a Public Safety Communications Operator position and was required to take vacation leave. Mason was found to have committed Unsatisfactory Performance by being directly involved in the improper show-up between Gray and Thomas on August 22, 1984. Mason was suspended without pay for five days and placed on probation for one year, during which time he was not allowed to take any Extra Duty or Police Status Employment. Raker was found to have committed Unsatisfactory Performance by being directly involved in the improper show-up between Gray and Thomas on August 22, 1984. Raker was suspended without pay for seven days and placed on probation for one year, during which time he was not allowed to take any Extra Duty or Police Status Employment. Also on February 24, 1986, Masten received a written reprimand from City Manager Bryce A. Stuart criticizing the assignment of an inexperienced detective to the Sykes crime and the assignment of detectives to the District Attorney's Office. Stuart wrote that insufficient managerial planning and control led to the lack of overall readiness and capability within the investigative division.

<sup>109</sup> The Arthur Wilson murder is discussed in more detail in Section I.

<sup>110</sup> In his 2006 Committee interview, Dorn stated that he did not know why he was removed from the case at that time. It is unknown when the case was reassigned to Hicks. See 2005-2006 Committee Investigators' Interviews, Appendix A-17. Dorn's only report was written on February 18, 1986, and the next report in the file was dated April 11, 1986, signed by Hicks. In her pre-trial testimony on August 25, 1986, Hicks stated that she was assigned the case on April 26, 1986.

Wilson's head with an axe handle with black tape on one end. Drayton also said that Darryl Hunt kicked Arthur Wilson while he lay on the ground. Drayton said that Mitchell gave the axe handle to Thomas Thompson.

On April 11, 1986, Drayton told Hicks and Weavil that Wilson, flashing a large wad of cash, had come into the drink house ordering drinks for most of the people inside. When Mitchell asked for a drink, Wilson refused to buy him one. Mitchell then told Drayton to take Wilson down to Red Mosley's house. Drayton and Wilson left the drink house and walked down Claremont Avenue. Mitchell and Hunt came from behind and attacked Wilson. Wilson fell to the ground, where Mitchell beat him on the back and head with the axe handle. Drayton took the money out of Wilson's pocket. The three men ran off when a car came down Claremont Avenue. After his interview, Drayton allowed officers to search his apartment, where they found the axe handle.<sup>111</sup>

Subsequently, Detective B. M. Owens gave Drayton a polygraph, which indicated that Drayton was truthful.<sup>112</sup> Drayton then admitted his part in the attack. The detectives spent April 14-17, 1986 interviewing witnesses, including drink house owner Ezell Clowers. All the people interviewed said Mitchell and Hunt were present the night Wilson was murdered, and some remembered the fight that occurred between Mitchell and Wilson.<sup>113</sup> On April 17, 1986, arrest warrants for the murder of Wilson were issued for Mitchell, Hunt, and Drayton.

On September 9, 1986, during Hunt's trial for Wilson's murder, District Attorney Tisdale learned that James Robert Ford, a prisoner in Columbia, S.C., had given a statement to Hunt's private investigator Les Burns concerning the killing of Wilson. District Attorney Tisdale sent Detectives Spillman and Weavil to re-interview Ford that same day.<sup>114</sup> Hicks and Sergeant McCoy went back to South Carolina to interview Ford on October 2, 1986. During this interview, Ford stated that he knew the names of the individuals who had killed Wilson and that he had given the names to Officer Belton when he was arrested in Winston-Salem in 1983.<sup>115</sup>

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<sup>111</sup> The police submitted the axe handle for forensic analysis. The SBI lab report indicated that fibers consistent with Wilson's pants were found on the axe handle, but no traces of blood were found.

<sup>112</sup> Owens' report stated that "the results of this examination indicated that Drayton was truthful. Detective Hicks was advised of the above." Hicks' April 23, 1986 report said that "[a]s a result of the polygraph test, Merrit Drayton gave another statement to Detective Weavil and the writer." Weavil reported that Drayton gave another written statement after his polygraph. In his July 3, 2006 Committee interview, Weavil said that Drayton's polygraph indicated that he was truthful about everything except his involvement in the Wilson assault. See 2005-2006 Committee Investigators' Interviews, Appendix A-17.

<sup>113</sup> E. Clower's statement conflicted with his account to police in 1983. See Section I.

<sup>114</sup> According to their reports, the detectives polygraphed Ford, and the test showed deception. Spillman and Weavil then interviewed Ford and obtained a written statement from him. Committee investigators have been unable to locate this written statement. Spillman and Weavil re-interviewed Ford to clarify points, thereby obtaining a second statement. According to Weavil, during his July 3, 2006 Committee interview, while the detectives watched, Ford tore up and ate the second statement. See 2005-2006 Committee Investigators' Interviews, Appendix A-17. Later that same day, Spillman and Weavil spoke to Al Barnhill, a known cocaine dealer in Winston-Salem, who discredited Ford as being "strung out" on cocaine at the time of the Wilson murder. Spillman's September 10, 1986 report states that Barnhill signed a written statement to this effect, but the statement has not been located. See Arthur Wilson case file, Appendix A-6.

<sup>115</sup> Hicks and McCoy brought a photo line-up to South Carolina that included photographs of Chuck Simmons and Richard Wright. Ford positively identified Simmons and Wright and a photo of Donald Simmons as the individuals he saw kill Wilson. The October, November, and December 1983 CrimeStoppers tips named Simmons, Wright, and Wade Brady as Wilson's assailants. It is unclear from the located documentation how much of this information was conveyed to Tisdale or the defense. In his 2006 Committee interview, Captain Belton could not recall what Ford told him during his 1983 arrest. See 2005-2006 Committee Investigators' Interviews, Appendix A-17.

## XI. 1986 SBI Investigation

At Chief Masten's request, the SBI agreed to investigate the Sykes case. The investigation by Special Agents Stone and Keller and Police Department Detectives Crump<sup>116</sup> and Spoon began in January 1986. Initially, they reinterviewed the officers involved in the Sykes homicide investigation. Stone and Crump interviewed Hicks on February 27, 1986, and she told them that she went to the Sykes scene on the afternoon of August 10, 1984 because she was investigating a prior rape in the same area in which Haile was a suspect.<sup>117</sup> Hicks stated that the description of the suspect in her case did not match the description of Sykes' attacker.<sup>118</sup>

On March 12, 1986, while Crump was showing Stone the area Marie Crawford frequented, Detectives Spillman and Weavil arrested Williard Brown in the same general location on outstanding warrants for housebreakings. While Brown was in custody, Crump interviewed him in reference to "this case [Sykes] and other cases that were under investigation."<sup>119</sup> Brown denied any involvement in the Sykes homicide.<sup>120</sup>

CrimeStoppers received a tip on May 21, 1986 from a man who said he knew of another witness to the Sykes murder. After some investigation, Crump interviewed the new witness, Kevey Coleman, on May 22, 1986. Coleman said that he had been walking home on West End Boulevard on the morning of August 10, 1984, when he saw two black males, each holding the arm of a white female. He was not wearing his contact lenses, so he was unable to give the detectives a detailed description of the individuals, but he thought the woman was Deborah Sykes. The dark-complected man on the woman's left was in his 20s, had plaits in his hair and a full beard, and was nearly as tall as the woman. He seemed to be directing the other man and the woman. The second man was light to medium-complected, in his 20s with afro-like hair and was about the same size as the first man. He saw the threesome walk towards the open field area near West End Boulevard before he turned towards his house. According to his statement, he did not hear any screaming. In subsequent interviews during this investigation, Coleman could not positively identify the two men he saw as Hunt and Mitchell.<sup>121</sup>

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<sup>116</sup> Crump was also the lead detective on the Regina K. rape case for the entire duration of this SBI investigation.

<sup>117</sup> This refers to Linda E.'s case. See supra notes 16-17 and accompanying text. There was no further discussion of the similarities or differences between the cases. Hicks stated that she had not cleared her investigation and had been unable to get Haile identified as a suspect.

<sup>118</sup> However, at the time Hicks was on the Sykes homicide scene, investigators had no suspect description(s). After this interview, Crump wrote a report to document Hicks' activity 17 months before. The statement mentioned above was documented in the SBI report.

<sup>119</sup> Crump's March 18, 1986 report states that the Police Department had received a CrimeStoppers tip mentioning Brown. He does not document the CrimeStoppers number, when it was received or what it said, or if it referred to the Sykes homicide. This CrimeStoppers tip has not been located. Crump did not specify the "other cases" about which he questioned Brown. With Crump present, Regina K. identified Brown as her rapist in a photo line-up. Regina K. identified Brown as her attacker at an in-person line-up on April 1, 1986. See Deborah Sykes case file, Appendix A-8.

<sup>120</sup> **City Manager's Note:** Crump obtained a search warrant for Brown's blood, hair, and saliva in the Regina K. case on April 24, 1986. There were no blood or hair transfers in the Regina K. case, and the search warrant has not been located, so it is unknown what facts established probable cause to support the search warrant. Crump received the SBI lab results for Brown's blood on May 19, 1986, which showed that Brown was an "O" secretor. See the Regina K. case file, Appendix A-10.

<sup>121</sup> During his 2005 interview with Committee investigators, Coleman stated that investigators (documents indicate they were Keller, Crump, and Spoon) showed him photographic line-ups. In those line-ups, he identified Brown as looking like one of the men he saw with Sykes the morning of her murder. The investigators told him that Brown had been in jail at the time of the attack and could not have been the man Coleman saw. Coleman also stated that he was never shown a photographic line-up including Gray. None of this information has been found in the recorded

The SBI report, submitted on November 18, 1986, made no recommendations and reached no conclusion regarding Hunt's guilt or innocence.<sup>122</sup> (The District Attorney and the Police Department received copies of the SBI report, but Committee investigators were unable to locate that copy.) The Police Department investigation continued until January 1988.

## XII. Appeals in the Wilson and Sykes Cases

Hunt and Mitchell stood trial for Wilson's murder in 1986. Mitchell's initial trial resulted in a hung jury. During his retrial, Mitchell was convicted of murder.<sup>123</sup> His appeals were unsuccessful.<sup>124</sup> Hunt was convicted, but the N.C. Court of Appeals overturned his conviction. On retrial, Hunt was acquitted of Wilson's murder.<sup>125</sup>

The Supreme Court of North Carolina (N.C. Supreme Court) granted Hunt a new trial in the Sykes murder on May 4, 1989.<sup>126</sup> Jim Yeatts and Dean Bowman were named the special prosecutors for the state in the subsequent court actions.<sup>127</sup>

## XIII. 1989 Police Department Reinvestigation/Preparation for Retrial

The Police Department again worked on the Sykes case beginning in May 1989,<sup>128</sup> uncovering substantive evidence and witnesses. On August 24, 1989, Detectives Weavil and Hicks interviewed Edward Reece.<sup>129</sup> Reece stated that he was driving near Crystal Towers between 6:30 and 7:15 a.m.

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documents. See 2005-2006 Committee Investigators' Interviews, Appendix A-17. Coleman's account is discussed in more detail in Key Issue 8.

<sup>122</sup> Warren Sparrow told Committee investigators on August 1, 2006, that Stone told Sparrow that Stone did not believe Hunt was guilty. See 2005-2006 Committee Investigators' Interviews, Appendix A-17.

<sup>123</sup> **City Manager's Note:** Documents in the Police Department Wilson trial file included notes Spillman made at some point during one of the trials. District Attorney Sparrow told the Committee that Spillman "kept score" during the trial. In the detectives' notes, there are numerous columns for scoring. One set of columns was labeled "Good Guys" and "Bad Guys"; another was labeled "State" and "Defense"; and a third set of columns was labeled "P" and one labeled "Ns." Weavil indicated that he had no idea what the "Ps" and "Ns" stood for. See July 3, 2006 interview, Appendix A-17. Spillman declined to be interviewed. When showed the doodles that Committee investigators located, Sparrow could not remember ever seeing these particular pages. The page also includes doodles. Alongside one of these score sheets is what appears to be a caricature of a monkey. See the Arthur Wilson Trial Doodles and Drawings, Appendix A-13. See 2005-2006 Committee Investigators' Interviews, Appendix A-17.

<sup>124</sup> *State v. Mitchell*, 87 N.C. App. 427, 361 S.E.2d 326 (1987), *aff'd*, 321 N.C. 477, 364 S.E.2d 664 (1988).

<sup>125</sup> *State v. Hunt*, 91 N.C. App. 574, 372 S.E.2d 744 (1988); discretionary review allowed, 324 N.C. 115, 377 S.E.2d 240 (1989); discretionary review improvidently allowed, 325 N.C. 430, 383 S.E.2d 656 (1989).

<sup>126</sup> *State v. Hunt*, 324 N.C. 343, 378 S.E.2d 754 (1989) (*Hunt II*). Hunt got a new trial because the judge erroneously admitted Marie Crawford's prior statements; the statements' prejudicial effect outweighed their probative value. *Id.* at 343, 754-55.

<sup>127</sup> Former Forsyth County District Attorney Warren Sparrow said his office had a conflict of interest because two staff attorneys had worked on the original case in 1985. Yeatts and Bowman retried the case.

<sup>128</sup> Staff for this effort and their prior connections to other relevant cases were as follows:

- a. Detective Spoon (assisted the initial 1984 and 1986 SBI investigation);
- b. Detective Weavil (assisted the 1984 Sykes investigation and 1986 Arthur Wilson reinvestigation);
- c. Detective Biggers;
- d. Detective Nifong;
- e. Sergeant Hicks (lead detective in Linda E., Kathleen D., and 1986 Arthur Wilson reinvestigation, and an assisting detective in the 1984 Sykes investigation); and
- f. Lieutenant McCoy (oversaw the 1986 Arthur Wilson reinvestigation, Criminal Investigations Division sergeant in the 1984 Sykes investigation, and oversaw the 1986 SBI investigation).

<sup>129</sup> Bobby Upchurch, an earlier witness in the case, mentioned Reece, his employer, to detectives.

on August 10, 1984, when he spotted Mitchell walking quickly from behind Crystal Towers. Reece shouted out to Mitchell, but Mitchell did not answer.<sup>130</sup>

Coleman gave another statement to the police on August 22, 1989. He recounted that he saw two black males with a white female on August 10, 1984. The shorter of the two men had his arm through the woman's arm, while the other man walked slightly behind and to the right of the woman. Coleman got an uneasy feeling about the situation and began running toward his house. As he did so, he heard a woman start screaming. The man holding onto the woman was described as being in his 20s or early 30s, light-skinned with a beard and stocky shoulders. The second man was dark-skinned with plaits in his hair, had a slim build, and was slightly taller than the first man. Coleman said Mitchell and Hunt looked like the men he saw but was not absolutely certain of that identification.

Weavil, responding to a CrimeStoppers tip, contacted Deborah Davis on September 22, 1990. She told Weavil and Sergeant Biggers that while driving on Sixth Street between 6:30 and 7:30 a.m. on August 10, 1984, she saw Mitchell and Hunt walking toward West End Boulevard from the direction of Crystal Towers.<sup>131</sup>

On January 16, 1990, Mitchell was charged with the first-degree murder of Sykes, but he was never tried.<sup>132</sup>

#### XIV. State v. Hunt (Hunt II) (1990)

##### A. Trial:

In an effort to get an unbiased jury, the defense moved to change the trial's location. The court moved the trial to Catawba County, where it began on September 24, 1990, with Yeatts and Bowman as prosecutors. Daulton did not testify. Coleman testified that he saw two black males who looked like Mitchell and Hunt with Sykes the morning of her murder. He also said that he identified their photographs (from line-ups the police showed him) as looking like the people he saw on August 10, 1984.<sup>133</sup> The prosecution presented the same blood group "masking" theory used in the 1985 trial,<sup>134</sup> and Marie Crawford testified.

The defense attacked Johnny Gray's credibility with witnesses who said that Gray had admitted to taking part in the murder and through police officers who said Gray had identified Terry Thomas as a suspect in August 1984, before he identified Hunt. Finally, several witnesses said Crawford was unreliable. The defense called no serologist experts. The jury deliberated two hours before convicting Hunt of first-degree murder on October 11, 1990. He immediately filed an appeal.

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<sup>130</sup> Reece had dated Mattie Mae Mitchell, Sammy's mother, for a number of years and had had a child with her; therefore, his identification of Mitchell was not questioned.

<sup>131</sup> Deborah Davis knew both Mitchell and Hunt from previous encounters. Davis' husband, Richard, was a regular at Ezell Clower's drink house, the location of Wilson's murder. See Sections I and X for more information about the murder.

<sup>132</sup> **City Manager's Note:** Why the District Attorney never tried Mitchell for this murder is unclear. Mitchell's charge for the Sykes murder was dismissed in 2004.

<sup>133</sup> In his 2005 interview with Committee investigators, Coleman said that he first identified a picture of Brown as most closely resembling the suspect. After being told Brown was in prison, Coleman then chose Hunt's photograph because he said Hunt had similar red eyes to Brown and/or the suspect he saw with Sykes. Coleman also stated that he was never shown a photograph of Gray. According to police identification personnel, Darryl Hunt's photo and Willard Brown's photo should have been in the same IDMO file 122. See 2005-2006 Committee Investigators' Interviews, Appendix A-17.

<sup>134</sup> See supra note 100 and accompanying text.

## B. Appeal:

The procedural history of *State v. Hunt* after the second trial is complicated and confusing, because the case moved several times between the trial and appellate court levels and because of the number of motions, hearings, and remands in the case's post-conviction history. The following outlines the case history of the appeal for (*Hunt II*), followed by a summary of the appellate court's opinion in the case.

### 1. Motions, Remands, Hearings, and Consolidations

Upon Hunt's conviction at the trial court level but before the appeal was docketed with the N. C. Supreme Court, Hunt's attorneys filed a Motion for Appropriate Relief in Superior Court, Forsyth County.<sup>135</sup> On February 1, 1993, Hunt filed a Supplemental Motion for Appropriate Relief in the N. C. Supreme Court. That court remanded the supplemental motion to Superior Court for consideration and consolidation with the 1990 motion defendant had filed at the Superior Court level (but which had not yet been heard) and directed the Superior Court to conduct hearings.<sup>136</sup>

On the Motion for Appropriate Relief, as part of the proceedings, DNA evidence received from Sykes was compared with DNA from Doug Sykes (her husband),<sup>137</sup> Mitchell, Hunt, Gray, Carlos Stoner,<sup>138</sup> and Ernest Cherry<sup>139</sup> in 1995. This test eliminated all of these individuals as the rapist.

### 2. 1995 N. C. Supreme Court Opinion

In a 4-3 opinion written by Justice Meyer,<sup>140</sup> the N. C. Supreme Court found no error in the second trial and adopted Judge Morgan's findings of fact and conclusions of law in connection with the various motions for appropriate relief as those of the Court.<sup>141</sup> The Court found no error after the trial court:

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<sup>135</sup> Subsequently, the appeal was docketed in the N. C. Supreme Court, but the trial court had not yet heard Hunt's Motion for Appropriate Relief.

<sup>136</sup> After hearings in Superior Court on June 20-30, 1993, the N.C. Supreme Court entered an order on July 1, 1993, directing the Superior Court judge to conduct an *in camera* review of the SBI report. Hunt filed additional amendments followed by another hearing. On August 12, 1994, Judge Meltzer Morgan entered a 120-page order making findings of fact and conclusions of law regarding defendant's pending motions. All motions were denied. Subsequently, Hunt filed additional motions with the Superior Court and the N. C. Supreme Court, resulting in the latter's remand again to Superior Court for Judge Morgan's ruling. Judge Morgan held an evidentiary hearing on November 7, 1994 and denied Hunt's subsequently filed motions in his November 10, 1994 order.

<sup>137</sup> Doug Sykes' DNA was taken to make sure that the semen found in the swabs was not his.

<sup>138</sup> Carlos Stoner, whose name arose in the Wilson reinvestigation, associated with Gray and Kelly. He had never been charged with a sexual assault.

<sup>139</sup> After Ernest Cherry, a black male, sexually assaulted Christine Gallaher on September 15, 1992, McCoy directed Hicks to investigate Cherry as the possible rapist of Sykes. See Deborah Sykes case file, Appendix A-8.

<sup>140</sup> Meyer wrote the dissent in the 1989 opinion granting Hunt a new trial.

<sup>141</sup> See *State v. Hunt*, 339 N.C. 662, 457 S.E.2d 276 (1994) (*Hunt II*), Justice Frye, dissenting, joined by Exum and Webb, disagreed with Judge Morgan's conclusion that the defendant should not receive a new trial based on the newly discovered PCR/DNA evidence which conclusively eliminated Hunt as the possible source of the genetic material recovered from Sykes' body. Frye reasoned that, "[g]iven the State's theory that the murder occurred during the perpetration of four felonies, including rape, and the fact that defendant's defense was alibi, the PCR/DNA report eliminating defendant as the source of the sperm taken from the victim is powerful evidence tending to weaken the State's entire case and strengthen defendant's defense," thereby satisfying the requirement that the defendant show that the newly discovered evidence would probably change the trial's outcome. *Id.* at 662-63, 457 S.E.2d at 299-300.

- a) admitted Hunt’s testimony from the first trial in the second trial (even though Hunt did not testify in the second trial);
- b) admitted Mitchell’s testimony from the first trial (before Mitchell was charged in Sykes’ murder) in the second trial;
- c) found that Weaver’s in-court identification of Hunt was of independent origin, was based on observations of the defendant, and was not tainted by the May 13, 1985 live line-up (the line-up which violated Hunt’s 6th Amendment right to counsel);
- d) instructed the jury on reasonable doubt;
- e) failed to intervene on its own initiative to strike portions of the prosecutor’s closing argument from the record (Hunt’s counsel did not object at trial);
- f) refused to admit the 1985 City Manager’s Report as evidence;
- g) refused to review the entire SBI file *in camera* or to make it available to the defendant;<sup>142</sup> and
- h) refused to allow Hunt’s attorney to cross-examine Gray regarding false allegations Gray made in his lawsuit alleging brutality by a Police Department officer; and refused to allow Lee Haigy to testify about prosecution witness Donald Haigy’s character for truthfulness.

After completing its review of the defendant’s assignments of error regarding the second trial, the court addressed Judge Morgan’s ruling on the original and amended motions for appropriate relief. The Court stated that, “[w]e have carefully reviewed the findings of fact and conclusions of law of the extensive order entered by Judge Morgan ... and we hereby adopt the same as our own.”<sup>143</sup>

## XV. 2003-2004 Investigation

In the spring of 2003, Judge Anderson Cromer granted Hunt’s unopposed motion to retest the Sykes evidence for DNA comparison to a national DNA database. Tests were conducted in the late fall, and on December 12, 2003, the SBI contacted Chief Linda Davis to inform her that seven out of 14 DNA loci in the sample matched Anthony Brown’s DNA.<sup>144</sup> Davis assigned Rowe to work with SBI Special Agent Williams in the subsequent SBI investigation.<sup>145</sup>

Because only seven of 14 loci matched, the SBI sent the sample for more advanced DNA testing. On December 16, 2003, this testing eliminated Anthony Brown but reported that due to the high number of shared DNA markers, the sample probably came from one of his relatives. During this same time, Rowe reviewed other sexual assaults in downtown Winston-Salem during the early to mid 1980s,

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<sup>142</sup> The N. C. Supreme Court concluded that neither North Carolina’s discovery law nor *Brady* required the trial court to grant Hunt’s motions to see the SBI file or for the court to review the file *in camera*. Quoting *Brady v. Maryland*, the N. C. Supreme Court noted that, “Because the evidence withheld must be material, ‘[t]he mere possibility that an item of undisclosed information might have helped the defense, or might have affected the outcome of the trial, does not establish “materiality” in the constitutional sense.’ Defendant ... has failed to establish that any evidence not disclosed from the SBI report was ‘material’ and what effect, if any, the nondisclosure would have had on the outcome of the trial. This Court finds no constitutional principle under *Brady* that would require the trial court to order the State to make available to defendant the SBI report or to conduct an *in camera* inspection of the SBI report.” *Hunt II*, 339 N.C. at 657, 457 S.E.2d at 296.

<sup>143</sup> Id. at 661, 457 S.E.2d at 299.

<sup>144</sup> Anthony Brown, a resident of Winston-Salem, had been incarcerated for a sexual offense since June 10, 1987. Prior to his release on July 14, 2003, he had to submit a DNA sample to the state database. Anthony Brown was 17 years old when Sykes was attacked in 1984.

<sup>145</sup> Chief Davis made an oral request to the SBI to investigate the Sykes homicide based on the December 2003 DNA results.

looking for similarities. Rowe noticed Williard Brown's name in the Regina K.'s case file.<sup>146</sup> Subsequently, Rowe tried to determine the exact dates of Brown's incarceration in 1984.<sup>147</sup>

Police arrested Brown on an unrelated charge on October 3, 2003; he was still in jail on December 16, 2003, when Rowe questioned him about that charge. In the course of the interview, Rowe allowed Brown to smoke. Rowe subsequently submitted Brown's used cigarette butts for DNA testing.

While waiting for the results of the DNA test, Rowe continued to pursue other possible suspects.<sup>148</sup> However, on December 19, 2003, the SBI lab reported that Brown's DNA matched the DNA detected in seminal fluids obtained from Sykes' body. Rowe interviewed Brown that day about Sykes, but Brown denied involvement and terminated the interview once he learned of the DNA match.

After being served with warrants in the Sykes case,<sup>149</sup> the investigators interviewed Brown about the crimes. Waiving his rights, Brown admitted that he approached Sykes with a knife to rob her but once she started fighting back, he stabbed her. Two men walked by while the attack was occurring. Brown claimed he acted alone and denied involvement in any other attacks.<sup>150</sup> On January 7, 2004, Kathleen D. did not identify Brown in a photo line-up, but Linda E. said that Brown looked like her attacker.

Regarding the Regina K. case, Rowe and Williams learned from Identification Technician Pearl that when she was processing the Regina K. scene and evidence, she had noticed similarities to the Sykes case. However, she added, when she mentioned the idea of a connection to other police personnel, she perceived that the idea was quickly rejected. Also, Rowe was unable to locate the 1986 search warrant for Brown's blood, hair, and saliva obtained in the Regina K.'s case.<sup>151</sup>

When Regina K. visited the District Attorney's Office to inquire about charges in her attack, Assistant District Attorney Eric Saunders told her that if Brown's charges in the Sykes case went to trial, her attack would be evidence that Brown had subsequently engaged in similar criminal behavior. However, Brown pled guilty on December 16, 2004 to first degree murder, first degree rape, first degree kidnapping, and common law robbery and was sentenced to life in prison plus 10 years. He was not charged in the Regina K. case.

Hunt's conviction for the murder and rape of Sykes was vacated on February 6, 2004.<sup>152</sup> Governor Mike Easley pardoned Hunt on April 15, 2004.

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<sup>146</sup> Williard Brown, Anthony Brown's brother, was 24 years old in 1984. Williard Brown's connection to Regina K. and Deborah Sykes is discussed in Key Issues 6 and 7, and notes 87-98 and accompanying text.

<sup>147</sup> It is unknown when Brown was released from jail in 1984. See Key Issue 6 for more information.

<sup>148</sup> The other potential suspects were Vincent Brown (Williard and Anthony Brown's brother), Alfonzo Cherry, and Ernest Cherry. All three were black males with histories of sexual violence against white women. Ernest Cherry visited the Eastview Apartments (site of Regina K.'s attack) the day Regina K. was attacked.

<sup>149</sup> Brown was charged with first degree murder, first degree rape, first degree kidnapping, and robbery with a dangerous weapon on December 22, 2003.

<sup>150</sup> Detective Rowe and SBI Agent Williams interviewed Bonnie Young on January 7, 2004. Young, a white woman, stated that as she was leaving her work place at Canal Street and Reynolda Road around 5:00 p.m. one September day in 1984, she noticed a black male sitting in a yellow Ford Pinto parked next to her car. The black male got out and started walking toward her while staring at her intently. The male ran off after Young displayed a firearm. Young did not report the incident in 1984 because the firearm was unregistered. She described the black male as being 5'6" to 5'8", clean shaven, with his hair in corn rows or platted. After seeing media photos of Brown in late 2003, she thought he resembled the man who approached her in 1984. Young identified Brown in a photo line-up as the person most resembling her suspect. Investigators discovered that Brown likely had access to a yellow Ford Pinto; some of Brown's family members drove a yellow Ford Pinto or Vega during the mid-1980s.

<sup>151</sup> Committee investigators have not been able to locate a copy of the search warrant.

<sup>152</sup> The District Attorney subsequently dismissed Mitchell's murder charge in the Sykes case in 2004.

**KEY ISSUE 1**  
**THE BASIS OF THE THEORY THAT THE LINDA E., KATHLEEN D.,**  
**AND REGINA K. (INTEGON) RAPE CASES MAY BE**  
**RELATED TO THE DEBORAH SYKES CASE**

In December 2003, SBI Agent Scott Williams and Police Department Detective Mike Rowe were conducting an investigation based on newly completed DNA test results for Deborah Sykes. The DNA sample tested was recovered from the body of Deborah Sykes and compared to the National DNA Indexing System. Although the results did not provide a match, the results did suggest that the sample tested closely resembled Anthony Denard Brown (black male, DOB April 26, 1967). Because Anthony Brown's DNA was close to the DNA recovered from Sykes, experts suggested that Agent Williams and Detective Rowe consider a person closely related to Anthony Brown as Sykes' rapist.

Detective Rowe then reviewed other rape cases in the downtown area in the 1984-1985 period. The unsolved Regina K. case involved the kidnapping, rape, and brutal assault of a white female by a black male.<sup>153</sup> Detective Rowe read reports stating that Regina K. identified Williard Brown as a possible suspect. Detective Rowe further learned that Williard Brown was the brother of Anthony Brown.<sup>154</sup>

Agent Williams and Detective Rowe interviewed Williard Brown (who denied involvement) and obtained his DNA sample. This sample matched exactly the DNA sample recovered from Sykes.

In April 2004, in preparation for the upcoming administrative review, Lieutenant Joseph Ferrelli and Sergeant Tyrone Phelps reviewed reports and documents associated with the Sykes case. This review, however, was placed on hold at the request of District Attorney Tom Keith pending the outcome of Williard Brown's indictment for the murder of Sykes. Lieutenant Ferrelli read Detective Crump's report of his interview with Detective Teresa Hicks. In that interview, Hicks stated she was called to the Sykes murder scene on August 10, 1984 because she was investigating a rape that had occurred in the same general area several months earlier. Crump's supplement report did not provide any details or a report number for the earlier rape, but the report mentioned a possible suspect, a black male named Darran Haile.

Further research revealed that a white female, Linda E., reported being kidnapped and raped on June 13, 1984 near where Sykes was raped and murdered. The case detective was Teresa Hicks.

The Kathleen D. case became associated because of information that a white female reported being raped at Brunson Elementary School on January 1, 1985. The case detective was Teresa Hicks. Police records confirmed that a white female, Kathleen D., reported she had been kidnapped and raped by a black male armed with a knife at Brunson Elementary School on New Year's Day, 1985.

Subsequently, Committee investigators Lieutenant Ferrelli and Sergeant Byrom asked Crime Analysis staff to identify all rapes reported in Winston-Salem from June 13, 1984 through March 12, 1986. This date range was selected because Williard Brown was released from prison no earlier than June 13, 1984 and was back in custody on March 12, 1986. Of the 154 rapes reported, 42 rapes were perpetrated by unknown black males. After reviewing those 42 cases, three cases appeared similar to the Sykes case: Linda E., Kathleen D., and Regina K.

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<sup>153</sup> To compare injuries to Regina K. and Deborah Sykes, see the Regina K. and Deborah Sykes Wound Comparison Photos, Appendix A-11. To compare Williard Brown and Darryl Hunt, see Police Photographs, Appendix A-4.

<sup>154</sup> Detective Rowe reviewed the Sykes investigation and learned Williard Brown was interviewed in 1986.

At the September 1, 2005 Committee meeting, investigators presented and explained a comparison chart of the Linda E., Deborah Sykes, Kathleen D., and Regina K. cases.<sup>155</sup> A map was also presented to the Committee showing where all four rape victims first encountered their attackers and the locations where they were attacked.<sup>156</sup>

Independent of the work done by the Committee staff, Detective Rowe had identified Linda E. and Kathleen D. as cases of interest in his investigation of the Sykes homicide. Agent Williams and Detective Rowe conducted follow-up investigations into the Linda E., Kathleen D., and Regina K. cases but were unable to develop any additional evidence to connect Williard Brown to these crimes.

**City Manager's Conclusion:** That Williard Brown attacked both Deborah Sykes and Regina K. is almost certain; that he also raped Linda E. and Kathleen D. is less clear. Regardless, sufficient similarities existed to have generated further investigation at that time, when witnesses' memories were fresh.

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<sup>155</sup> For details of the four cases, see the Rape Comparison Chart, Appendix A-3.

<sup>156</sup> For details of those locations, see Map, Appendix A-2.

**KEY ISSUE 2**  
**JOHNNY GRAY'S IDENTIFICATION OF TERRY THOMAS ON AUGUST 22, 1984**

**City Manager's Introductory Comment:** Johnny Gray's identification of Darryl Hunt as Sykes' assailant was critical in both Hunt trials. This was, however, Gray's second identification of a suspect in the Sykes case. He had previously identified Terry Eugene Thomas as Sykes' attacker on August 22, 1984. This section explores conflicting accounts at different times by those present that day and the conclusions subsequent investigations reached concerning the event. We conclude from the evidence that Gray, in fact, identified Thomas as Sykes' attacker several days before he identified Hunt.

**Factual Background:** On August 22, 1984, Gray told Corporal R. G. Archer that the person he (Gray) saw attack Sykes was standing at the bus stop at Liberty and Fourth Streets wearing an orange jacket. Archer relayed this information to Officers Moser and Jenkins who stopped the bus at Third and Main Streets and got the man in the orange jacket (Thomas) off the bus. Jenkins arrested Thomas for possession of marijuana, and Officer Homer Craig transported him to City Hall. At the Criminal Investigations Division in City Hall, Gray told detectives: "I recognized the man (Thomas), and I'll put my life on the line that this man is here today." Gray stated the assailant wore no hat on August 10, 1984 and had the same hair style as Thomas had on August 22, 1984 (short and "nappy"). Gray described the clothing Thomas was wearing on August 22, 1984 (black pants and an orange shirt).

**A. The following summarizes accounts of the August 22, 1984 events as recounted by various individuals during subsequent administrative investigations.**

1. **Corporal Archer December 19, 1985 Internal Affairs interview:** Archer stated he observed no bicycle in the subject's possession when Gray pointed to the subject. Archer could not say that Thomas was, in fact, the man Archer saw get on the bus, but Archer saw no one else wearing an orange jacket.<sup>157</sup> Archer stated that while he was at the Criminal Investigations Division that day, he heard unknown police personnel confirming Gray's identification of Thomas as Sykes' attacker. Archer had not written a supplement report about the August 22, 1984 events because, he stated, no one asked him to do so. Archer could not identify a photograph of Thomas as the man he saw in the detective's office on August 22, 1984.

**Corporal Archer April 8, 1986 SBI interview:** Archer stated that before August 22, 1984, he had told detectives investigating the Sykes murder that a reliable informant (later identified as Al Kelly) had information about a possible suspect and that Archer had mentioned a \$10,000 reward to Kelly. Archer had no written records concerning these conversations. Archer also stated that both Kelly and Gray approached him at Fourth and Liberty Streets on August 22, 1984 to point out the man at the bus stop. Archer stated he never lost sight of the man to whom Gray pointed at the bus stop before the man boarded the bus. Archer also stated that Gray, Kelly, and a third man (believed to be Gene Foster) walked to City Hall after Thomas was arrested, and that Kelly and Foster stood outside the Criminal Investigations Division Sergeant's office while investigators talked with Gray.

During this interview, Archer disputed Gray's account of events on August 22, 1984 as well as Gray's trial testimony about a man with a bicycle (either getting on the bus or being in the bus stop area when Thomas got on the bus). Archer stated that Gray never mentioned anything to

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<sup>157</sup> **City Manager's Note:** Corporal Archer looked at two photographs during the Internal Affairs interview, one of Terry Thomas and the other of Darryl Hunt. He stated Hunt might be the person he saw get on the bus. Internal Affairs investigators did not ask if he had seen Thomas before. By the time of this interview, Hunt had already been tried and convicted, and his picture had appeared in various media.

him about the suspect having a bicycle. In 1984, Archer never told detectives about a bicycle because Gray never mentioned one, and Archer did not see anybody in the area with one.

Archer stated that he believed Gray likely saw Thomas at the Police Department headquarters at the same time he did; Archer and Gray were in the same open doorway when Archer saw Thomas. Archer stated this was not a planned showing, and that Gray did not say anything to him after viewing the subject.<sup>158</sup> Archer stated this incident occurred before Gray's interview with Detectives Miller and Daulton.

2. **Sergeant W. G. Miller December 20, 1985 Internal Affairs interview:** According to Miller, he and Detective Daulton interviewed Gray in Sergeant Mason's office at City Hall, but he did not know if Gray viewed Thomas before the interview. After the interview, Gray viewed Thomas, who was seated in an interview room. Miller stated that Officer Craig and Detective Daulton were in the office area with Thomas at the time. Miller stated he did not remember Gray's words or actions, but it was his opinion that Gray identified Thomas. He stated that Gray viewed Thomas from a distance of approximately 12 to 15 feet.
3. **Officer M. E. Jenkins December 23, 1985 Internal Affairs interview:** Jenkins stated that he and Moser joined Archer at Fourth and Liberty Streets to observe a murder suspect inconspicuously. Jenkins observed a black male wearing an orange jacket or shirt for five or ten minutes before the male boarded a city bus. Jenkins and Moser stopped the bus at Third and Main Streets, boarded, and seized a subject wearing an orange jacket or shirt. Jenkins had no doubt that Thomas was the same subject Archer pointed toward at the bus stop and stated that he was a murder suspect. Jenkins then went to City Hall to store the marijuana he had seized from Thomas. While there, he saw two black males,<sup>159</sup> but he did not hear anyone say Gray had identified Thomas as a murder suspect. Jenkins charged Thomas with possession of marijuana (IR 452567).

**Officer M. E. Jenkins March 5, 1986 SBI interview:** Jenkins stated he and Craig stood outside an office in which Thomas sat in the Crimes Against Persons Section of the Criminal Investigations Division. He did not observe anyone having a chance to look into the office where Thomas was sitting, and no "show-up" took place to his knowledge.

4. **Officer J. R. Moser December 23, 1985 Internal Affairs interview:** On August 22, 1984, Moser heard Archer radio that a murder suspect was boarding a city bus. Moser was unsure whether Archer pointed the suspect out before he boarded the bus.
5. **Officer H. W. Craig December 23, 1985 Internal Affairs interview:** Craig remembered Archer's radio traffic regarding a suspect in the Sykes case boarding a city bus. Craig stated he arrived on the scene after the suspect was under arrest. Craig was later outside a Criminal Investigations Division office guarding Thomas. After Gray was interviewed by Daulton and Miller, Gray walked by, but Craig did not know whether Gray viewed Thomas or not. Craig also stated that he did not hear anyone say that Gray identified Thomas as a murder suspect.

**Officer H. W. Craig March 4 and March 11, 1986 SBI interviews:** Craig stated that on August 22, 1984 in the presence of Lieutenant Raker, Sergeant Mason, and Detective Miller, Detective Daulton reported that "Gray identified Thomas as the man who killed Sykes." Craig

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<sup>158</sup> This account does not appear in Corporal Archer's Internal Affairs interview on April 8, 1986.

<sup>159</sup> These males probably were Al Kelly and Gene Foster, both of whom went to the Detective Division with Johnny Gray that day.

stated this identification occurred after detectives interviewed Gray and were about to interview Thomas.

6. **Assistant District Attorney C. C. Walker December 31, 1985 Internal Affairs interview:** Assistant District Attorney Walker stated he believed Sergeant Mason asked him to come to the Criminal Investigations Division because police were about to make an arrest in Skyes' murder.<sup>160</sup> Lieutenant Raker, Mason, and Captain Cornatzer were present. Walker reviewed the case file, learned that Gray placed the August 10, 1984 telephone call to police, and was told that Gray was in the Detective Division. Walker spoke to Daulton. Walker understood that Gray had identified Thomas as Sykes' assailant, but he did not know whether the detectives interviewed Gray before or after Gray identified Thomas.<sup>161</sup> Walker stated the police told him they were ready to seek charges and had a warrant ready to take to the clerk. Detectives told Walker that they had not interviewed Thomas yet and were going to serve the warrant first "to show [Thomas] they were serious." Walker also stated Thomas laughed and told detectives he was in jail the day Sykes was killed.
7. **Lieutenant J. K. Raker January 2, 1986 Internal Affairs interview:** Raker stated that after Gray was interviewed, Gray viewed (authorized by Walker, Mason, and Raker) and identified Thomas as the murder suspect.

**Lieutenant J. K. Raker March 15, 1986 SBI interview:** Raker stated that, in his opinion, all of the Sykes case detectives (including Daulton) would have known of Gray's August 22, 1984 "show up" identification of Thomas, and that Gray identified Thomas as the individual he saw on top of Sykes on August 10, 1984.

8. **Captain G. G. Cornatzer January 2, 1986 Internal Affairs interview:** Cornatzer stated it was his understanding that Gray caught a glimpse of Thomas as he walked down the hall, but it was not a "planned thing," and he was not present when it occurred. Cornatzer stated that to his knowledge, Gray did not identify Thomas as Sykes' murderer; he never heard anyone say Gray identified Thomas as the murder suspect; and he did not consider Thomas a suspect. Cornatzer stated Assistant District Attorney Walker initially suggested charging Thomas, and that Lieutenant Raker, Sergeant Mason, Detective Miller, and Detective Daulton were all present. Cornatzer denied that detectives had a warrant typed up charging Thomas with murder.
9. **Sergeant Mason January 3, 1986 Internal Affairs interview:** On August 22, 1984, Mason stated Gray walked down the Criminal Investigations Division hallway and had an opportunity to see Thomas. Mason stated Gray even described the clothing and the bicycle the suspect was riding at the time. Mason never heard anyone say Gray identified Thomas as the Sykes suspect while in the Criminal Investigations Division, but he was under the impression that Thomas was the suspect Gray had pointed out to Archer. Mason told Walker, who arrived after Gray was interviewed, that Gray had identified Thomas as Sykes' attacker. He stated there was discussion between him, Raker, and Cornatzer that if they could corroborate Gray's information, they had enough to charge Thomas. Mason stated no one had a warrant typed up charging Thomas with murder, and he was unaware that anyone denied at Hunt's trial that Gray identified Thomas as a suspect.

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<sup>160</sup> Lieutenant Raker requested that Assistant District Attorney Walker respond to City Hall. See Topic 4, p. 2, 1986 Internal Affairs Report, Appendix A-16.

<sup>161</sup> Assistant District Attorney Walker stated that Thomas was sitting in an office with the door open in such a way that anyone who walked by the doorway could see Thomas. Gray walked in and around the Criminal Investigations Division. Walker stated that Gray told him Gray had identified Thomas as Sykes' killer.

**Sergeant Mason March 24, 1986 SBI interview:** Mason stated he recalled when Thomas arrived at City Hall with a number of officers and detectives present. Mason stated he remembered Gray arriving minutes after Thomas and being taken to his office. He stated Gray did not have an opportunity to view Thomas. Mason stated it was during Thomas' interview with Daulton and Miller that he learned Gray was the person who had called in Sykes' attack on August 10, 1984. Mason stated that during Gray's interview, he was in and out of the room and asked questions for clarification.<sup>162</sup> Mason stated Gray referred to the man he had pointed out at the bus stop as the man he saw on top of Sykes. He stated he believed that the individual Gray pointed out was being held in another interview room.

Mason stated he remembered Walker arriving at City Hall and being briefed about recent case developments. Mason stated that when Thomas was approached for an interview he almost immediately told investigators that he was in jail when Sykes was killed.

Mason stated that sometime after the interview with Thomas, he observed Gray walking in the hallway, at least twice, past the doorway to the office where Thomas was. He stated there were one or two officers (whose names he could not recall) with Gray. Mason said Gray could have observed Thomas. Mason stated he was aware that others alleged a "show-up" identification was planned with his knowledge and that Walker "okayed" it. Mason stated there was no discussion about a "show-up" by Gray of Thomas. Mason stated there was no "bogus warrant" charging Thomas with murder already typed, but the matter was discussed with Walker after he arrived at City Hall. Mason stated that, after it was learned Thomas was in jail, the focus shifted back to Gray, and a polygraph examination was administered that same day.

10. **Detective J. I. Daulton January 8, 1986 Internal Affairs interview:** On August 22, 1984, Daulton and Miller interviewed Gray,<sup>163</sup> but Daulton did not know whether Gray saw Thomas in the Criminal Investigations Division before Gray's interview with Daulton. According to Daulton, Gray was not allowed to view Thomas after his interview.<sup>164</sup> Daulton stated that Walker also interviewed Gray. When asked if he considered Thomas to be a suspect, Daulton responded, "I considered any black male in town to be a suspect." He stated Thomas was eliminated as a suspect when detectives learned he was in jail on August 10, 1984.

Daulton stated no one had a warrant typed up charging Thomas with murder. Interviewers asked Daulton whether at trial he denied that Thomas was ever a suspect, to which Daulton replied that he did not remember being asked that question.<sup>165</sup>

**Detective J. I. Daulton 1986 SBI interview:** After August 22, 1984, Daulton stated he began to receive information from CrimeStoppers and other officers<sup>166</sup> that Sammy Mitchell and Hunt

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<sup>162</sup> The transcription of the August 22, 1984 Gray/Miller/Daulton interview contains no questions or comments by Mason.

<sup>163</sup> Al Kelly was a confidential informant Archer knew. Archer described Gray to Daulton as a friend of Kelly's.

<sup>164</sup> Daulton provided no reason for this restriction.

<sup>165</sup> Daulton was asked by Mark Rabil, "Based on your investigation, do you know whether Johnny Gray at any point identified Terry Thomas as the man he saw on August 10?" Daulton replied, "The only recollection I have of August 22 involving the conversation that I had with Johnny Gray [sic], he stated that Terry Thomas looks like the man he saw."

<sup>166</sup> Archer's informant Al Kelly allegedly provided this information. Al Kelly told Archer that Kelly had heard that Sammy Mitchell and Darryl Hunt were involved in the Sykes murder.

**City Manager's Note:** The District Attorneys and Detectives' continued use of Gray as a witness, and the information from Kelly contributed to focusing on Darryl Hunt as a primary suspect.

were involved in the Sykes murder.<sup>167</sup> During one of these interviews, Daulton told investigators he believed on August 22, 1984 that 1) Gray was a witness to the Sykes murder; and 2) Gray was referring to the black male named Terry Thomas as being the person he saw beating Sykes on August 10, 1984.

11. **Johnny Gray January 15, 1986 Internal Affairs interview:** Gray stated that on August 10, 1984, he observed the individual who killed Sykes, and afterward, called the police. Then on August 22, 1984, he saw that person at a bus stop and alerted Archer. Gray stated the murder suspect was wearing a black dress hat, orange shirt, and jeans on August 22, 1984. Gray went to the Police Department to confirm his identification. Detectives allowed him to view Thomas; Gray then told them that Thomas was not the subject he pointed out to Archer. He told detectives that Thomas favored the guy he pointed out and had on some of the same clothes. Gray stated when he told detectives on August 22, 1984, "I never will forget that face, and I know he's the man that did it," Gray was referring to Hunt. Gray stated he received about \$200 from Daulton and Mason.

**Johnny Gray September 25, 1986 SBI interview (Crump's version):** Gray claimed that the suspect he pointed out to Archer on August 22, 1984 at the bus stop was riding a red bicycle earlier in the day in the 500 block of Trade Street.<sup>168</sup> Gray also stated that he told detectives on August 22, 1984 they had the wrong man and that the man they had in custody closely resembled the suspect Gray had pointed out to Archer.

12. **Terry Thomas January 17, 1986 Internal Affairs interview:** Thomas stated that on August 22, 1984, he was downtown at the bus stop at Fourth and Liberty Streets when police arrested him. Later, at the Police Department, Thomas did not remember seeing Gray or any other black male stopping or standing by a doorway to look at him while he was there. Earlier that same day, Thomas said he was at Trade Street Billiards when a man accused him of being with Hunt when Hunt "killed that newspaper lady."<sup>169</sup> Thomas told investigators this same man was at the Police Department when he was there. Thomas also told investigators he did not have a bicycle and did not see anyone with a bicycle while he was at the bus stop before he was arrested. Thomas also stated he did not see anyone there wearing clothing similar to his. Internal Affairs investigators showed Thomas photographs of both Hunt and Gray; Thomas stated neither was the person at Trade Street Billiards who accused him on August 22, 1984 of being the other person with Hunt when Sykes was killed. (Internal Affairs investigators did not show Thomas photos of Foster or Kelly.)

**Terry Thomas April 15, 1986 SBI interview:** On August 22, 1984, as Thomas was drinking alcohol outside Trade Street Billiards with others, one man asked Thomas whether Thomas was

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<sup>167</sup> According to Daulton, Archer told Daulton on August 22, 1984 that Kelly and Gray approached Archer at Trade Street Billiards to say that a black male wearing an orange shirt and black pants riding a bike on Trade Street had been involved in Sykes' murder. Daulton also stated Archer told Daulton that Archer saw the black male near the bus stop on the bicycle. This contradicts Archer's December 19, 1985 Internal Affairs and April 8, 1986 SBI interviews during which Archer stated that there was no bicycle and that the man Kelly and Gray picked out was the only person in the area wearing an orange shirt or jacket.

<sup>168</sup> **City Manager's Note:** This is Gray's first mention of a red bicycle.

(a) There was no mention of the suspect having a bicycle in the transcript of the Gray-Daulton-Miller interview on August 22, 1984. Also, Gray did not mention the suspect having a bicycle when interviewed by Internal Affairs investigators on January 15, 1986.

(b) Archer told Internal Affairs investigators on December 19, 1985 and SBI investigators on April 8, 1986 that Gray never mentioned the suspect having a bicycle. Archer stated he never told any Police Department detective anything about the suspect having a bicycle.

<sup>169</sup> No detectives documented the 29-minute interview with Thomas on August 22, 1984.

with Hunt when Hunt “killed that woman.” Thomas identified this man as Johnny Gray.<sup>170</sup> Thomas then walked to the Fourth/Liberty Street bus stop and boarded a bus.

Thomas indicated that he observed Gray while at the Police Department and that Gray was the only other black male he saw there. After officers verified that Thomas was in jail the day Sykes was killed, they charged him with marijuana possession. Crump’s account of this interview notes that Thomas mentioned seeing two English racing bikes parked in the 500 block of Trade Street on August 22, 1984. Crump reported showing Thomas a photograph of a ten speed bicycle taken during a search of Mattie Mitchell’s house on September 14, 1984, whereupon Thomas stated the two bicycles he saw were similar in color and design to the one found in Ms. Mitchell’s home.

## **B. Conclusions Reached in Subsequent Investigations**

1. **The 1985 City Manager’s investigation concluded that:**
  - a. Detectives viewed Terry Thomas as a suspect on August 22, 1984;
  - b. Johnny Gray pointed out Terry Thomas to Corporal Archer at the bus stop;
  - c. Daulton’s 1985 court testimony constituted a denial that Gray identified Thomas; and
  - d. Daulton’s trial testimony was inconsistent with records of the Miller/Daulton/Gray interview on August 22, 1984.
2. **Internal Affairs Investigation conclusion:** Sergeant Branscome, the lead investigator, concluded that Gray did not positively identify Thomas on August 22, 1984.<sup>171</sup> Branscome based this conclusion on the 1986 Internal Affairs interviews and the 1985 trial transcripts.
3. **City Manager’s Conclusion:** The Committee’s 2005 and 2006 interviews, along with previous interviews, indicate that Johnny Gray did in fact identify Terry Thomas as Deborah Sykes’ attacker on August 22, 1984. Retired Police Department Lieutenant Riley Spoon stated on December 7, 2005 that one of the things he remembered was Gray identifying Thomas: “*The way I saw it go down, Terry Thomas was sitting in an office upstairs, Johnny Gray was brought in, looked at him, and stated ‘yes’.*”<sup>172</sup> Spoon stated everyone in the Criminal Investigations Division was excited about the identification until they learned that Thomas was in jail when Sykes was killed.<sup>173</sup> During a telephone interview with Spoon on September 19, 2006, he told Committee investigators that during the 1986 reinvestigation of the Sykes’ murder, he informed SBI Agents Stone and Keller that he witnessed Gray identifying Thomas as Sykes’ killer on August 22, 1984. Spoon stated he told Agents Stone and Keller what his role was on that day and that he went to the jail to determine if Thomas was, in fact, in jail on August 10, 1984. Detectives and supervisors should have ensured that the incident involving Terry Thomas on August 22, 1984 had been documented in supplemental reports and included in the original prosecution booklet. Additionally, it is apparent that the Internal Affairs investigation did not accurately evaluate the facts and reach the reasonable conclusion that, in fact, on August 22, 1984, Johnny Gray identified Terry Thomas as Sykes’ assailant.

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<sup>170</sup> In his report of the SBI interview, Crump wrote that he thought the man may have been Al Kelly.

<sup>171</sup> **City Manager’s Note:** Branscome’s summary did not mention several statements from police personnel during the Internal Affairs investigation, such as Archer (heard someone confirming Gray’s identification of Thomas as Sykes’ attacker); Miller (Daulton and Craig were in the office area when Gray stood 12 to 15 feet from Thomas); and Raker and Walker (Gray identified Thomas as the assailant).

<sup>172</sup> The above quote is recorded on the actual committee interview tape; the substance of the interview is summarized in Appendix A-17.

<sup>173</sup> Committee investigators found no documentation that Spoon was interviewed during the 1985 City Manager’s Report or 1986 Internal Affairs Report.

**KEY ISSUE 3**  
**SEARCH WARRANT ISSUES IN THE SYKES AND REGINA K. CASES**

**City Manager’s Introductory Comment:** This topic will address issues regarding the following four search warrants:

1. The warrant to search Mattie Mitchell’s apartment (“Mitchell apartment warrant”);
2. The warrant for Hunt’s blood, hair, and saliva (“Hunt warrant”);
3. The warrant for Sammy Mitchell’s blood and saliva (“Mitchell warrant”); and
4. The warrant for Williard Brown’s blood, hair, and saliva (“Brown warrant”).

For clarity, each warrant is addressed in turn, providing facts as appropriate within the text below.

**A. Mitchell Apartment Warrant:**

1. **Facts:** Mattie Mitchell is Sammy Mitchell’s mother, and Darryl Hunt and Sammy Mitchell sometimes slept at her apartment during the summer of 1984. At 12:40 p.m. on September 13 or 14, 1984,<sup>174</sup> Detective Daulton obtained a search warrant for Ms. Mitchell’s apartment. Police officers executed it on September 14, 1984, seizing a black t-shirt with a spider design, two knives, newspaper clippings about the Sykes homicide and other evidence.

At trial, the District Attorney never introduced the Mitchell apartment warrant or the evidence seized pursuant to the warrant.

As the reader may be aware, an independent judicial official issues a warrant to search a residence if the official believes (based on the facts the police officer presents to the judicial official) that probable cause that the residence contains evidence of a crime exists. The police officer includes these facts in the search warrant affidavit and swears under oath to the affidavit’s accuracy. The short probable cause statement in the search warrant for Mitchell’s residence reads as follows:

On August 10, 1984, a citizen told me that he was in the 00 block of West End Boulevard where I found Ms. Sykes [sic] car parked. **This citizen told me that at approximately 6:25 a.m. on August 10, 1984, he saw Ms. Sykes in the area where she was killed, and that he saw Darrell [sic] Eugene Hunt holding Ms. Sykes around the head and neck in an assaultive manner. This citizen has identified Hunt from a lineup as being the person he saw on August 10, 1984. He described Hunt as being dressed on August 10, 1984 in dark pants and a black shirt with a spider design on it.**

...On September 11, 1984, I met with Hunt at 760 C Patterson Avenue, and he told me that he was staying there with Sammy Mitchell in Apartment 27.

This citizen informant has expressed a desire to help law enforcement as a matter of civic duty in this matter, but fears for his safety if his identity becomes known at this time. This person is not a paid informant and has not, to the best of my knowledge, ever given false information to any officer. He is a long-time member of this community, is gainfully employed, and has no criminal record. I further believe him to be telling the truth because on the afternoon of August 10, 1984, when he first described for me the events which he witnessed, he identified a photo of Ms. Sykes as the woman whom he had seen being assaulted. This

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<sup>174</sup> The search warrant bears the date of September 13 in one place and September 14 in three places. See Deborah Sykes case file, Appendix A-8.

identification was made prior to the publication of any photos of Ms. Sykes by the media. [Emphasis added.]

Below are summaries of witnesses' description and other information obtained in August and September 1984, before the search warrant was issued. Following those descriptions are accounts concerning the "spider design t-shirt" obtained after the warrant mentioning the shirt was issued and after newspaper reports mentioning the shirt were published. District Attorney Tisdale's letter mentioning the search warrant, Captain Cornatzer's response, and Detective Daulton's testimony is summarized as well. Finally, information Committee investigators obtained during the last 18 months is included.

2. **Pre-warrant descriptions from witnesses:** On August 10, 1984, witnesses described Sykes' assailant(s)' clothing as follows:
  - a. William Hooper: two black male suspects together, both wearing *dark colored clothing*.
  - b. Thomas Murphy: two black male suspects, one of whom was wearing *khaki pants and a checked short-sleeve shirt*. One suspect had his arm around Sykes' neck and head; the other suspect was about 100 feet away. On August 28, 1984, Thomas Murphy said that one of the black males he saw with Ms. Sykes was wearing a *brown checked shirt and light colored pants*. The other suspect was wearing *dark clothing*.<sup>175</sup>
  - c. Bobby Ray Upchurch: one black male suspect wearing a *medium blue shirt*.
  - d. Ralph Nash (who was with Upchurch): one black male, *no clothing description*.<sup>176</sup>
  - e. Perry Lucas: one black male suspect, *no clothing description*.<sup>177</sup>

On August 22, 1984, Johnny Gray described one black male suspect, wearing *dark pants, maybe black, and a dingy t-shirt*.

On September 11, 1984, Brenda Morino (a.k.a. Margaret Crawford) told Detectives Daulton and Wilkins that Hunt and Mitchell were wearing *black pants and shirts* at around 6:00 a.m. on the day Sykes died.<sup>178</sup>

3. **Post-warrant references to a black t-shirt with a spider design:**<sup>179</sup> No reports of witness contacts before September 14, 1984 include any mention of a suspect wearing a t-shirt with a spider design. Only two reports connect a t-shirt with a spider design to Hunt, and both reports bear dates after the search warrant was issued. On September 18, 1984, Mark Scott of City Bonding told Daulton that Mitchell and Hunt came by his office two days before Sykes was killed. Scott said that one of them was wearing a black shirt with a spider design on it. On September 24, 1984, City Bonding's Cynthia Yountz reported that Hunt was wearing the shirt when he came to the bonding company's office the day before Sykes was killed.<sup>180</sup>

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<sup>175</sup> **City Manager's Note:** Murphy never mentioned either man wearing a black shirt with a spider design.

<sup>176</sup> In an October 26, 1984 interview, Upchurch said the black male suspect might have been wearing a dark brown shirt and pants. Also on October 26, 1984, Ralph Nash stated that the black male suspect he saw had on dark clothing, shirt and pants. See Deborah Sykes case file, Appendix A-8.

<sup>177</sup> Daulton re-interviewed Lucas on August 14, 1984 and documented that Lucas' mental condition eliminated him as a reliable witness.

<sup>178</sup> On this same date, taxi cab driver Edward Johnson told an officer that he picked up Hunt on August 10, 1984 around 4:00 a.m. at 14th Street and Dunleith Avenue and took him to Motel 6. He said Hunt was wearing a dark jacket, blue jeans, dark shirt, and leather cap.

<sup>179</sup> For a photograph of the black spider t-shirt recovered at Ms. Mitchell's home, see Appendix, A-12.

<sup>180</sup> **City Manager's Note:** These conversations occurred four and ten days after the search of Ms. Mitchell's residence and after published newspaper reports mentioned the spider t-shirt. These reported conversations are the only two documented accounts of Hunt wearing a spider design t-shirt.

4. **District Attorney Tisdale’s October 19, 1984 letter to Acting Police Chief Masten and Captain Cornatzer’s response:** Tisdale’s letter outlines several concerns about the investigation.<sup>181</sup> Among the topics about which Tisdale expressed his displeasure was the search warrant for Mattie Mitchell’s residence. Tisdale stated that the warrant was “poorly drawn” and “ill-advised” and that any evidence located pursuant to the warrant would not be admissible.

On October 29, 1984, Captain Cornatzer’s written response attributed composition of the search warrant to Public Safety Attorney Claire McNaught, the Criminal Investigations Division detectives, and Assistant District Attorney Walker.

5. **Blended statements: Daulton’s testimony at Hunt’s preliminary hearing regarding basis for statements in warrant affidavit:** On October 31, 1984, Daulton testified that Thomas Murphy was not the sole confidential citizen mentioned in the search warrant for Hunt’s hair, blood, and saliva. Daulton also testified that, although the probable cause affidavit for the Mitchell apartment warrant cited only one citizen-informant source, Murphy was not the sole source of information contained in the affidavit.<sup>182</sup> Rather, Daulton said that both William Hooper and Johnny Gray also provided information that he used in both search warrants. Daulton testified that in fact the search warrant affidavit combined information from several sources but attributed the information to one source.
6. **Statements obtained during the 2005-2006 Committee investigation regarding the Mitchell apartment warrant:**<sup>183</sup>

- a) **Daulton:** During the December 30, 2005 interview, Committee investigators focused on the Mitchell apartment warrant. Daulton said he assumed that Thomas Murphy provided the information establishing probable cause for the Mitchell apartment warrant. Daulton said that he believed (but was not sure) that Hicks or Murphy told him about the spider shirt. Daulton said he remembered swearing to the warrant and signing it but that he did not conduct the search. Daulton said he did not know who typed the warrant and probably did not read the warrant because it was most likely prepared by Public Safety Attorney McNaught. He signed it because he was the case detective; he added that McNaught or Hicks and Weavil probably prepared the warrant.
- b) **Weavil:** In his January 5, 2006 interview, Lieutenant Randy Weavil said he did not know how probable cause was established for the Mitchell apartment warrant, was not involved in the warrant’s preparation, and had no information that Hicks was involved. Weavil said he and other police looked for bloody clothing, knives, a t-shirt with a spider web design on it, and other evidence. Weavil said he did not know the significance of the shirt and that none of the evidence seized was ever used in the 1990 Hunt trial.
- c) **McNaught:** In her April 12, 2006 written responses, retired Public Safety Attorney McNaught, discussing the Mitchell apartment warrant, said she knew of District Attorney Tisdale’s letter. She also stated that Captain Cornatzer did not discuss his response with her. No one told her before Cornatzer submitted the response that his response attributed the search warrant’s composition to her. McNaught recalled that Sergeant Jerry Matthews and Daulton came to her office (date unknown) requesting that she review and approve a search warrant affidavit for Mitchell’s residence. She recalled that the officers indicated the matter

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<sup>181</sup> See 1985 City Manager’s Report, Appendix A-15.

<sup>182</sup> According to the Mitchell apartment warrant affidavit, a citizen saw Hunt wearing dark pants and a black shirt with a spider design on August 10, 1984.

<sup>183</sup> For specific statements, see Appendix A-17.

was urgent. McNaught told the officers that the affidavit did not establish probable cause, made some changes to the affidavit, and told the officers to consult Assistant District Attorney Walker. McNaught said that no one returned the affidavit to her, and she heard nothing further from the officers. McNaught recalled that one of the items mentioned in the affidavit was a black t-shirt with a spider design. McNaught could not recall whether the affidavit presented to her by Matthews and Daulton included a reference to a confidential informant, and she stated that she did not know the identity of the confidential informant mentioned in the final warrant affidavit.

- d) **Rabil:** In his April 18, 2006 interview with Committee investigators, Attorney Mark Rabil stated the search warrants were among the first documents he viewed during discovery. He said the Mitchell apartment warrant mentioned Hunt wearing a black spider design t-shirt. Rabil said the search warrant was false because Daulton testified at a preliminary hearing on October 31, 1984 that the search warrant was based on information from three people (Gray, Hooper, and Murphy), but Daulton's affidavit referred to only one individual. Consequently, Daulton's testimony of October 31, 1984 meant that his previous sworn statements on September 13, 1984 were not true. Rabil indicated one would think Daulton was talking about Murphy, but Murphy never described anyone wearing a black shirt with a spider design and neither did Hooper or Gray. Rabil said that during a recess, Daulton told him the black spider t-shirt information came from Margaret Crawford.<sup>184</sup> Rabil said he did not discuss his concerns about the search warrant with anyone in the District Attorney's Office or pursue the matter because it was not clear how much of a fourth amendment interest Hunt had in Mattie Mitchell's residence, and nothing incriminating was found during the search.<sup>185</sup>
- e) **Walker:** During his May 17, 2006 Committee interview, former Assistant District Attorney Charlie Walker stated that he and Assistant District Attorney Richard Lyles were consulted, had input in, and read Tisdale's letter before Tisdale sent it to Masten. Walker also said that Police Department personnel often asked him to review search warrants before filing. After viewing a copy of the 1984 Mitchell apartment warrant, Walker said Matthews or Daulton might have shown him that document in 1984. He said the language appeared fairly standard and looked like something he would have suggested, "if it was true" to keep a citizen's name out of the warrant affidavit. Walker said that because he did not swear to the affidavit's facts, he relied on the detective to provide truthful information. He added that it was likely he had something to do with drafting the Mitchell apartment warrant, noting that the warrant might have his "fingerprints on it." Walker said he did not know the confidential informant's identity. After reading Daulton's October 31, 1984 testimony, Walker said Daulton did not mention to him in 1984 that the affidavit Daulton presented contained blended statements from Hooper, Murphy, and Gray. Walker said he did not remember discussing the warrants with McNaught in 1984. Walker said he had no idea why the items seized from Mattie Mitchell's apartment were never used in Hunt's 1985 murder trial. He added that if a black spider t-shirt was found, "it would be pretty good evidence" for the prosecution.

## B. Hunt Warrant

1. **Facts:** At 5:48 p.m. on September 13, 1984, Daulton obtained a search warrant for Hunt's blood, pubic hair, hair from the head, and saliva, which was subsequently executed. As a result, prosecutors and defense attorneys learned that Hunt was a "B" secretor.

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<sup>184</sup> **City Manager's Note:** If correct, this fact means that the Mitchell apartment warrant was in fact based on information from four people.

<sup>185</sup> Rabil did not elaborate about why he declined to contest Daulton's character for truthfulness in the subsequent trial.

The affidavit to establish probable cause presented as fact several statements that were false based on information Committee investigators have been able to acquire. The warrant's affidavit reads as follows:

I am Detective J. I. Daulton, Winston-Salem Police Department. I am investigating the homicide of Deborah Sykes, which occurred on 08-10-84 in the 600 block of West End Boulevard. The autopsy report indicated that the deceased was raped, and spermatozoa were present in her vagina or rectum. The blood, pubic and head hair, and saliva samples to be seized will be compared with the physical evidence taken from the person of the deceased on August 10, 1984.

On August 10, 1984, a reliable, confidential witness observed the victim with Darrell [sic] Eugene Hunt at approximately 0625 or 0630. He observed them near where I found Mrs. Sykes [sic] car in the 600 block of West End Boulevard.

**The witness identified both Hunt and Sykes from photographic lineups. His identifications were made on August 10, 1984.** He is a long time citizen of this community with no criminal history.

It is necessary for me to protect the witness [sic] identity because I fear for his life and safety as Mr. Hunt has previously been arrested for violent acts. [Emphasis added.]

In no report in the Sykes file is there any indication that any witness identified Hunt on August 10, 1984. As with the Mitchell apartment warrant, evidence obtained was not introduced at trial.

On October 31, 1984, Daulton testified that Thomas Murphy was not the sole confidential citizen mentioned in the search warrant for Hunt's hair, blood, and saliva.<sup>186</sup>

2. **Assistant District Attorney Walker's statement during the 2005-2006 Committee investigation regarding the Hunt warrant:** During his May 17, 2006 Committee interview, Walker said he did not remember discussing either of the warrants with McNaught in 1984. After viewing the 1984 Hunt warrant, Walker said he would have probed for more information and would have more thoroughly documented the confidential informant's statement. He said it was less likely that he had anything to do with the Hunt warrant than the Mitchell apartment warrant.

### C. Mitchell Warrant

On February 15, 1985, affiants Daulton and Assistant District Attorney Lyle<sup>187</sup> obtained the Mitchell warrant. As a result of this warrant, prosecutors and defense attorneys learned that Mitchell was an "A" secretor.

The statement of probable cause for this affidavit reads: "Sammy Lee Mitchell, [sic] stated to affiant on 8/29, that he was with Darryl Hunt all morning on August 10, 1984, the day the crime was committed. That Darryl Hunt was identified as a person who had his arm around the deceased at the

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<sup>186</sup> Rabil did not question Daulton about the statement emphasized above; rather, the rest of Daulton's testimony focused on the Mitchell apartment warrant. A review of witness statements shows that this statement is false.

<sup>187</sup> **City Manager's Note:** Daulton was the sole affiant on the Mitchell apartment and Hunt warrants. Lyle's signature is not on the Hunt affidavit, but his name was typed on the warrant cover sheet as the second affiant on the Mitchell warrant.

scene of the crime. [sic] The lab tests indicate Hunt's blood does not match blood and semen found at the scene of the crime."

Unfortunately, Committee investigators did not have a copy of this warrant when they interviewed Daulton in 2005. No copy was ever located in the Police Department case files, but Rabil provided investigators with a copy in 2006.

#### **D. Brown Warrant**

In connection with the Regina K. case, Detective Crump obtained and executed a warrant for Brown's blood, hair, and saliva on April 24, 1986. The resulting lab test results showed Brown to be an "O" secretor.<sup>188</sup> Committee investigators still have not located a copy of this warrant in any of the many files they examined in the course of this investigation.

#### **City Manager's Conclusions**

1. **Mitchell apartment warrant:** After a thorough review of the facts and after consultation with counsel, it appears that the warrant lacked probable cause and contained false statements. Further, the affidavit purported to present one witness's statement when in fact several witnesses' statements were combined in the affidavit. This is an unacceptable practice.

One puzzling aspect of the Mitchell apartment warrant is how it was issued in the first place. No one admits writing the warrant. Daulton told Committee investigators that he did not write the warrant; he just signed it. Both the Public Safety Attorney at the time and an Assistant District Attorney deny writing but admit modifying the warrant. Neither attorney believed that the warrant would have established probable cause in 1984.<sup>189</sup>

Further, the lack of certainty regarding the warrant's genesis is odd because attention focused on it shortly after it was prepared and executed. As early as October 19, 1984, District Attorney Tisdale wrote Police Chief Masten a letter criticizing the Mitchell apartment warrant and stating that his office had advised officers not to seek the warrant.

During Hunt's preliminary hearing 12 days later, Daulton testified that he had combined statements from several people and represented them as the statement of one person. However, except for Cornatzer's response to Tisdale's letter (mentioned below), the search warrant issue was never addressed again.<sup>190</sup> In light of Daulton's testimony, the 1985 City Manager's investigator, the Internal Affairs investigators, and the SBI investigators knew or should have known that the search warrant contained false statements, but none ever addressed this matter.

Based on the language used, it appears that the witness described in the Mitchell apartment application may be Thomas Murphy. Murphy was contacted and interviewed a number of times throughout the original 1984 Sykes murder investigation.<sup>191</sup> Daulton admitted that he blended the statements from Hooper, Murphy, and Gray to compile the facts contained in the Mitchell

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<sup>188</sup> Deborah Sykes' attacker was an "O" secretor, and Detective Crump was investigating both the Sykes and Regina K. cases during April 1986.

<sup>189</sup> **City Manager's Note:** During his 2006 Committee interview, Assistant District Attorney Walker told investigators that he reviewed and gave input for Tisdale's letter in 1984 criticizing the warrant. It is safe to assume that he concurred with Tisdale's assessment of the warrant.

<sup>190</sup> **City Manager's Note:** City Manager Bryce A. Stuart's handwritten notes concerning issues in the police investigation mention this search warrant, including concerns about whether it was "properly drawn and by whom."

<sup>191</sup> Though Murphy is not named in the warrant application directly, he is the only witness who stated that the assailant had his arm around Deborah Sykes' head and neck around 6:25 a.m. on August 10, 1984.

apartment and Hunt affidavits. However, many of the statements Daulton made about his “citizen informant” were true of only some of his “blended” witnesses. Murphy and Hooper were gainfully employed, but Gray was not. Gray had a criminal record, and Murphy may have had a criminal record. Murphy alone feared for his safety if his identity was disclosed. Hooper saw two black males standing together but did not identify either as Hunt or Mitchell. Murphy saw two black males about 100 feet apart. The one standing by Sykes had his arm around her head and neck.

However, what is noticeably lacking from Hooper’s, Murphy’s, or Gray’s account of the events they observed is any mention of a black spider t-shirt. A photograph of this shirt is included in Appendix A-12. When one looks at this photograph, one finds it hard to believe that, if any of the witnesses that day saw the assailant wearing this shirt, they would fail to mention it. Hooper, Murphy, and Gray never mentioned it; yet the shirt is included in the search warrant, and its sighting is attributed to the “citizen witness” (most likely Murphy).

The bonding company employees, Yountz and Scott, make the only mention of the spider t-shirt, and they made these statements after newspaper articles concerning finding the shirt were published.

The remaining question is: From what source did Daulton (prior to the warrant being issued) get what turned out to be very accurate information that Hunt possessed a spider t-shirt? Marie Crawford seems to be the source. She spoke to Daulton on August 30 and again on September 11, and she had been spending time with Hunt. Consequently, she would be familiar with clothing he owned. And, Rabil said Daulton attributed the t-shirt information to Crawford.

Lastly, after Tisdale’s letter describing an “ill advised search warrant,”<sup>192</sup> neither the 1985 City Manager’s Report nor the Police Department Internal Affairs investigation addressed the incongruity between the probable cause statements and the documented eyewitness observations.

2. **Hunt warrant:** Initially, the Committee investigation focused on the Mitchell apartment warrant; when the focus shifted to other warrants, Detective Daulton had become ill.<sup>193</sup> Consequently, unanswered questions remain concerning this warrant, such as: who actually drafted the warrant; who was the citizen informant; and did any witness identify any photographs on August 10, 1984? Because the warrant’s composition differs significantly from the Mitchell apartment warrant and in light of Walker’s statements, it appears that Daulton wrote the warrant without a lawyer’s assistance. Further, it appears that Murphy was the citizen informant to which the affidavit refers, in light of the facts that Hooper never identified Hunt from photographs or in person and Gray had a substantial criminal record. Thirdly, in the absence of evidence to the contrary, Daulton’s sworn statement that someone identified Hunt on August 10, 1984 is simply false.
3. **Mitchell warrant:** It is perplexing how Daulton and Lyle could reconcile “the lab tests indicate Hunt’s blood does not match blood and semen found at the scene of the crime” with SBI Serologist Dew’s trial testimony concerning the masking theory to explain why she did not detect Hunt’s blood group in the physical evidence.<sup>194</sup> By the time the warrant was issued, both Murphy and Gray had identified Hunt, so the statement about Hunt having been identified is accurate.

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<sup>192</sup> See Tisdale’s October 19, 1984 letter, 1985 City Manager’s Report, Appendix A-15.

<sup>193</sup> Daulton died in September 2006.

<sup>194</sup> More puzzling is why the defense did not use this document to challenge Daulton’s and Dew’s testimony.

4. **Brown warrant:** Unfortunately, Committee investigators have never located this warrant. However, the puzzling aspect of this warrant is this: given that the SBI concluded that Regina K.'s assailant left no physical evidence behind, how did Crump ever establish probable cause for the warrant? And to what evidence did he hope to compare Brown's blood, hair, and saliva? These questions will likely remain unanswered unless and until a copy of this search warrant appears.<sup>195</sup>
5. **Measures to ensure events like this do not occur again:** The Police Department today teaches all officers during Basic Law Enforcement Training about search warrants, and Criminal Investigations Division detectives receive more extensive training on preparing search warrants. In addition, supervisors are now responsible for thoroughly reviewing search warrant affidavits officers prepare before the officer presents the documents to a magistrate. Additionally, in complex and/or unusual cases arising in the Field Services Bureau, the current Public Safety Attorney reviews the affidavit and makes changes as necessary. Also, all bureaus and divisions send search documentation (including consent and warrantless searches) to the Public Safety Attorney for review. However, the Police Department, like all law enforcement agencies, ultimately has to rely on its officers' honesty and integrity. To this end, the Police Department now has a consistent practice of terminating employees who lie or present misleading information.

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<sup>195</sup> The court's copy of the warrant was destroyed pursuant to a blanket destruction order dated January 13, 1999. See Appendix A-32.

**KEY ISSUE 4**  
**FACTS AND QUESTIONS CONCERNING THE DESTRUCTION OF EVIDENCE IN THE**  
**LINDA E. CASE**

During original case Officer A.T. Stover's preliminary investigation of the Linda E. rape case, he seized Linda E.'s clothing and a box containing the results of a rape kit. Officer Stover completed a Police Department "Property Report" for the seized items and placed them in Evidence Management (also known as Property Control).

Once the items were placed into Evidence Management, Eleanor Brown, Police Property Specialist, assigned property tag numbers to the seized items, entered the items into the "property record log," and then generated a computer "property report" for each of the seized items. The rape kit was assigned property tag 8402713, and the clothing was assigned property tag 8402714.

No supplement reports indicate the evidence seized in this case was ever examined for any physical evidence.

On June 15, 1984, Detective Teresa Hicks became the case investigator and continued as such until she closed the case as inactive on October 16, 1984.

Committee investigators determined that the evidence seized was destroyed, and no records indicated there was any attempt to examine the evidence seized for any physical evidence from the suspect.

The rape kit was destroyed on September 5, 1984, and clothing was destroyed on September 8, 1984, according to the final disposition section of the "property record log."

In early March 2006, Police Evidence Supervisor Michelle Poe and Police Evidence Specialist Candice Tesh attempted to locate photocopies of the computer "property reports." These reports bear the signature of the officer authorizing the disposition of the property, along with the date disposition was authorized.

One of the two photocopied computer "property reports" was located. Property Report 8402714, containing a brown bag of clothing, was marked "destroyed" by Officer Stover on August 15, 1984. The photocopied "property report" for the rape kit was not located.

These facts present two very important questions. Why was evidence destroyed before the case was closed and apparently before it was tested? Why did Stover, not Hicks, sign the destruction sheet?

On March 24, 2006, Stover was interviewed by the Committee investigators. Stover reviewed the original report and the "property reports." Stover acknowledged that he authorized the destruction of the clothing based on his review of the "property report," but he did not know why he destroyed the property. Stover did not have any recollection of the case or the destruction of property.

Stover added that he did not understand why he would have marked the clothing to be destroyed because the case was not assigned to him. Hicks did not respond to questions concerning this case.

See the Linda E. report, the property record logs, and the photocopy of the computer "property report" of the clothing that was ordered destroyed in the Linda E. case file, Appendix A-7.

## KEY ISSUE 5 POLYGRAPH EXAMINATIONS FOR THE SYKES CASE

**August 22, 1984:** Johnny Gray was given a polygraph by Police Department Detective Barry Owens. The purpose of this polygraph was to determine if Gray did in fact witness the attack on Deborah Sykes.<sup>196</sup> The result of the polygraph indicated Gray did witness the incident.

**August 24, 1984:** Johnny Gray was given a second polygraph by Owens. The purpose of this polygraph was to determine if Gray was involved in the attack on Deborah Sykes. According to the results of the polygraph administered by Owens, Gray was not involved in the attack.

**September 11, 1994:** Sammy Mitchell came to City Hall to take a polygraph test with Owens. Owens could not administer the test because Mitchell was intoxicated and uncooperative.<sup>197</sup>

**September 12, 1984:** Darryl Hunt was given a polygraph by Owens. According to Owens, the results of the test were inconclusive. The test was graded as inconclusive because during the test, Hunt complained about buzzing in his ears. Owens rescheduled Hunt to be tested on a later date. Later in the day, Owens spoke with District Attorney Don Tisdale. Tisdale stated a second polygraph was not necessary because he was going to charge Hunt with Sykes' murder.

**September 19, 1984:** Gray was given a polygraph by Forsyth County Sheriff's Office Detective Charles Lynch at Owens' request.<sup>198</sup> Lynch indicated Gray showed deception to several questions during the test. No Police Department detectives were present during the polygraph; therefore, Lynch called Police Lieutenant Jerry Raker and advised he was polygraphing Gray and needed someone from the Police Department to come over and interview him (Gray) immediately. Raker told Lynch to let Gray go and they would interview him later; Lynch complied and Gray left. On a later date, Lynch told Detective Daulton that Gray was deceptive, and Daulton reacted by slamming his fist against a table while saying he knew Gray was lying.

**April 5, 1985:** Hunt was given a voice stress analyzer test by James T. Squires, Chief Analyst and Director of Training for Communications Control Systems of New York City. This test was done by Hunt's defense. Squires concluded that Hunt was not deceptive and was not involved with Sykes' death.

**May 16, 1985:** Hunt was given a polygraph by Robert Peterson of Accurate Polygraph Services of Greensboro. This test was done by Hunt's defense. Peterson concluded Hunt was not deceptive and was not involved with Sykes' death.

**Nov. 20, 1985:** The City Manager's Report was released. It stated Gray had consumed alcohol before his first test on August 22, 1984. The City Manager's Report concluded that Daulton and Owens should have shared information with each other about Gray's alcohol use before he was tested.

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<sup>196</sup> When this polygraph was administered, police knew that a) Gray had incorrectly identified Thomas; b) Gray had lied about his name when he called 911 on August 10, 1984; c) Gray was present when the attack occurred; and d) Gray had been drinking.

<sup>197</sup> **City Manager's Note:** The Internal Affairs investigation noted that, similarly to Mitchell, Gray had been drinking on August 22, 1984 when he was polygraphed. Despite his alcohol consumption, the test was administered, and Gray was found to be truthful.

<sup>198</sup> During his January 29, 2006 Committee interview, Lynch stated Owens requested the third polygraph. Procedurally, Owens could not run the third test on the Police Department machine (because of the type of machine), so he asked Lynch to conduct the third test. See Internal Affairs Report, Appendix A-17.

**May 5, 1986:** Al Kelly was taken to the SBI Office in Raleigh by Agent Stone and Detective Crump to be interviewed and polygraphed. Kelly was tested on his truthfulness about Gray telling him that he (Gray) raped and robbed Sykes. Kelly's test results were a +6. The polygraph examiner, V. S. Davenport, documented on his polygraph report, "Not a good exam – poor issue."

**KEY ISSUE 6**  
**WILLIARD BROWN'S RELEASE DATE FROM PRISON IN 1984**

The North Carolina Department of Correction's records reflect that Williard Brown was released from prison on June 14, 1984. However, as outlined below, these records may not be definitive as to the exact date and time of Brown's release.

On July 18, 2005, Lieutenant Ferrelli received the following Department of Correction's records that SBI Agent Scott Williams had acquired during his 2003 investigation:

- one-page report from Williams about Brown's prison record;
- four-page Inmate Summary record for Williard Brown;
- two-page memorandum from Jim Goff, Chief Probation/Parole Officer, Forsyth County;
- one-page Social History Summary;
- one-page Criminal History Summary;
- certificate of Parole for Williard Brown, dated June 11, 1984;
- certificate of Unconditional Discharge for Williard Brown issued on Sept. 26, 1984; and
- extradition document from New York City.

To view the above documents, see Appendix A-5.

Brown's "Inmate Summary" indicates that on June 14, 1984 at 0041 hours, Brown was transferred from Davie Correctional Center to Forsyth Correctional Center. The next entry indicates Brown was released from Forsyth Correctional Center on June 14, 1984 at 0043 hours and placed on a 90-day parole. However, the parole certificate is dated June 11, 1984, and the "Certificate of Unconditional Discharge" indicates Mr. Brown was paroled or conditionally released on June 14, 1984.

On July 19, 2005, Jim Goff, Chief Probation/Parole Officer for Forsyth County, reviewed the records that Agent Williams had sent. Goff was the parole officer who "handled" Brown at the time of his release. Goff stated that after reviewing the records, it appeared Brown was released on June 14, 1984; however, he cannot be sure without looking at the "Parole Agreement," and he did not have a copy of that agreement. (The "Parole Agreement" was a document Goff completed and the parolee signed at the time of his release from prison.) Goff stated the records in this case predated "OPUS", the Department of Correction's computer system that went online in 1995. Goff stated the "Inmate Summary" (which indicates that Brown was transferred on June 14, 1984 at 0041 hours and released on June 14, 1984, at 0043 hours) is a printout from a database that Department of Correction employees populated with information to fill in the blocks; the information may not be correct.

On July 19, 2005, Elizabeth Barefoot, Program Director, Forsyth Correctional Center, reviewed the documents received from Agent Williams, but she could not determine the exact release date from those documents. Ms. Barefoot stated the Sergeant's Log Book, a book for recording when people signed in and out of the prison, would have been destroyed five years after it was completely filled. She added that a "gate check" should have been issued to Brown, and those records would be in the Department of Correction's Combined Records in Raleigh. (A "gate check" was a check given to a prisoner upon his release from prison to get him on his way, and at that time, it would have been made out for about \$40.) Ms. Barefoot stated she could not give a definitive date for Brown's release in June 1984.

On July 20, 2005, Laura Loewe, telephone number 919-716-3202, Administrative Secretary for the Department of Correction's Combined Records, reviewed Brown's file and told Committee investigators the records reflect that Brown was released on June 14, 1984 at 0043 hours. Loewe stated the records may not accurately reflect the actual time he was released; he could have been released on June 14, 1984

or possibly on June 13, 1984. Loewe explained that once the parole certificate was signed (June 11, 1984), it was mailed to Winston-Salem, and Brown would not have been paroled before the certificate arrived in Winston-Salem. Loewe found no records concerning when Brown's parole certificate arrived in Winston-Salem. Loewe stated she did not have any record of Brown's parole agreement, gate check, or any other record that would conclusively answer the issue of Brown's release date.

On December 20, 2005, Anna Pender, a U.S. Probation Officer, offered to assist Sergeant Byrom and Lieutenant Ferrelli in reviewing the Forsyth County court records. Pender's assistance was offered because she has a working knowledge of the records system in the courthouse and her husband, Rick Pender, is a member of the Committee. After reviewing courthouse records for Williard Brown during 1984, there were no records that would accurately determine when Brown got out of prison in June 1984.

**City Manager's Conclusion:** It is not possible to conclude from existing records when Brown was released from prison in 1984. He may have been out of jail as early as June 13, 1984, the date of the Linda E. attack, or he may have still been incarcerated on that date.

**KEY ISSUE 7**  
**MISSED OPPORTUNITIES TO DETECT WILLIARD BROWN'S INVOLVEMENT**  
**IN THE SYKES CASE; FAILURE TO PURSUE BROWN IN THE REGINA K. CASE;**  
**AND FAILURE TO CROSS-REFERENCE THE TWO CASES**

**City Manager's Introductory Note:** In December 2003, DNA evidence definitively identified Williard Brown as the attacker of Deborah Sykes. This fact, plus Regina K.'s identification of Brown, raises many questions, some of which are listed below:

- Did investigators ever connect Williard Brown to both cases?
- Did they ignore the possible connection?
- Why did Detective Crump's reports exclude information indicating Williard Brown's possible involvement in both cases, given the similarities in the cases and the fact that officers knew that neither Mitchell nor Hunt was Sykes' rapist? In the spring of 1986, Crump was investigating both crimes at the same time.
- Did Detective Crump question Williard Brown about the Regina K. case when he interviewed Brown about the Sykes case?
- How and why did Detective Crump obtain a search warrant for Williard Brown's blood in the Regina K. case when there was no transfer of the suspect's blood or seminal fluid for comparison?
- Once Williard Brown was identified as being an "O" secretor, did anyone connect him to the Sykes case (which also involved an "O" secretor)?
- Why does the Police Department not have a copy of the Williard Brown search warrant?
- Did anyone from the Police Department check to see if Williard Brown was actually in prison on August 10, 1984? If so, why is there no documentation of that?

Reviewing reports in the cases the Committee addressed did not provide answers to all of these questions. Unfortunately, most former police investigators (and Brown) declined to assist the Committee in answering these questions. Consequently, all that can be done at this point is summarize relevant references from case reports and recent interviews, identify areas and issues the documents and interviews raise, and where appropriate, make reasonable inferences from available facts.

**A. Detective Crump's 1985 involvement in the Regina K. case and simultaneous involvement in the Sykes and Regina K. cases in 1986**

1. **1985:** In May 1985, Detective Crump replaced Detective Miller as the lead detective in the Regina K. case. On or before May 23, 1985, Miller gave Crump a photograph of Williard Brown. Crump placed Brown in a photographic line-up along with five other black males; Regina K. viewed the line-up and stated that Brown was possibly her attacker. Crump did not document why Miller gave him Brown's photograph.<sup>199</sup>

On May 23, 1985, Crump documented in a supplement report that he showed a "third line-up" containing Brown to Regina K. Regina K. still believed that Brown most closely resembled the black male she had seen. Regina K. indicated she wanted to see Brown in an in-person line-up. Brown had two outstanding warrants, and Crump was attempting to locate him. Detective Daulton signed the report as the approving supervisor.<sup>200</sup>

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<sup>199</sup> Crump documented this information in a supplement report for the Regina K. case, dated May 28, 1985. See Regina K. case file, Appendix A-10.

<sup>200</sup> See June 27, 1985 report, Regina K. case file, Appendix A-10.

On May 25, 1985, Crump received the Regina K. SBI lab report, which concluded that all the blood samples from the scene belonged to Regina K. The report also indicated there was no sperm or seminal fluid on Regina K. or her belongings. Crump also wrote that he was attempting to locate Brown.<sup>201</sup> He submitted six additional reports that summer and fall stating that he was still trying to locate Brown.<sup>202</sup>

2. **Early 1986:** In January 1986, Crump began a 10-month assignment assisting SBI agents on the Sykes reinvestigation. As part of that investigation, on January 3, 1986, Crump reviewed the autopsy report and photographs in the Sykes case.<sup>203</sup> He made no mention of the similarities of Sykes' injuries to those of Regina K. if, in fact, he observed such similarities.<sup>204</sup>

From January 20 to January 23, 1986, Crump documented in supplement reports that he was attempting to locate Brown.<sup>205</sup> On Feb. 3, 1986, Crump advised Regina K. that he had been unable to locate Brown and that he would reopen the case if Brown was located.<sup>206</sup>

## B. Questions about the 1986 investigations

Remembering that Detective Crump, by the spring of 1986, was thoroughly involved in both of these cases, several questions arise as noted above.

On March 12, 1986, Crump and SBI Agent Dan Stone, both of whom were assigned to investigate the Sykes homicide, interviewed Brown following his arrest on unrelated housebreaking and assault charges. According to reports, they asked him about the Sykes case and “other cases that were under investigation” but did not identify the “other cases.” The detectives documented that they interviewed Brown because of a CrimeStoppers tip, but the CrimeStoppers tip has not been located, the supplement report did not include a CrimeStoppers number, and no specific details from the CrimeStoppers report exist to indicate in what case Brown was considered a suspect.<sup>207</sup> Although he did not consent to a formal interview, during an informal conversation with Committee investigators on December 8, 2005, Crump said that when he interviewed Brown on March 12, 1986, Brown denied involvement in the Regina K. rape and said he was in prison when Sykes was killed.

On April 1, 1986, Regina K. identified Brown as her attacker in an in-person line-up. Crump's report of this event did not mention his March 12, 1986, interview with Williard Brown regarding the Sykes case “and other cases.” In fact, Crump **never** mentioned any information about the Sykes case in his Regina K. case reports. In 1986, none of Crump's reports indicate that he attempted to interview Brown in connection with the Regina K. case. The first documented attempt to interview Brown in the Regina K. case occurred in February 1987.

On April 24, 1986, Crump obtained a search warrant for Brown's hair, saliva, and blood. How Crump established probable cause to recover evidence from Brown is unclear, because the SBI had found no trace evidence from the perpetrator in Regina K.'s case. The supplement report does not offer any details about the probable cause used to obtain that warrant. Committee investigators

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<sup>201</sup> Regina K. case file, report dated June 3, 1985, Appendix A-10.

<sup>202</sup> See Regina K. case file, reports dated July 12, July 19, August 6, October 24, November 14, and December 24, 1985, Appendix A-10.

<sup>203</sup> See Deborah Sykes case file, report dated January 10, 1985 (1985 is the date on the supplement report; the correct year should be 1986), Appendix A-8.

<sup>204</sup> See Appendix A-11.

<sup>205</sup> See Regina K. case file, report dated January 23, 1986, Appendix A-10.

<sup>206</sup> See Regina K. case file, report dated February 3, 1986, Appendix A-10.

<sup>207</sup> See Deborah Sykes case file, report dated March 18, 1986, Appendix A-8.

never located a copy of the warrant, and although Crump declined to be interviewed, he stated that he had no documents pertaining to the cases.

Crump was involved in both Sykes and Regina K. investigations during most of 1986, but one week in May deserves special attention. During the week of May 19-23, 1986, Detective Crump worked on both the Regina K. and Sykes cases. At this time, Crump knew or should have known from the case files that:

- a) neither Darryl Hunt nor Sammy Mitchell was an “O” secretor; Sykes’ rapist was an “O” secretor;
- b) Regina K.’s wound patterns resembled Sykes’ wounds;
- c) Regina K. had identified Williard Brown, both by photographs and in person, as her attacker; and
- d) he (Crump) had interviewed Brown as a suspect in the Sykes case just over two months before.

On May 19, 1986, Crump received the SBI’s analysis of Brown’s blood, establishing that Brown is an “O” secretor. (Sykes’ attacker was an “O” secretor.)<sup>208</sup> On Tuesday, May 20, 1986, in preparation for conducting a voice exemplar, Crump asked Regina K. to write down all the words the attacker said to her on February 2, 1985. Also on that day, the Police Department received a CrimeStoppers call, 5025, in which the caller reported he spoke to a person who was a witness to Sykes’ murder. The caller was later identified as Delmar Polite, and the witness was Kevey Coleman.

On Wednesday, May 21, 1986, Regina K. gave Detective Crump the phrases she heard from her attacker.<sup>209</sup> Crump began to develop a voice identification line-up for Regina K. Also on that date, the Police Department received a second call regarding CrimeStoppers 5025. The caller reported additional information about Sykes’ murder.

Apparently, Crump learned of these CrimeStoppers calls on either Wednesday or Thursday of that week, because on Thursday, May 22, 1986, SBI Agent Keller and Detectives Spoon and Crump interviewed Kevey Coleman.<sup>210</sup> Coleman told them he was walking home on the morning of August 10, 1984 when he saw two black males in the company of one white female in the middle of West End Boulevard near Sixth Street. Coleman stated he was not wearing his contact lenses and could not identify the three people. Coleman told investigators he did not hear any screams. Coleman stated he then went to his residence, which was very close to the murder scene. In his 2005 Committee interview, Coleman stated that when he identified Brown as the individual he saw with Sykes on August 10, 1984, the 1986 SBI investigators told Coleman that Brown could not have been there because he was in jail.

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<sup>208</sup> An SBI report dated January 22, 1987 for the Regina K. case stated that no suspect hair was transferred to Regina K.

<sup>209</sup> The Committee investigators uncovered no such document, but Regina K. stated that she provided such information and Crump acknowledged receiving it in his report. The whereabouts of this document are unknown.

<sup>210</sup> On November 22, 2005, Coleman was interviewed by Committee investigators. Coleman stated that in his 1986 interview with the SBI and Police Department investigators, Williard Brown’s name came up and he was told then that Brown could not have committed the Sykes murder because he was in custody, possibly for rape. The date of the Coleman interview in which this occurred is believed to be May 22, 1986. On December 6, 2005, retired Police Department Lieutenant, Riley Spoon, was interviewed by Committee investigators. Spoon stated he did not recall any mention of Brown’s name in 1986.

### **C. Questions regarding the Regina K. case closure**

1. Did Detective Crump ask the Police Department legal advisor about doing a voice exemplar to aid Regina K. in identifying her attacker?
2. Did Regina K. tell Detective Crump or other officers that she did not want to prosecute?

On July 2, 1986, Crump documented Brown had been convicted on “earlier charges” and was currently in prison at the Alexander Prison Unit. On that same date, Crump documented that he reviewed this case with Public Safety Attorney Claire McNaught, and as a result of that review, Crump would not use a vocal identification at that time. However in 2006, McNaught told Committee investigators that she had no recollection of having a discussion with Crump regarding a voice line-up. (For a more in-depth discussion of this issue, see Key Issue 9.)

There is no documentation until February 12, 1987 that Crump went to the Wilkes County Prison Unit and interviewed Brown regarding the Regina K. case. Brown asserted his Miranda right to have an attorney present, so Crump terminated the interview. However, Brown gave Crump the names of three witnesses who allegedly could attest to his whereabouts on the day Regina K. was attacked and told Crump that he (Brown) was living in High Point at that time. Crump documented the above events (but did not include the names of the possible alibi witnesses) in an undated supplement report.

On April 10, 1987, Crump was able to locate and interview Dorothea Brown, Brown’s mother. She told Crump that Brown was living in High Point in February 1985.<sup>211</sup> On April 15, 1987, Crump attempted to locate Brown’s alibi witnesses; again, no names are included.<sup>212</sup> On May 5, 1987, Crump closed the Regina K. case “exceptionally cleared.”<sup>213</sup>

On September 10, 1989, Crump again closed the Regina K. case “exceptionally cleared,” stating Regina K. had identified Brown as her attacker but did not wish to prosecute.<sup>214</sup> Regina K. disputes this statement.<sup>215</sup>

### **D. Did investigators check to see if Williard Brown was actually in prison on August 10, 1984? If so, why is there no documentation of those efforts?**

In Rowe’s 2003 investigation, he spoke with Crump three times concerning this issue. On December 16, 2003, Crump told Rowe that Crump believed Brown was not in prison on August 10, 1984. Crump added that “there was no evidence to link Brown to the crime after he denied any involvement, and he knew of nothing else to do to tie” Brown to the Sykes case.<sup>216</sup> On December 22, 2003, Crump said that he got Williard Brown’s name from either an informant or from a CrimeStoppers or from Detective Miller.<sup>217</sup> On January 28, 2004, Crump said that Brown was in custody on August 10, 1984.<sup>218</sup>

Crump told Sykes investigators during an informal conversation in 2005 that in 1986, Brown claimed he was in prison when the Sykes murder occurred. Crump stated that he checked by calling the Department of Correction and confirmed that Brown was in prison. Crump added that he believed he documented his findings in either the Sykes case or the Regina K. case. However, Committee

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<sup>211</sup> See Regina K. case file, April 13, 1987, Appendix A-10.

<sup>212</sup> See Regina K. case file, May 5, year obscured but probably 1987 report, Appendix A-10.

<sup>213</sup> See Regina K. case file, May 5, 1987 report, Appendix A-10.

<sup>214</sup> See Regina K. case file, September 10, 1989, Appendix A-10.

<sup>215</sup> See Minutes, February 2, 2006, Appendix A-28.

<sup>216</sup> See Sykes July 27, 2006 report, p. 10, Appendix A-8.

<sup>217</sup> See Sykes July 27, 2006 report, p. 18, Appendix A-8.

<sup>218</sup> See Sykes July 27, 2006 report, p. 53, Appendix A-8.

investigators located no such documentation regarding Brown. By contrast, investigators saw documents Crump wrote detailing his efforts to determine the whereabouts of other persons during the investigation.

**City Manager's Conclusion:** Only by reading both the Regina K. and Sykes case files does the reader discover Brown's connection to both cases. If one were to read only the Regina K. or the Sykes file, one would be unaware of the connection. Yet, Crump was working on both cases simultaneously. He was the lead investigator in the Regina K. case from May 15, 1985 until September 10, 1989, and he was one of two Police Department detectives assisting SBI agents in the Sykes investigation from January 3, 1986 until at least October 23, 1986. The Regina K. and Sykes case files do not contain any references to each other before 2003.

On March 12, 1986, Crump interviewed Brown, whom Regina K. had identified from photographs. Crump told Committee investigators he had asked Brown about both the Regina K. and Sykes cases that day. However, the Sykes case report mentions only that Brown was asked about "Sykes and other cases." It also does not mention the response Crump recalls, i.e., that Brown was in jail the day Sykes was killed. Further, Crump did not document this March 12, 1986 interview in the Regina K. case at all.

Then, in the course of a single week, Crump learned that Brown had the same blood type as Sykes' attacker, knew that Regina K. had identified Brown as her attacker, and allegedly heard Coleman mention Brown as a possible suspect in Sykes' murder. These events gave Crump an opportunity to make a connection.

Crump claimed in 2005 that he did make the connection but that Brown was in jail. If this is true, then Crump labored under a mistake of fact which eliminated Brown as Sykes' rapist in Crump's mind. If Crump's claim is false, then his investigation was extremely flawed.

Had the Police Department's culture been one of constantly questioning hypotheses and reevaluating evidence, Crump may have made the connections he apparently missed in 1986.

**KEY ISSUE 8**  
**THE RELUCTANT WITNESS: POLICE DEPARTMENT CONTACTS WITH**  
**KEYEY DRAELL COLEMAN**  
**FROM AUGUST 11, 1984 THROUGH NOVEMBER 22, 2005**

**City Manager Introductory Note:** From his first contact with the police in 1984 to his interview in 2005 with Committee investigators, Coleman has progressively provided additional information about what he observed on the morning of August 10, 1984. Coleman has moved from a position of being (and feeling like) a suspect in 1986, to being a reluctant witness, to being a cooperating witness in 1989, to being a willing citizen volunteering to be interviewed in 2005. Unanswered questions remain, such as:

- If investigators talked to Coleman about Williard Brown in 1986, why did they not document it?
- If Crump checked to see whether Williard Brown was or was not in jail at the time of Deborah Sykes' murder, why did he not document that inquiry and its result?
- Why was Kevey Coleman not shown a photograph of Johnny Gray?

The above unanswered questions this topic raises are among the most intriguing areas of this entire review.

**A. Initial Investigation August 11, 1984**

Kevey Coleman's first contact with police in the Sykes investigation was on August 11, 1984 when Detective Pittman stopped Coleman and Maurice Louis Hairston on West End Boulevard. Hairston was giving Coleman a ride home after work. Detective Pittman asked Hairston questions but did not question Coleman. Coleman did not give Pittman his name or mention that the day before he had observed two black males with a white female in the middle of West End Boulevard near Sixth Street. About a week later, Coleman told Hairston that on August 10, 1984, he had seen three people; Coleman did not describe them.

**B. CrimeStoppers Tip May 20, 1986**

Kevey Coleman's name first surfaced when a co-worker, Delmar Polite, called CrimeStoppers (Caller 5025) to report that a co-worker was a witness.<sup>219</sup> Polite stated (in the CrimeStoppers tip) that Coleman had told Polite that Darryl Hunt did not touch Deborah Sykes; Sammy Mitchell dragged her behind some shrubbery and began stabbing her about the chest and waist while Hunt kept a lookout. [CrimeStoppers caller 5025 (Polite) called in again on May 21, 1986, described Hunt and Mitchell (including clothing), and stated that Mitchell and Hunt had sex with Deborah Sykes.]

**C. SBI 1986 Investigation**

1. **May 22, 1986 interview:** In his first interview with law enforcement officers (C. Crump, R. Spoon, and D. Keller), Coleman gave the following account of events and his observations on August 10, 1984: Co-worker Alfred Crump dropped him off at about 6:15 a.m. on August 10, 1984 in the 600 block of Marshall Street.

As Coleman walked home, he observed two black males walking with a white female in the middle of West End Boulevard near Sixth Street. Each man held the woman by the arm as if escorting her. Coleman could not identify either of the black male subjects because he was not

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<sup>219</sup> Polite made this call on May 20, 1986, more than 20 months after Hunt was arrested.

wearing his contact lenses. He believed the white female was Deborah Sykes because of her later-reported death. Each male was dirty; they appeared to be “street people.” Both were about Sykes’ height. One subject was in his 20s, with plaits in his hair, with a full beard, “bare-headed” (i.e., no hat), and wearing blue jeans. The second male had “afro style” hair and was wearing a plaid shirt and blue jeans.

Coleman stated the white female did not look scared or threatened; none of the three spoke to him; and he did not hear any screams the entire time he was in the area or after he arrived home. When the two black male subjects initially saw Coleman, they hesitated briefly, and then continued at a faster pace. Coleman also told Detective Crump that police stopped co-worker Hairston and him on August 11, 1984, but that he (Coleman) did not volunteer any information at that time.

2. **July 1, 1986 interview:** When Crump and Keller mentioned Polite’s CrimeStoppers call, Coleman denied telling Polite that he saw Mitchell or Hunt on West End Boulevard on August 10, 1984. Instead, Coleman told Crump, Keller, and Spoon that one subject was light to medium skinned with a beard, and the other was dark skinned and wore his hair in braids. The dark skinned black male was walking with his arm through the white female’s arm and the lighter skinned black male was walking a few steps behind them on the woman’s opposite side.
3. **September 7, 1986 interview:** During this conversation, Coleman told Crump and Stone that he was still unable to identify Mitchell and Hunt as the subjects he saw with Sykes on August 10, 1984. Coleman stated that the subjects he saw had the same physical characteristics as Hunt and Mitchell, but he was unable to make a positive identification of the subjects he saw on August 10, 1984 because he was not wearing his contact lenses.<sup>220</sup>

#### **D. Preparation for Retrial**

1. **August 22, 1989 interview:** Detective R. N. Weavil and Sergeant T. H. Hicks interviewed Coleman, who stated he observed two black males and a white female on West End Boulevard near Sixth Street. The shorter black male had his arm through the white female’s arm as if they were a couple. Coleman described one male as being in his late 20s or early 30s, with light skin and a beard, having a stocky build with big shoulders, and possibly wearing green fatigues and a hat. The second black male had a slim build and was taller, with dark skin and plaits in his hair, wearing dark pants. Coleman stated he saw a white male passing by in a black truck. As Coleman neared his house, he began to run and heard a scream as he entered the house.

According to Weavil’s and Hicks’ reports, Coleman, who had seen Mitchell’s and Hunt’s photographs, stated that he could not be 100% sure, but he would honestly say that they were the two people that he saw with the white female that morning. Weavil and Hicks also wrote that Coleman stated he told co-worker Michael Smith (after seeing Mitchell’s picture in the newspaper) that Mitchell was the person he saw on August 10, 1984.

The officers also reported that Coleman had not told police what he saw when they stopped Hairston’s car on August 11, 1984 because he did not actually see a crime, and he did not want to get involved.

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<sup>220</sup> Coleman told Committee investigators that it was during these 1986 interviews with Police Department detectives and SBI agents that he felt he was being treated like a suspect. See Coleman Committee interview, pp. 4 and 5, Appendix A-17.

2. **September 27, 1989 interview:** When Lieutenant M. V. McCoy and Weavil interviewed Coleman, new details emerged. McCoy and Weavil reported that Coleman was walking fast toward his house, ahead of the three people on foot. He stated he also thought he remembered another black male standing on a hill in the area. Coleman stated he heard a scream when he got to his house. He stated he also thought he looked out of the window but did not see anything. Coleman could not say positively that Mitchell and Hunt were the ones he saw on August 10, 1984, but it looked exactly like them.
3. **October 2, 1989 interview:** Hicks, Weavil, and District Attorneys Dean Bowman and Jimmy Yeatts interviewed Coleman, who stated he did not look out the window but instead went to bed. Coleman stated that on the morning of August 10, 1984, his girlfriend asked him what was wrong because he appeared upset. Also, Weavil and Hicks documented Coleman repeated that the men he saw on August 10, 1984 looked exactly like Mitchell and Hunt, but he never stated it was Mitchell and Hunt.<sup>221</sup>

#### E. November 22, 2005 Committee interview

Coleman told Committee investigators Ferrelli and Byrom that he picked out Williard Brown's picture in 1986 during the SBI investigation. Coleman stated he first told SBI investigators that he did not hear any screams but later told them during that same interview (exact date unknown) that he did hear screams that morning. Coleman commented that during the 1986 SBI investigation, he was accused of lying and was treated like a suspect. He stated he was never threatened physically.

Coleman told Committee investigators that during his 1986 SBI interview, he viewed many pictures, including photos of Hunt and Brown. He stated he picked Brown's picture as looking most like one of the suspects he saw with Sykes on the morning of August 10, 1984.<sup>222</sup> According to Coleman, the 1986 investigators told him that Brown was in jail at the time so Brown could not be the attacker. Coleman said he argued with the investigators about this and remembered them saying that it (Sykes' murder) matched his (Brown's) "M. O." because Brown was in jail at that time for a sexual assault or something like that. Coleman stated he got into a verbal altercation with SBI investigators when Brown's name came up, and he tried telling them again that Brown looked like one of the suspects. Subsequently, one of the SBI investigators said, "Let's break this up and talk about the current case (Sykes)." Coleman told the Committee investigators that he picked Brown's photograph first, but after being told Brown was the wrong man, he picked Hunt's picture as looking most like one of the persons he saw with Sykes.<sup>223</sup>

Coleman stated the investigators in 1986 never showed him a picture of Johnny Gray and hardly ever asked about Mitchell. Coleman stated that at the time, he did not know Hunt, Mitchell, or Brown. Coleman stated that in 1989, Hicks and Weavil never asked whether he identified anyone else's

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<sup>221</sup> **City Manager's Note:** Coleman never stated he had seen Darryl Hunt and Sammy Mitchell on August 10, 1984.

<sup>222</sup> **City Manager's Note:** Coleman's account of the interview is convincing in part because of the clarity of his recollection of conversations. By example, according to Coleman, when he pointed to Williard Brown's picture, either Crump or Keller stated "Willie Brown." Coleman responded, "That's not Willie Brown; I know Willie Brown 'cause I played basketball with him." At that point, officers checked the name more closely and concluded the photograph was of Williard Brown, not Willie Brown.

<sup>223</sup> **City Manager's Note:** On December 7, 2005, retired Lieutenant Riley Spoon told Committee investigators he did not remember Williard Brown's name coming up in the 1986 Coleman interview. Spoon said there may have been some talk about comparisons between the Sykes and Regina K. cases. Spoon stated he remembered SBI Agent Stone checking to see if person(s) were in jail in an effort to eliminate possible suspects, but he did not know if Williard Brown was one of them. See Spoon's December 17, 2005 Committee Investigators' Interviews, p. 3, Appendix A-17.

picture in 1986 before picking Hunt's picture. Coleman stated he thought Hicks and Weavil discussed Brown and that Hicks and Weavil stated they had the paperwork to prove Brown was in jail on August 10, 1984. Coleman noted that he was more cooperative during the Weavil/Hicks' interviews in 1989 because he felt he was not "going to be sitting next to Darryl Hunt" at the defendant's table. He stated he was prepared to testify about picking Brown at Hunt's 1990 trial, but "they [the judge] would not let" Hunt's attorney pursue that line of questioning.

**City Manager's Conclusion:** If Coleman's most recent statements are correct, the questions they raise outnumber the answers they provide. Given that 1) Coleman saw two men with Sykes and a third man standing on the hill; 2) everyone knew or should have known by 1989 that neither Mitchell nor Hunt matched the seminal fluid collected from Sykes; and 3) according to Coleman and documentation, Detective Crump was investigating Brown in relation to other similar sex crimes, it would seem that a prudent, thorough officer would have documented how he verified that Brown was in jail on August 10, 1984. Also, because Coleman stated he saw a third man and Johnny Gray admitted to being at the scene, it is problematic that officers failed to show Coleman a photograph of Gray, if only to confirm and verify Coleman's truthfulness.

Coleman provides a credible reason for his differing accounts: an initially strong fear of being charged with the rape and murder of Deborah Sykes. As that fear diminished, he revealed more information in greater detail.

**KEY ISSUE 9**  
**NO VOICE EXEMPLAR CONDUCTED ON WILLIARD BROWN AFTER**  
**REGINA K. STATED SHE WOULD RECOGNIZE HIS VOICE**

**City Manager’s Introductory Comment:** A voice exemplar is an identification tool police use when a victim or witness indicates that hearing a suspect say certain words would confirm the victim’s or witness’s identification of that suspect. Although Regina K. told Detective Crump that she would recognize her attacker’s voice if she heard it again, and although she wrote down the words her attacker said after being asked to do so by Crump, no voice exemplar was conducted.

**Factual Background:** Regina K. was abducted, raped, and stabbed repeatedly on February 2, 1985. She identified Williard Brown as her attacker from photographs on May 23, 1985. After officers located Brown in 1986, Regina K. identified him in an in-person lineup on April 1, 1986.

**Different accounts of the decision not to conduct a voice exemplar:** According to Crump’s reports, Regina K. wanted to hear Brown’s voice to be sure that she had identified the right person.<sup>224</sup> On May 20, 1986, Crump asked Regina K. to write down the words used by her attacker on February 2, 1985. She did so the following day. Crump noted that he wanted the quotes so he could make a recording of the suspect (Brown) repeating the quotes for a “voice identification line-up.”<sup>225</sup>

On July 2, 1986, Crump wrote that he reviewed Regina K.’s case with Police Department’s Public Safety Attorney Claire McNaught. According to Crump, from this review came the decision that no voice exemplar would be conducted.

McNaught, now retired, informed Committee investigators that she had no recollection of a discussion with Crump about a voice exemplar. McNaught said she did not participate in discussions about prosecuting Brown in the Regina K. case.

During her February 2, 2006 meeting with the Committee, Regina K. said that she was 80 to 85% sure that Brown was her attacker when she saw him in a line-up on April 1, 1986. Regina K. said Crump told her that men in the line-up would repeat the words Regina K.’s attacker used. She also said she had asked detectives in 1986 if a voice exemplar could be used in her case but that detectives discouraged her from pressing charges “without hard evidence.”<sup>226</sup>

**City Manager’s Conclusion:** Crump wrote a report contemporaneous with his conversation with McNaught about using a voice exemplar. McNaught has no recollection of this conversation. It appears that Crump and McNaught discussed using a voice exemplar. It is conceivable that the reason a voice exemplar was not conducted was simply the lapse of time (17 months) since the attack. Regina K. had identified Brown as her attacker when she viewed photographs shortly after the attack, and she reacted viscerally when she saw him in a live lineup.<sup>227</sup> If a voice exemplar had been conducted and Regina K. had identified Brown, that would have strengthened the prosecution’s case against Brown.

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<sup>224</sup> **City Manager’s Note:** The victim’s identification in this case would be crucial to a conviction because crime scene samples detected no physical evidence from the suspect.

<sup>225</sup> **City Manager’s Note:** Certainly, a more efficient approach would have been to have the men in the line-up on April 1, 1986 say the words that Regina K.’s assailant used.

<sup>226</sup> See Committee minutes, February 2, 2006 meeting, Appendix A-28.

<sup>227</sup> Regina K. told the Committee in 2006 that when she put her face to the window to view the live line-up and saw Williard Brown, she gasped. She stated that her knees went weak, and she thought she was going to vomit.

**KEY ISSUE 10**  
**DID THE POLICE DEPARTMENT COMPLY WITH**  
**BRADY DISCLOSURE REQUIREMENTS?**

**I. Introduction**

Lack of documentation regarding what information the Police Department gave the prosecution and what information the prosecution gave the defense makes answering the above question difficult. As indicated below, the disclosure obligation rests with the prosecution. However, prosecutors cannot disclose that which they do not know. After outlining the legal framework, this discussion turns to consider that framework's application to specific issues or information in the Sykes investigation.

**II. Legal Background for Disclosure of Exculpatory Evidence**

**A. Constitutional Disclosure Requirements for State Trials (*Brady*)**

The 14th Amendment's due process clause, interpreted in *Brady v. Maryland (Brady)*, requires prosecutors to disclose to the defense exculpatory evidence that is material to guilt or punishment.<sup>228</sup> The term "prosecution" includes any agencies that report to the prosecution, so evidence held by the police but not disclosed to the District Attorney's Office is also subject to *Brady*. The police disclose information to the prosecution, not to the defense, and the prosecution's obligation to disclose exists even without a specific discovery request.<sup>229</sup> However, the prosecution is not required to disclose evidence which may be exculpatory but which is reasonably available to the defense.

*Brady*'s disclosure obligation only applies to evidence with a reasonable probability of affecting the jury's decision ("material evidence.")<sup>230</sup> Evidence that the defense knows or which is readily available does not qualify as *Brady* material. Evidence that impeaches the credibility of government witnesses is covered under *Brady* as well. And, if the prosecution knows or should have known that a government witness gave false testimony, due process requires disclosure of the perjury to the court and the defense.<sup>231</sup> The prosecution must also correct any false testimony presented by government witnesses at trial.<sup>232</sup>

**B. North Carolina Disclosure Statutes**

In 1984, the defense had to file a motion before the prosecution had any disclosure obligations. Then, the state had to furnish to the defense any documents or tangible objects material to preparing for trial.<sup>233</sup> The state also had to produce a witness's written transcribed statements after the witness's direct examination.<sup>234</sup> North Carolina's discovery law did not compel disclosure of police reports or memoranda about a criminal case<sup>235</sup> and did not require

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<sup>228</sup> 373 U.S. 83, 87 (1963).

<sup>229</sup> *United States v. Agurs*, 427 U.S. 97, 110 (1976).

<sup>230</sup> *Giglio v. United States*, 405 U.S. 150, 154 (1972).

<sup>231</sup> *Mooney v. Holohan*, 294 U.S. 103, 112-13 (1935).

<sup>232</sup> *Alcorta v. Texas*, 355 U.S. 28, 31-32 (1957).

<sup>233</sup> N.C.G.S. § 15A-903 (d) (1984).

<sup>234</sup> N.C.G.S. § 15A-903 (f)(1), (2) (1984).

<sup>235</sup> *State v. Gillespie*, 33 N.C. App., 684, 687, 236 S.E.2d 190, 192 (1977).

prosecutors to compile or furnish a summary of all police investigatory work on a case.<sup>236</sup> Also, if material was subject to disclosure, the obligation continued up to and including trial.<sup>237</sup>

### III. Applying *Brady* to the Linda E., Sykes, Kathleen D., and Regina K. Cases<sup>238</sup>

#### A. District Attorney Tisdale's Understanding of *Brady* and N. C. Disclosure Standards

At an employment grievance proceeding regarding Daulton's demotion, District Attorney Tisdale described what he believed his duty to be under *Brady* and North Carolina law: if information "is exculpatory for a defendant, then I have myself a duty. . . as the prosecutor to let the other side know."<sup>239</sup> Applying this interpretation, he disclosed some information about Terry Thomas because it was "potentially exculpatory."<sup>240</sup>

By contrast, Tisdale testified that he did not have to disclose Johnny Gray's alias or criminal record.<sup>241</sup> He also believed that Gray's "1-4" identification was not *Brady* material.<sup>242</sup> When asked if Daulton had lied about the "1-4" identification, Tisdale replied that Daulton was telling the truth. In his view, telling Daulton not to discuss the "1-4" identification during direct examination was a trial tactic; it was up to the defense to raise the issue.<sup>243</sup> Tisdale also distinguished between substantive and corroborative witnesses. Because he claimed he could independently verify or establish the facts to which Daulton testified at trial, Tisdale thought to investigate Daulton's truthfulness was unnecessary.<sup>244</sup>

#### B. False Statements in the Mitchell Residence and Hunt Search Warrants

A witness's character for bias or truthfulness may be material, exculpatory evidence.<sup>245</sup> Also, as addressed in Key Issue 3, the Mitchell residence and Hunt search warrants contained both combined and fabricated statements. At Hunt's preliminary hearing, Daulton stated that facts attributed to the "confidential citizen witness" were actually obtained from several witnesses. Daulton's signature is on both search warrants.

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<sup>236</sup> See, e.g., *State v. Davis*, 282 N.C. 107, 110-11, 191 S.E.2d 664, 666-67 (1972) (holding that the prosecution is not required to produce all police reports or details of all police investigatory actions).

<sup>237</sup> N.C.G.S. § 15A-907 (1984).

<sup>238</sup> **City Manager's Note:** This topic does not address disclosure requirements under state law. The prosecutor's understanding of state and federal law is relevant, even though this report focuses on police actions, because the prosecutor, not the police, makes disclosures under both *Brady* and state law.

<sup>239</sup> Daulton's Grievance Hearing, pp. 82-83, Appendix A-26.

<sup>240</sup> "Exculpatory evidence is evidence tending to establish a criminal defendant's innocence." FED. R. CRIM. p. 16. It is unknown what was exactly disclosed to the defense about Terry Thomas. In the 1985 Hunt trial transcript, it appeared that the defense had access to the Gray/Daulton/Miller interview transcript. At Hunt's first trial, Daulton said that he did not believe that Gray positively identified Thomas. See May 1985 Sykes Trial Transcript, Appendix A-19.

<sup>241</sup> *State v. Gillespie*, 33 N.C. App. 684, 687, 236 S.E.2d 190, 192 (1977) (holding that the criminal records of state witnesses are not discoverable under N.C.G.S. § 15A-903(d)).

<sup>242</sup> In his testimony, Tisdale stated that "[t]hey [the defense] may not have asked [about] the one-four, and I'm not fixing to bring it out. And if it were covered by Brady, somebody would have said so by now but it's not. I mean, it's not that kind of exculpatory thing." See Daulton's Grievance Hearing, p. 83, Appendix A-26.

<sup>243</sup> Daulton's Grievance Hearing, p. 64, Appendix A-26.

<sup>244</sup> In response to a question about Daulton as an officer, Tisdale responded that "[t]estimony-wise I didn't ever question – never have questioned his truthfulness because I knew that he wasn't testifying to anything substantive. An officer in a case doesn't testify to anything substantive as a rule." Daulton's Grievance Hearing, p. 73, Appendix A-26.

<sup>245</sup> *Giglio v. United States*, 405 U.S. 150, 154 (1972).

Assuming that Daulton wrote the warrant's affidavits or endorsed the affidavit's contents, these combined and false statements constitute evidence of Daulton's character for bias or truthfulness.<sup>246</sup>

### **C. Witness Truthfulness: Terry Thomas Identification**

During the 1985 Hunt trial, both Daulton and Gray denied that Gray identified Terry Thomas as Sykes' attacker on August 22, 1984.<sup>247</sup> At Daulton's arbitration hearing, Tisdale stated that he had disclosed some information about Thomas to the defense; because he was vague, one cannot determine what he disclosed.

### **D. Other Rapes Potentially Connected (Linda E., Kathleen D., and Regina K.)**

As mentioned above, a prosecutor has no duty to disclose information that the defense knew or which was reasonably available to the defense. If prior to Hunt's first or second trial, police and/or prosecutors saw some connection between Sykes and Linda E., Kathleen D. and/or Regina K., these other rape cases may have been exculpatory material showing a pattern of rapes likely committed by someone other than Hunt. Whether Police Department officers saw possible connections between these rape cases and/or when they saw possible connections is unknown. What is known is that Detective Hicks stated she visited the Sykes crime scene because of its proximity to the Linda E. attack site. Hicks added that Linda E. had already identified a suspect, and that Linda E.'s description did not match witnesses' descriptions in the Sykes case. Kathleen D.'s attack occurred on the perimeter of downtown. Although personnel assignments, crime details, and event timing indicate that the Regina K. and Sykes cases were related and that Police Department personnel should have identified that likely connection, obligations under *Brady* arise from what detectives and prosecutors actually knew at the time. Absent statements from Hicks, Crump, and others, it is impossible to conclude whether officers actually connected these two rapes.

News media coverage of the Regina K. case was frequent and pervasive in February 1985. Hunt was in jail awaiting trial. For the defense to have no knowledge of another rape of a white woman by a black man in the downtown area at a similar time of day is unlikely. Because the information was reasonably available to the defense, the fact that Regina K. was raped was probably not *Brady* material. Less clear, however, is the obligation to disclose specific information concerning wound patterns.

### **E. Blood Secretor Evidence**

Mark Rabil stated that he made a general discovery motion before the trial began. At least two of the documents that were produced as a result of this motion were the blood test results from the SBI. On August 24, 1984, the SBI reported that the seminal fluid taken from Sykes was from an "O" secretor. The Police Department learned in November that Hunt was a "B" secretor, and in accordance with *Brady* and the North Carolina statutes, the prosecutor disclosed this material during pretrial discovery.<sup>248</sup>

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<sup>246</sup> Disclosure of this was unnecessary, as defense counsel was present and elicited the testimony. The defense declined to use this information at trial to attack Daulton's credibility.

<sup>247</sup> See Daulton's testimony, pp. 1430-39, and Gray's testimony, pp. 1059-60, May 1985 Sykes Trial Transcript, Appendix A-19.

<sup>248</sup> See N.C.G.S. § 15A-903 (e) (1984).

## **F. Other Possible Suspects**

Ernest Cherry allegedly abducted Christine G., drove her to Fayetteville, raped her, and brutally beat her in 1992. The Police Department investigated Cherry's possible involvement in the Sykes case. Detective Hicks concluded that the assault pattern eliminated Cherry as Sykes' killer. Police Department's information about Cherry as a possible suspect was turned over to the defense in June 1993, in compliance with *Brady*. DNA testing done in 1995 conclusively excluded Cherry as the Sykes rapist.

Also tested were Carlos Stoner, Johnny Gray, and Sammy Mitchell. All were conclusively eliminated as Sykes' rapist.

**City Manager's Conclusion:** The Police Department furnished 226 pages of reports to the prosecution in the prosecution booklet. Other documents prepared in the Sykes case were not turned over to the prosecution. Without information from officers and prosecutors, it is impossible to conclude which documents prosecutors received and, of those received, which documents prosecutors furnished to the defense.

## KEY ISSUE 11 JOHNNY GRAY'S CREDIBILITY

**City Manager's Introductory Note:** Johnny Gray and Thomas Murphy were the only witnesses who said they saw Darryl Hunt with Deborah Sykes on August 10, 1984. Hence, Gray's credibility was important to the state's case. Reviewing the Sykes investigation raises the obvious question: Why did Johnny Gray continue to play a key role despite significant issues regarding his credibility? Although the focus of this review is the Police Department's actions, to fairly discuss the department's responses to issues regarding Gray's credibility require mention of the District Attorney's knowledge of these same credibility issues.

### **Circumstances Raising Doubt About Gray's Credibility**

1. **911 call on August 10, 1984:** When Gray contacted the Police Department, he claimed to be Sammy Mitchell. On August 22, 1984, detectives and Assistant District Attorney Walker learned that Gray had misrepresented his identity during the initial contact.
2. **Terry Thomas identification:** Assistant District Attorney Walker was at the Police Department on August 22, 1984 when Gray identified Thomas, and in subsequent interviews, Walker made no statements indicating any doubt that Gray had identified Thomas that day. Walker also learned on August 22, 1984 that Thomas was in jail on August 10, the day Sykes was attacked. The Police Department's knowledge about the Terry Thomas identification is discussed in Key Issue 2.
3. **Polygraph:** Detective Owens polygraphed Gray on August 22, 1984 to determine if Gray actually witnessed the attack. Police Department and District Attorney personnel stated that Gray was drinking before this polygraph.<sup>249</sup> Owens' report stated that Gray was truthful about seeing the attack. Owens administered a second polygraph on August 24, 1984 to determine if Gray was involved in the Sykes attack. According to Owens' report, Gray was truthful about not being involved in the crime. The District Attorney's Office knew about these two polygraphs and knew that the Police Department did not polygraph witnesses routinely. Witnesses generally were polygraphed only if officers were concerned about the truthfulness of their accounts.

In a subsequent polygraph on September 19, 1984, Gray's results indicated he was deceptive when he denied knowing Sammy Mitchell and denied knowing the person he saw on top of Sykes on August 10, 1984. Although Forsyth County Sheriff Deputy Lynch suggested that a Police Department detective conduct a follow-up interrogation, the Police Department did not do so. When Lynch spoke to Daulton soon after about the test results, Lynch stated that Daulton slammed his fist against a table and said that he knew Gray had been lying.<sup>250</sup> The third polygraph was mentioned in the 1986 SBI report (to which the District Attorney had access before Hunt's 1990 trial). However, no documentation before 1986 mentions this third polygraph.

4. **District Attorney Tisdale's October 19, 1984 letter:** Because of concerns about the Sykes investigation, District Attorney Tisdale sent Chief Masten a letter raising several issues; Gray's credibility was among those issues. In the letter Tisdale wrote: "When once apprised of the totality of the case, I have preached the focal point of the whole case is Johnny Gray, the first

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<sup>249</sup> See Polygraph Examinations for the Sykes Case, Key Issue 5, and the 1985 City Manager's Report, Appendix A-15.

<sup>250</sup> See Charlie Lynch 2006 Committee Interview, Appendix A-17.

eyewitness who became a caller. Your investigators have been all too ready to believe Mr. Gray, and there are certain things about Mr. Gray that are believable. ... It is imperative that we turn Mr. Gray and have him tell the truth.” This indicates that Tisdale did not believe Gray.

5. **Police Department payments to Gray:** The Police Department paid Gray small amounts of cash from its confidential informant fund from August 22, 1984 to August 19, 1985.<sup>251</sup> Gray eventually received \$365, according to police documents.<sup>252</sup> The issue of the police payments to Gray was raised in Hunt’s 1985 trial.
6. **“Johnny Gray” also used the name “Johnny McConnell”:** Before Hunt’s trial, the District Attorney’s Office learned that Gray also used the name Johnny McConnell. McConnell’s criminal record included arrests for larceny and breaking and entering.
7. **1985 Gray trial testimony about Terry Thomas’ identification:** Called to the stand by the District Attorney, Gray testified that he had never identified Terry Thomas as Sykes’ attacker on August 22, 1984. Instead, he stated that he had pointed out the suspect, and that the police erred by pulling the wrong man, Terry Thomas, off the bus. Gray also testified that statements in his August 22, 1984 interview with Detectives Miller and Daulton meant that the person he saw getting on the bus was Sykes’ attacker, not the person the police eventually pulled off the bus.
8. **1985 Gray and Daulton trial testimony about the 1-4 identification of Hunt:** Both Daulton and Gray admitted that Gray wrote down “1-4” when he saw the in-person line-up with Darryl Hunt on September 12, 1984. Tisdale did not ask about the “1-4” identification on direct examination; he said this decision was part of his trial strategy. The defense was left to raise the “1-4” identification. Both Daulton and Gray confirmed that “1-4” meant that the male in the 4 spot was the 1 suspect.<sup>253</sup>
9. **Gray’s 1986 SBI Interview:** Gray claimed that he called the police on August 17, 1984 when he saw Sykes’ killer walking on Liberty Street. Gray said that he spoke with a Ms. Blackburn in the detective division, but no officers ever arrived at the scene. Investigators were never able to discover any record of this call, and no one named Ms. Blackburn worked in the Criminal Investigations Division at that time.
10. **Al Kelly connection:** Al Kelly was also interviewed during the 1986 SBI Investigation. According to Crump’s report, Kelly stated that Gray was involved in Sykes’ killing. The SBI polygraphed Kelly, scoring him as being truthful.
11. **Lisa McBride:** Gray’s girlfriend in 1984, Lisa McBride, said in an August 29, 1989 interview that Gray had confessed to her about taking part in the Sykes’ killing and stealing money from Sykes’ purse. She also stated that Gray told her that he wrote the “1-4” to avoid being limited to identifying only one person in the line-up in case no one else identified Hunt.
12. **Civil lawsuit against the city:** In 1988, Johnny Gray filed a lawsuit in federal court accusing several officers of excessive force. The Federal Magistrate granted the defense’s motion for summary judgment, stating that he did not find Gray’s allegations to be credible. The Police Department and the District Attorney knew this information.

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<sup>251</sup> The last two payments Gray received on August 2 and August 19, 1985 were for information regarding another crime.

<sup>252</sup> For a breakdown of payments, see Topic 10, 1986 Internal Affairs Report, Appendix A-16.

<sup>253</sup> For further information about Daulton’s truthfulness, see Topic 2, 1986 Internal Affairs Report, Appendix A-16.

**13. Lying about prior criminal acts:** Gray was arrested on December 14, 1987 and subsequently convicted of Willis Mabe's murder. During police interviews and at trial, Gray denied beating Mabe to death; he contended that he only stole Mabe's property. Gray's 11-year-old son told police that he, his father, and Lisa McBride were at Mabe's apartment the night of the murder. The son gave specific details about Mabe's apartment. McBride stated that Gray told her that he had beaten Mabe while stealing his TVs, watches, and wallet. Gray's friend, Gene Foster, also said that Gray confessed to the crime. In addition, the prosecution offered testimony from various people who bought Mabe's property from Gray following the murder.

**City Manager's Conclusion:** The above facts establish a sufficient basis to doubt Gray's credibility. Whether the District Attorney knew about the third Gray polygraph before Hunt's first trial is unknown. The Police Department knew about all of the above incidents. To determine why Gray's involvement in the case continued, despite all of the above, is impossible given the available information. However, Tisdale's June 27, 1985 letter advocating that Gray not receive reward money from CrimeStoppers indicates Tisdale's view:

I feel that Johnny Gray, who testified and who initially called in, should not be rewarded at all. . . . He did not cooperate in the fullest and did not tell the truth in the fullest, even though I believe that many of the things he stated were true. The jury was in concurrence with my own gut feeling.

Ultimately, the decision to continue Gray's involvement was that of prosecutors, not police.

# **SCOPE OF REPORT: DEBORAH B. SYKES ADMINISTRATIVE REVIEW**

Including Previously Documented Allegations/Complaints

*Note: Allegations/complaints are included for review purposes only.  
They are not to be considered as facts or formal findings by the committee.*

**Source Codes** (identifies the source of each scope question)

- (1) 1985 City Manager's Report/Lassiter Document Dated November 20, 1985
- (2) Winston-Salem Journal Articles – 2003-2005
- (3) Garrity and Barnes Notes from March 22, 2004 Meeting with Khalid Griggs
- (4) Rabil Letter to Burke – Undated
- (5) Public Safety Committee Meeting, March 15, 2004
- (6) Constitutional Questions from October 20, 2005 Sykes Administrative Review Meeting
- (7) Questions Submitted by Citizens, October 2005
- (8) Additional Questions from Sykes Administrative Review Committee Members

## **I. 1984 Sykes Investigation**

The first portion of the report examines all aspects of the Winston-Salem Police Department's original investigation during the period beginning on the date of the Sykes homicide on August 10, 1984 through June 14, 1985, when Darryl Hunt was originally found guilty of the charges. On November 20, 1985, the City Manager released a report reviewing the Police Department's original 1984 investigation including many findings and recommendations. Subsequently, many administrative changes were made, and several extensive personnel (disciplinary) investigations were completed. This first portion of the report will also include a review of all recommendations that were made in the 1985 report.

### **A. General Questions**

1. **Why did the police dispatcher not use more care in eliciting information from the caller on August 10, 1984? Concern over the way Fred Flagler's telephone call was handled. (1)**

Answer: The 1985 City Manager's Report provides facts relevant to this issue. (See 1985 City Manager's Report, p. 8, Appendix A-15.) A key problem appears to have been the operator's lack of geographic familiarity with the area Johnny Gray was describing. In the past 20 years, substantial changes in the standard operating procedures, training, and technology (including the use of Computer-Aided Dispatching (CAD)) have minimized the chances of such dispatching errors today. The 1986 Police Department Internal Affairs Report addressed how personnel handled Flagler's call to police concluding that two communications operators handled Flagler's call inappropriately. (See Topic 7, 1986 Police Department Internal Affairs Report, Appendix A-16.) Consequently, they received documented counseling. (See Topic 7, 1986 Police Department Internal Affairs Report, Appendix A-16.)

2. **Issues regarding overall credibility given to Johnny Gray (McConnell) as a witness. How did the police come upon Gray as a witness? Was he thoroughly investigated as a suspect? Were the police aware of his real name (McConnell)? (1)**

Answer: The 1985 City Manager's Report provides facts relevant to this issue. On August 10, 1984, Gray called 911, identifying himself as Sammy Mitchell, to report the attack on Sykes. On August 22, 1984, Gray approached Officer Bob Archer and told him the person responsible for the murder of Sykes just got on a city bus. Gray told police he was the caller who reported the attack on Sykes on August 10, 1984. Gray was subsequently interviewed in the Police Department's Criminal Investigations Division. Gray was polygraphed three times. He was interviewed multiple times. A photograph of Gray was shown to William Hooper and Thomas Murphy (1985 City Manager's Report, pp. 9 and 10, Appendix A-15), his fingerprints were compared to prints recovered from the scene, and in 1994, his DNA was compared to DNA samples taken from Sykes (no match). Gray's third polygraph, on September 19, 1984, was administered by Forsyth County Sheriff Deputy Charles Lynch. Lynch stated Gray's polygraph showed deception. Lynch contacted Lieutenant Jerry Raker at the Police Department, and Raker told Lynch to "let Gray go." (See Lynch's January 26, 2006 Committee interview, Appendix A-17.) The 1985 City Manager's Report also documents that Gray's third polygraph showed deception. (See 1985 City Manager's Report, p. 22, Appendix A-15.) The issue of Gray's real name, Johnny McConnell, was addressed in the 1986 Police Department Internal Affairs Report, Topic 1. The Police Department learned Gray's real name after the discovery of this information by the District Attorney's Office in mid May 1985. (See Topic 1, 1986 Police Department Internal Affairs Report, Appendix A-16.)

**3. Did Darryl Hunt receive Fifth Amendment warnings for every custodial interrogation? (6)**

Answer: The two times Hunt was interviewed on September 11 and September 12, 1984, written warnings were completed. On September 11, 1984, records indicate that Hunt signed the rights waiver at 8:00 p.m. at the start of the interview, with the interview ending at 9:30 p.m. On September 12, 1984, the rights waiver indicates an execution time of 11:06 a.m.; Detective J. I. Daulton's report for that date indicated that the interview ended at 11:45 a.m. Records do not indicate that officers interviewed Hunt after this date; Committee investigators' research of records revealed no other rights waivers for Hunt.

**4. Did Hunt assert his Fifth Amendment right to an attorney on September 12, 1984? At what point? Did he assert his rights at any other interrogations? (6)**

Answer: Records are not sufficiently clear to enable Committee investigators to answer these questions with certainty. Records indicate that when Hunt was in District Attorney Tisdale's office on September 12, 1984 (after the interview for which he waived his rights but before participating in the five person line-up Thomas Murphy viewed), he told Tisdale that he did not want an attorney. On September 13, 1984, (while at the jail and before participating in the six-person line-up viewed by William Hooper and Gray) Hunt unsuccessfully tried to contact his attorney, Kenneth Babb. Subsequently, Hunt agreed to participate in the line-up on September 13, 1984. (See Hunt's 2006 Committee interview, Appendix A-17; Tisdale's October 19, 1984 letter, Appendix A-15; original prosecution booklet (Hunt 1985 trial); and Daulton's September 17, 1984 supplement report, Sykes case file, Appendix A-8.) For the reasons stated below, Hunt did not have a Fifth or Sixth Amendment right concerning the line-up.

**5. Were Hunt's Miranda Rights or Sixth Amendment rights violated during questioning or as a result of his participation in the September 12, 1984 line-up? (6)**

Answer: His Fifth Amendment rights were not violated by the interrogation because he waived those rights. He did not have a Sixth Amendment right to counsel at the line-up because he had not yet been charged in the homicide and Sixth Amendment rights apply to

line-ups only after the defendant has been indicted or had his first appearance after having been charged.

**6. Line-up miscommunication and questioning of eyewitnesses; why no videotaping of key witnesses, important to capture body language, speech nuance and inflection? (5)**

Answer: Videotaping was not a practice at the Police Department in 1984, and the Police Department did not have the equipment to do so. Detectives made audiotapes of some interviews but not all.

**7. Allegations of mishandling of physical evidence – some have stated that evidence of case would be missing, then later show up: hair samples/fingernail scraping/rape kit; police reports not available; suspect’s thumbprint missing. Who controls evidence? Where is it stored and how is it transferred? (1, 4, 5)**

Answer: There is no evidence of mishandling physical evidence in the Sykes matter. The original prosecution booklet (Hunt 1985 trial) did not include all the reports that were generated before the 1985 trial of Hunt. Daulton stated that other officers gave all reports they wrote in the Sykes homicide to Sgt. Furman Mason, his immediate supervisor, and Mason then gave Daulton the reports. Daulton stated he did not know if he (Daulton) did in fact ever receive all the reports. (See pp. 1 and 2, Daulton’s February 7, 2006 Committee interview, Appendix A-17.) Evidence seized in criminal investigations is stored in the Police Department Evidence Management Section. Evidence in a case is stored under the name of the assigned investigator who controls and manages that evidence. Evidence may only be transferred by the case officer signing over the evidence to another officer or agency.

Today, the case officer still controls case evidence. He must obtain his supervisor’s and the Public Safety Attorney’s approval to destroy statements. Reports are scanned in the Records Division upon submission after supervisory approval. Today, as then, all physical evidence is stored in the Police Department Evidence Management Section.

**Tape of Johnny Gray’s Interview**

**8. Why and by whom was the tape recording of Gray and police officers on August 22, 1984 destroyed? The tape of Gray’s interview was inaudible and damaged and there was trouble getting a copy of the tape, particularly key sections, i.e. “I swear on my mother’s grave.” (1, 3) Questions regarding Gray’s statement that Terry Thomas was the one; when discovered that Thomas was in jail at the time, police destroyed taped recording but kept a transcript. (5) Are there tapes or transcripts available that will substantiate information given to the police by Gray? Why were there deletions from the August 22, 1984 transcript? Errors were found in the typed transcript of Gray’s statement; he did not have opportunity to review and sign it. Daulton indicated that he did not compare the transcript with the tape. (1)**

Answer: Daulton reused the tape of the August 22, 1984 interview after the tape was transcribed, despite the fact that the written transcript contained inaudible words. The 1985 City Manager’s Report and the 1986 Police Department Internal Affairs Report, Topic 6, provide relevant information on this issue. (See pp. 10, 14, and 19, 1985 City Manager’s Report, Appendix A-15; and Topic 6, 1986 Police Department Internal Affairs Report, Appendix A-16, which includes Daulton’s January 8, 1986 interview.)

**B. Line-Ups**

**1. There was confusion over Gray writing two numbers at the line-up. Why did police not reveal that Gray had written the numbers 1-4 in identifying a suspect? Had**

**Daulton been instructed not to reveal the fact that Gray had written two numbers on the line-up identification card? (1)**

Answer: Daulton's report did not mention the 1-4 notation, and he did not inform his supervisors of this fact. Prosecutor Lyle and Daulton both stated that Lyle, Daulton, and Tisdale discussed the 1-4 identification about a month before trial. During the first Hunt trial in 1985, on direct examination, Daulton did not mention the 1-4 notation. On cross examination, Daulton testified that Gray wrote the numbers 1-4 on a piece of paper. When asked about this in his 2005 Committee interview, Daulton stated that prosecutors told him not to mention the 1-4 on direct because the identification would be confusing to the jury. Instead, according to Daulton, prosecutors decided to address the confusing notation only if the defense raised it on cross examination. Daulton stated that Gray had told him that the number one suspect was number four (Hunt was number four). (See p. 7, 1985 City Manager's Report, Appendix A-15; Topic 2, 1986 Police Department Internal Affairs Report, Appendix A-16; and Daulton's December 30, 2005 Committee interview, Appendix A-17.)

**2. Were the line-ups so impermissibly suggestive as to raise a very substantial likelihood of misidentification? (6)**

Answer: This question calls for a legal conclusion which is difficult to make at this much later date. Several live line-ups occurred (September 12, 1984, September 13, 1984, and Weaver's line-up on May 13, 1985) and were well documented. (Neither the trial court, defense, nor the prosecution raised this issue.) The candidate pool for all live line-ups most likely was the jail population. Today, the Police Department does not do live line-ups generally, and photo line-ups are prepared using photographs which are uniform in lighting, background, etc., and whose subjects share the same general physical characteristics.

**3. No attorney present at line-up. (5)**

Answer: The only line-up for which Hunt had a Sixth Amendment right to have an attorney present was the May 13, 1985 line-up Weaver viewed. Hunt did not have an attorney present. Clearly, he had a Sixth Amendment right to have his attorney present at this critical stage; Hunt's Sixth Amendment right had attached and a live line-up is a critical stage.

**4. Did the line-up involving Darryl Hunt for Weaver violate the Sixth Amendment? (6)**

Answer: Yes; see above.

**C. Terry Thomas' Identification**

Background Note: To address the following questions clearly requires some synthesis of facts placed in the context of time. Mitchell's name became involved in the case when Gray used that name to report the crime on August 10, 1984. Hunt's name surfaced as a result of Hunt's relationship to Mitchell. No reports or statements indicate that Hunt or Mitchell were the primary suspects in this matter when Gray identified Thomas on August 22, 1984. On August 28, 1984, Thomas Murphy reported seeing the suspect (the person he saw on August 10 attacking Sykes) in downtown Winston-Salem. Subsequently, Daulton wrote that he spoke to Hunt at 10:00 a.m. on August 29, 1984; Hunt stated that he and Mitchell were with the McKeys on August 10. When Daulton asked Hunt where Hunt was on the morning of August 28, 1984 (the morning Murphy stated he saw the suspect), Hunt stated that he was at Motel 6 on August 28 with a prostitute, Brenda Morino, staying there until August 29, 1984 at 11:00 a.m. (Note: This is after the time of Daulton's interview with Hunt, so it is impossible for all entries in this report to be correct.)

On August 30, 1984, Daulton spoke with Morino, who stated that Hunt was with her on August 28, 1984 (when Murphy stated he saw the suspect again) and on August 10, 1984 (the day of

Sykes' murder and the day Hunt claimed that he and Mitchell were with the McKeys). Daulton noted in his report that, "It was evident to (Daulton) that Morino was taking up for both suspects, Sammy Mitchell and Darryl Hunt, and that at one time she advised (Daulton) that she was engaged to be married to Darryl Hunt. Ms. Morino further advised (Daulton) to mention another date and that she would also give ... an alibi for that date." (See Daulton's August 31, 1984 supplement report, Deborah Sykes case file, Appendix A-8.)

On September 6, 1984, Daulton discovered that Morino was in fact Marie Crawford, a juvenile runaway for whom a secure custody order had been issued. Subsequently, Daulton spoke to Morino/Crawford on September 11, 1984, after taking her into custody. At that point, she stated that Mitchell and Hunt had left her motel room on August 10, 1984 at about 6:00 a.m., wearing black shirts and pants. She stated that Hunt returned to the room at about 9:30 a.m. with grass or mud stains on his pants. She mentioned that he was very nervous and upset. She also mentioned that about two weeks before the September 11, 1984 interview, Hunt told her that Mitchell had raped and killed Sykes. Hunt was arrested on September 11, 1984 for indecent liberties with a minor for his conduct with Morino. Murphy identified Hunt in a live line-up on September 12, 1984.

1. **Gray first identified Thomas as the killer, but police were already looking at Hunt and Mitchell as suspects; another witness identified Hunt from a line-up; after Gray identified him, Hunt was charged. (2, 3) Officers testified that Gray did not make a positive identification of Thomas. Why did police deny that Gray first identified Thomas as the rapist/killer? Why, then, was a composite drawing of Thomas circulated by police on a wanted poster? (3, 4)**

Answer: The 1985 City Manager's Report and the 1986 Police Department Internal Affairs Report, Topic 4, provide relevant information. The Police Department was not forthcoming with this information and should have documented it in police reports and forwarded those reports to the District Attorney's Office. District Attorney Charlie C. Walker was present at City Hall after Gray identified Thomas. Walker told the Internal Affairs investigators on December 31, 1985 that Gray identified Thomas. (See Topic 4, 1986 Police Department Internal Affairs Report, Appendix A-16, for details.) However, the 1986 Police Department Internal Affairs Report concluded that Gray did not identify Thomas. The records do not indicate why this conclusion was reached.

The foregoing seems to indicate that those present in CID on August 22, 1984 believed that Gray had identified Thomas.

2. **An earlier suspect, Thomas, did not remotely resemble Hunt. In fact, Hunt did not resemble the fresh composite drawings by witnesses. (1)**

Answer: Thomas did not resemble Hunt.

#### **D. Other Issues**

1. **Reliability of witnesses who receive payments; changing testimonies. Concern over Gray receiving payments from the Police Department. (1, 3, 5)**

Answer: The 1985 City Manager's Report and the 1986 Police Department Internal Affairs Report provide relevant information. Gray received a total of \$356 (eight payments) from the Police Department. Morino/Crawford received \$10 from Daulton on September 11, 1984.

2. **The Police Department had a photograph of Hunt from December 2, 1983, so it was on file in the IDMO files viewed by Hooper and Murphy on August 10, 1984. Neither**

**Hooper nor Murphy selected this photograph as a suspect. The composite photo developed from Murphy's interview on August 10 did not have hair in braids, which would be very significant. Did police get a thorough eyewitness description from Murphy on August 10? (1)**

Answer: Hunt had been arrested and photographed by the Police Department prior to August 10, 1984. Hunt's photograph should have been in IDMO File 110; however, there is no record keeping system to prove that Hunt's photograph was actually viewed by Hooper. Murphy, according to Daulton, viewed Hunt's photograph in a line-up. (Source of this information is Daulton's interview in the 1986 SBI investigation, a partially sealed copy of which is located in the Clerk of Court's office.) The only information available regarding Murphy's description is that contained in the reports on file.

**3. To what extent did police investigate Charles "Too Tall" Wall as a suspect and why was he eliminated? (1)**

Answer: Wall was interviewed by police. He did not match the description Hooper or Murphy gave, and although both had seen Wall on other occasions, neither identified him as being involved in the Sykes killing. (See p. 14a, 1985 City Manager's Report, Appendix A-15.) During the SBI investigation on May 15, 1986, Spoon and Agent Keller interviewed Wall. (See Spoon's May 19, 1986 supplement report, Deborah Sykes case file, Appendix A-8.)

**4. Why did it take police so long to locate Morino/Crawford? Was she afforded the opportunity of an attorney while being questioned? Were others present while she was questioned by police? (1)**

Answer: The 1985 City Manager's Report provides information relevant to these issues. (See pp. 17 and 18, 1985 City Manager's Report, Appendix A-15.) As noted above, the first recorded conversation with Morino/Crawford occurred on August 30, 1984. Morino/Crawford's name came up when Daulton asked Hunt where Hunt was on the morning of August 28, 1984. Hunt stated that he was at Motel 6 on August 28 with a prostitute, Brenda Morino, staying there until August 29, 1984 at 11:00 a.m. On August 30, 1984, Morino/Crawford stated Hunt was with her on August 28, 1984 and on August 10, 1984 (the day of Sykes' murder and the day Hunt claimed that he and Mitchell were with the McKeys). On September 6, 1984, Daulton discovered that Morino/Crawford was in fact Marie Crawford, a juvenile runaway for whom a secure custody order had been issued. When Daulton took her into custody pursuant to that order, she was not "Mirandized" and did not have access to an attorney. No others (parent, guardian, etc.) were present. Clearly, Morino/Crawford had Miranda rights at this time and to give her Miranda warnings would have been proper if detectives intended to use the statement against Morino/Crawford.

**5. More attention and sharing of information should have occurred between Daulton and Owens (Police Department polygraph operator) with regard to the alcohol consumption statement made by Gray. (1)**

Answer: The 1985 City Manager's Report provides relevant information to this issue. Daulton detected an odor of alcohol on Gray's breath on August 22, 1984. Daulton asked him if he had been drinking. Gray admitted to drinking two beers. Daulton stated Gray did not appear to be under the influence of alcohol. Daulton requested Gray take a polygraph, but Daulton did not tell Owens, the polygraph operator, that Gray had consumed two beers. During the pre-polygraph interview, which occurred after 5:00 p.m., Owens learned from Gray that he had one beer in the morning. The 1985 City Manager's Report stated Daulton should have communicated to Owens that Gray had consumed two beers. (See pp. 27 and 28, 1985 City Manager's Report, Appendix A-15.)

6. **Were black witnesses treated differently from white witnesses? (5)**

Answer: There is little evidence in reports concerning this issue. In his interview, Coleman indicated that he was afraid of being charged at one point. This could be because of how police treated him and/or because of the fact that he was the same race as the assailant(s), was in the area at the time of the crime, and lived in close proximity to the crime scene. Prosecutors and police treated witnesses differently depending upon the role they believed the particular witnesses played in the crime. In this crime, the information police had was that a black male or males had attacked Sykes. If the police or prosecutors saw a witness as a possible suspect, then that witness would be treated as such. Because of the known facts about this crime, this approach eliminated white witnesses from any “potential suspect” treatment. However, it appears that the Police Department’s treatment of Gray was the exception to this rule. Tisdale and Lyle questioned Gray’s veracity as early as October 1984, yet they still relied on him in their case in chief at both trials. Gray was not scientifically eliminated as the rapist until 1994.

7. **Do any allegations or interviews substantiate allegations that some witnesses were intimidated and threatened by the Police Department for statements to fit the charges? Morino/Crawford told not to testify; Reynolds told not to testify; Lisa McBride told by police to leave town. (3)**

Answer: An allegation was made that McBride was told to leave town before the first trial. On April 5, 2006, McBride was interviewed for the Committee. McBride stated she was never intimidated or threatened by police. McBride stated the police suggested she leave town before the first trial for fear Gray would harm her. McBride concurred with that suggestion. (See McBride’s April 5, 2006 Committee interview, Appendix A-17.) An allegation was made that Al Kelly was intimidated or threatened by police. During Kelly’s February 23, 2006 Committee interview, he was asked how the police treated him and he stated they treated him a “little rough,” but they were doing their job. Kelly indicated that what he meant by “rough” was that the investigators would keep asking him the same questions using a demanding tone of voice. Kelly also stated he did not remember investigators ever calling him a liar. (See Kelly’s February 23, 2006 Committee interview, Appendix A-17.) Morino/Crawford could not be located for this review. Willis Reynolds is deceased.

8. **Why did police not ask Weaver or Holt to view an in-person line-up before May 1985? (1)**

Answer: At trial, Daulton testified that the only reason for the delay was that he and Weaver worked different shifts and that Daulton wanted to wait until closer to trial. (See p. 44, 1985 City Manager’s Report, Appendix A-15.) Lyle indicated that the reason for the delay was to shield Weaver from the defense for as long as possible. (See Topic 9, 1986 Police Department Internal Affairs Report, Appendix A-16.) In Daulton’s interview on December 29, 2005 for the Committee, Daulton stated the District Attorney decided to delay Weaver viewing the line-up. (See p. 14, Daulton’s December 30, 2005 Committee interview, Appendix A-17.) Although his testimony contains some contradictions, Tisdale testified in Daulton’s subsequent lawsuit against the City of Winston-Salem that this was correct. (Tisdale stated he wanted to wait until closer to trial.) (See Topic 9, 1986 Police Department Internal Affairs Report, Appendix A-16; and Daulton’s Grievance Hearing, Appendix A-26.)

9. **Questionable procedures used by the Police Department in receiving identification information from Weaver; at first he knew nothing, but then he came forward? Improper delay in arranging for a line-up with Weaver. (1, 5) Need to use double blind testing and sequential testing for eyewitness identification. (5)**

Answer: The 1985 City Manager's Report and the 1986 Police Department Internal Affairs Report, Topic 9, provide relevant information on these issues. (See p. 44, 1985 City Manager's Report, Appendix A-15; and Topic 9, 1986 Police Department Internal Affairs Report, Appendix A-16.) In Daulton's December 30, 2005 Committee interview, he stated it was his understanding that initially both Weaver and Holt were afraid. In an interview on May 14, 1986, Daulton stated that Holt and Weaver agreed between themselves not to cooperate; subsequently, Weaver changed his mind. Daulton stated he did not know what caused Weaver to change his mind, but Holt never did. (See p. 14, Daulton's December 30, 2005 Committee interview, Appendix A-17.) The Police Department is currently revising photo identification procedures to implement sequential, double blind testing in accordance with the recommendations of the Actual Innocence Commission. The Police Department rarely, if ever, does live line-ups anymore.

**10. Why did the Police Department not get written statements from the McKeys and other alibi witnesses when the police first talked with them? (1)**

Answer: In 1985, Daulton stated that when he talked to the McKeys, he was simply gathering information, no arrest in the case had yet been made, and he saw no need to ask the McKeys for written statements. He stated that his practice was not to take written statements from alibi witnesses. (See pp. 16 and 17, 1985 City Manager's Report, Appendix A-15.) In Daulton's December 30, 2005 Committee interview, he stated the McKeys would not give written statements and it was not the practice of the Police Department to get statements from witnesses on first contact. (See p. 15, Daulton's December 30, 2005 Committee interview, Appendix A-17.) Daulton documented in a supplement report dated March 8, 1985 that he interviewed the McKeys on February 12, 1985, and they did not wish to make written statements. (See Daulton's March 8, 1985 supplement report, Deborah Sykes case file, Appendix A-8.)

**E. Discovery and District Attorney Involvement Issues**

**1. Is it common procedure for police officers to be "schooled" by the District Attorney's Office? What type "schooling" or instructions were given to Daulton by the District Attorney's Office? (1) Were officers asked by the District Attorney's Office not to put so much information in their investigate reports and not prepare so many reports? (1) It appeared that the Police Department relinquished too much of its decision-making role as the investigative agency to the District Attorney and took directions from the District Attorney's Office rather than acting independently and fully assuming their proper investigative role; District Attorney made too many critical police decisions. (1) The Police Department allowed Assistant District Attorney Walker to interview Gray as a potential witness, which at this point was clearly the Police Department's role. (1)**

Answer: According to the 1985 City Manager's Report, "Officers involved in the case indicated that the District Attorney had asked that they not put so much information in their investigative reports and that they not prepare so many reports." It also appeared to the City Manager in 1985 that the Police Department may have relinquished too much of its decision-making role as the investigative agency to the District Attorney's Office. The 1985 City Manager's Report and the 1986 Police Department Internal Affairs Report, Topic 5, provide relevant information on these issues. (See pp. 15 and 42, 1985 City Manager's Report, Appendix A-15; and Topic 5, 1986 Police Department Internal Affairs Report, Appendix A-16.) N.C.G.S. § 7A-61 defines the duties of a district attorney and it states in part he is to "advise the officers of justice in his district." Today, Assistant District Attorneys do not interview witnesses during the investigative stage, but they often interview them in preparation for trial. Given the large number of cases, there is less involvement with the District Attorney's Office on routine cases than perhaps there was in 1984, but the District

Attorney's Office is generally involved in homicide investigations, directing the officers regarding additional evidence needed, etc. Also, the District Attorney's Office, not the police, determines when and who to charge in homicides, and an on-call District Attorney provides guidance regarding other felony cases.

2. **Owens recommended that Hunt be retested on the polygraph. Tisdale indicated that he did not want Hunt retested and the retest was canceled. (1)**

Answer: Yes, Owens recommended Hunt be retested, and Tisdale indicated he did not want Hunt retested. (See p. 43, 1985 City Manager's Report, Appendix A-15; and Topic 3, pp. 3 and 4, 1986 Police Department Internal Affairs Report, Appendix A-16.)

3. **Prior to first trial, defense received less than 30 pages of discovery documents. Did the Police Department provide all information to the District Attorney? (5)**

Answer: No, there were many supplement reports that were not in the first prosecution booklet. However, the original prosecution book contained 226 pages. Gray's identification of Thomas was not documented in the 1985 prosecution booklet. The three rape cases, Linda E., Kathleen D., and Regina K., were not included in the prosecution booklet. Also, Daulton testified he discarded enough notes to fill a 50-gallon drum. (See original prosecution notebook and notebook containing materials not included in original prosecution booklet, Deborah Sykes case file, Appendix A-8.)

4. **Why did the police refuse to analyze clothing found by Hunt's defense team? (1)**

Answer: The Police Department was informed of the existence of some clothing on May 22, 1985. The shirt and pants were tested by a private laboratory in Texas. The test results on the shirt showed the presence of mold but not blood. The 1985 City Manager's Report provided relevant information on this issue. (See pp. 14 and 14a, 1985 City Manager's Report, Appendix A-15)

5. **Did the Police Department fail to disclose important documents? (5)**

Answer: The Police Department did not give the District Attorney's Office all case documents. The Police Department should have given all documents to the prosecutor so that the prosecutor could determine what was *Brady* exculpatory material and whether to furnish copies to the defendant.

## F. City Response Issues

1. **Some police officers knew something was wrong with the 1984 investigation but could do nothing in fear of losing their jobs. (5)**

Answer: There is no information to suggest officers were afraid of losing their jobs if they came forward with information indicating shortcomings in the investigation.

2. **Were recommendations from the 1985 City Manager's Report put into place and reinforced by Police Department management? (5)**

Answer: George Sweat (CID major 1985-1986; Chief 1987-1999) cannot recall seeing any recommendations. Former City Manager Bryce A. Stuart recalled it was his belief that the recommendations were put into place; however, he did not have specific recollections as to what was implemented and when. As to the recommendation regarding a detective's career ladder, Stuart stated it was not implemented because Assistant City Manager Al Beaty and the Police Department did not want a career ladder that separated detectives from officers in other divisions.

3. **Actions of City Manager not reinforced by top level of the Police Department; Resentment. (5)**

Answer: Former City Manager Bryce A. Stuart stated he did not have any recollection that top-level Police Department officers did not enforce the City Manager's recommendations. Stuart added that 20 years of newspaper coverage might have created the impression that the Police Department resented the City Manager's recommendations. He went on to explain it was never clear how much resentment existed or its extent or effect.

## II. **Key Issues Germane to the Sykes, Regina K., Kathleen D, and Linda E. Investigations**

This portion of the report examines the information available to investigators in the investigation of the Linda E. rape that occurred on June 14, 1984, the investigation of the Sykes homicide that occurred on August 10, 1984, the investigation into the Kathleen D. rape that occurred on January 1, 1985, and the investigation of the Regina K. rape that occurred on February 2, 1985. Specifically, the report will examine avenues explored to determine the connection, if any, between the crimes (based on the information available at the time) and the Police Department's handling of these investigations. Committee investigators examined all other unsolved rapes during this period; these three are the only ones that appear to be possibly connected to the Sykes assault.

### A. **General Questions**

1. **As part of the 1986 SBI/Police Department reinvestigation of the Sykes case, a report was prepared concerning an interview of Williard Brown in March 1986. This report made no mention of Brown as the Integon rape suspect nor did it include any of the similarities between the two cases. When Judge Morgan reviewed the SBI report in 1993, there was no evidence allowing him to make a connection between the cases and to order release of the Integon rape case files. Why was the report, which was included in the Sykes case file, so sparse in details and silent as to the possible connections? (4)**

Answer: A supplement report written by Detective W. C. Crump in reference to the Sykes case (dated March 18, 1986) documents his interview of Brown about the Sykes case "and other cases that were under investigation." The supplement report does not indicate which other cases were under investigation. Crump and SBI Agent Stone declined to be interviewed concerning questions on this topic.

2. **What information was available to the Police Department to connect crimes by Brown, who was known for violence? (2, 5)**

Answer: Crump documented in a supplement reported (dated March 18, 1986) that Brown's name came up in a CrimeStoppers tip, at which time he was interviewed in the Sykes case and "other cases that were under investigation." The supplement report did not identify those other cases. Brown matched the description of the suspect in the Sykes, Linda E., Kathleen D., and Regina K. cases. Integon victim Regina K. identified Brown as her attacker in 1985. Pursuant to a 1986 search warrant, police knew that Brown's blood group was "O" secretor, making him a possible source of the semen found in/on Sykes. Regina K. and James Allen (Integon security) inquired about connections between the Regina K. and Sykes cases. Kevey Coleman in his 2005 Committee interview stated that he identified Brown as Sykes' attacker in 1986 to the SBI and police investigators but was told Brown was incarcerated at the time of Sykes' death. (See Coleman's November 22, 2005 Committee interview, Appendix A-17.)

3. **Did detectives or their supervisors recognize the exculpatory relevance of the Integon, Kathleen D., and Linda E. cases? If so, when did this occur? What obligation did**

**detectives have to disclose information regarding the Integon, Kathleen D., and Linda E. cases as materially exculpatory evidence? (6)**

Answer: There is no documentation to indicate any personnel from the Police Department did or did not recognize the exculpatory relevance of any of these other cases. Identification Technician Vicki Pearl (non-sworn) stated during her February 9, 2006 Committee interview that she discussed the similarities between the Integon and Sykes cases with her supervisor, Karl Schulte. Pearl also recalled telling the on-scene supervisor, Sergeant D. L. Walker, something to the effect that “the Integon case looked like the Deborah Sykes case.” Neither Schulte nor Walker recalled these conversations. If Police Department personnel had recognized the exculpatory relevance of the other cases, the District Attorney should have been informed. Also, if this recognition occurred, the Police Department should have conducted additional investigations to determine the connections, if any.

4. **Did investigative reports from the 1985 Integon rape case show that the Police Department either hid information about similarities to the Sykes case or missed an obvious connection between the two cases? (2, 5)**

Answer: The Police Department was investigating both crimes at the same time. Many of the same detectives and supervisors worked on both cases. There are no documents in either case to reflect a connection to the other case. The Integon case records do not indicate that Brown was a suspect in the Sykes case. Crump declined a formal interview. In her February 9, 2006 Committee interview, Pearl stated that she saw similarities and mentioned those to Walker and her supervisor, Schulte. Walker and Schulte did not recall this comment.

5. **The Integon victim identified Brown in a police line-up but declined to press charges; was victim given complete information as a result of investigation? (2, 5) Why was there a gap from 1986 to 1989 in the Integon investigation records, with the 1989 entry requesting that the case be closed despite the fact that the victim made a positive identification from an in-person line-up? Are there missing records for these three years? What does the Integon victim have to say about closing the case? Was she fully apprised of the evidence against Brown? (4)**

Answer: Regina K., victim in the Integon case, addressed, came forward and spoke before the Committee on February 2, 2006. (See February 2, 2006 Committee minutes, Appendix A-28.) Regina K. said that she asked Detective Bill Miller if her case could be connected to the Sykes case, and he told her the Police Department already had Sykes’ attacker in custody, and they did not want to raise any questions or doubt about the Sykes case. Regina K. stated she was not told by Crump how similar her case was to the Sykes case. Crump told Regina K. the case would not be taken to the District Attorney unless she pressed charges. Regina K. stated she was discouraged from pressing charges without hard evidence. At that time, Regina K. believed the Police Department had exhausted all resources with regard to her case. The Regina K. case was originally closed on March 10, 1986, then opened and closed several times before being finally closed September 10, 1989. It is unknown if there are missing records in the Regina K. case.

6. **The victim in the Integon rape, despite similarities to Sykes, did not press charges, and since authorities believed Brown to be in custody at the time of Sykes’ death, he was never pursued as a suspect. Why was Brown’s blood group not tested in 1985 after being identified as the suspect in the Integon case? (2, 5)**

Answer: No documents found indicate the Police Department researched whether Brown was in or out of custody at the time of Sykes’ death. Supplement reports in the Regina K. case indicate the Police Department was looking for Brown in 1985 to interview him. Brown was located and arrested on March 12, 1986, and a search warrant for his blood was

served on him on April 26, 1986. The SBI report dated May 19, 1986 documents that Brown was a type “O” secretor.

7. **Many police officers were involved in both the Sykes and Integon investigations. Why were connections not made and documented? (5)**

Answer: See previous discussion.

8. **Was there a CrimeStoppers tip or other information given to police in 1984-1986 (or thereafter) that Brown was a suspect in the Sykes case? What was the reaction of the police? Any documentation or report to District Attorney’s Office? (4)**

Answer: Crump documented in a supplement report for the Sykes case dated March 18, 1986 that Brown was interviewed as a suspect because of a CrimeStoppers tip. The supplement report does not give a CrimeStoppers number or any details of the CrimeStoppers tip, and a copy of the CrimeStoppers has not been located. The only documentation located on this matter is Crump’s supplement report (available to the District Attorney as a result of the 1986 SBI investigation). (See Crump’s March 18, 1986 supplement report, Deborah Sykes case file, Appendix A-8.)

9. **Did police tell the District Attorney about similarities between the Integon and Sykes incidents prior to the 1985 Hunt trial? What was the reaction of the District Attorney? Any documentation or report to the District Attorney’s Office? (4)**

Answer: There is no documentation to indicate the Police Department provided any information about connections between the two crimes to the District Attorney. No member of the Police Department or District Attorney’s Office has stated that any such communications occurred. The Integon rape was reported in local news media.

10. **Why was Brown’s statement not recorded? (5)**

Answer: Brown was interviewed by Crump and Stone in 1986. Brown declined to be interviewed by the Committee investigators. Stone and Crump also declined; therefore, this question cannot be answered.

11. **Integon crime evidence destroyed by police in 1988, as was routine when cases were closed; records no longer specify the evidence that was collected. Explain notation in file: “Request that case be closed despite positive identification by the victim in this case” in the Integon case? Why did this happen as Hunt’s case is being reinvestigated in 1989? Was there a cover-up or failure to connect cases? (2, 5)**

Answer: This notation was in Crump’s supplement report dated September 10, 1989 to close the Regina K. case. Crump declined an interview; therefore, this question cannot be answered. (See Crump’s September 10, 1989 supplement report, Deborah Sykes case file, Appendix A-8.) As noted above, whether the failure to connect the cases was deliberate or not cannot be determined based on available information.

12. **There are glaring gaps in documentation. Who checked on whether Brown was in prison in August of 1984? Did the Police Department have access to information that Brown was a type “O” secretor in 1986? (5)**

Answer: There is no contemporaneous documentation to indicate anyone checked on Brown’s prison status in August 1984 or any other time in 1984. Although he did not consent to an interview, Crump told Committee investigators in 2005 that he checked Brown’s status and that he, Crump, believed he had documented that inquiry. Interestingly, during the 1986 SBI investigation, Crump documented his effort to check on another individual’s incarceration (however, the prison records system was down at the time) and his intention to check again later regarding that individual. (Source of this information is

Crump's report, p. 2280 of the 1986 SBI investigation, a partially sealed copy of which is located in the Clerk of Court's office.) In a report dated May 19, 1986, Crump acknowledged receiving a report from the SBI stating Brown's blood type was an "O" secretor.

13. **Was there a secret police report on Brown? No police cooperation with the defense on possible connections; police denied defense information as to the name of the Integon rape victim. (2, 5)**

Answer: There are no documents, records, or statements from any Police Department employee to substantiate that there was a secret police report on Brown. The District Attorney would have been the party to release or deny information regarding the Integon rape victim's identity. There is no indication the Police Department provided or refused to provide any information about Regina K.'s rape or any other rape to the District Attorney's Office, Hunt's attorneys, or any other inquiring parties.

14. **If the defense had had access to information from the 1985 Integon investigation, did investigators believe there would have been a different outcome? (5)**

Answer: To answer this question would be pure speculation. However, it is possible that if information about the Regina K. rape investigation had been made available to the defense, the outcome could have been different.

### **III. Preparation for Retrial in 1989**

This section of the report focuses on the duties and tasks prosecutors assigned to the police officers selected to prepare the case file for Darryl Hunt's second trial.

#### **A. General Questions**

1. **Why were four new officers assigned to the case to prepare for retrial in 1989 instead of using the two police officers and two SBI agents who reinvestigated the Sykes case in 1986? During reinvestigation, did police officers help re-prosecute or re-evaluate the case? What role did the SBI officers play? Examine process. (4, 5)**

Answer: Lieutenant Randy Weavil in his January 6, 2006 Committee interview stated that the prosecutors (Dean Bowman and Jimmy Yeatts) selected the investigators. Weavil stated prosecutors told the detectives to look at all the evidence from the original investigation and to reinvestigate. Weavil stated prosecutors told them if they found evidence to prosecute, they would and if they did not, they would not. (See p. 4, Weavil's January 5, 2006 Committee interview, Appendix A-17.) In 1989, there is no indication the SBI played any role; however, the 1989 investigators had access to the 1986 SBI report.

2. **What happened to some of the witnesses between the SBI investigation in 1986 and the re-prosecution? Were alibi witnesses threatened or intimidated? Why were black witnesses such as Brian Watts and Coleman treated as suspects? (3, 4, 5)**

Answer: Coleman was interviewed in 1986 as part of the SBI investigation. During the 1986 investigation, Coleman stated he did not hear any screams and he could not identify any suspects because he was not wearing his contact lenses. In 1989, Coleman was interviewed and stated he heard screaming and saw two black males who looked like Hunt and Mitchell. During his November 22, 2005 Committee interview, Coleman stated he became more cooperative in the 1989 investigation when he realized he was not a suspect and was being treated more like a witness. (See Coleman's November 22, 2005 Committee interview, Appendix A-17.) Edward Paul Reece emerged as a witness in 1989 when Bobby Upchurch told investigators his foreman, Reece, had observed someone he knew near the

crime scene. The follow-up interview with Reece, on August 24, 1989, revealed that he saw Sammy Mitchell in the area of Sixth and Cherry Streets at 6:30 to 6:45 a.m. on August 10, 1984. Brian Watts was the person who found Sykes' body on August 10, 1984. In 1989, Watts was in jail on unrelated matters when he was interviewed by Sergeant Teresa Hicks and Weavil. The question regarding alibi witnesses presumably refers to possible intimidation of the McKeys. There are no records indicating that the McKeys were intimidated by the Police Department. The documents present the McKeys as being more certain of facts in 1985; the 1989 documents present the McKeys as being less certain about facts.

3. **Why, in 1989-1990, did witnesses change their testimony given to SBI and police in 1986? Coleman changed from not being able to make any type of positive identification of the two suspects in 1986 to identifying Hunt and Mitchell at the 1990 trial; Coleman's story changed each time he was interviewed. Coleman was treated as a suspect in 1989 and then given credence in his identification of Hunt and Mitchell. (3, 4, 5, 8)**

Answer: On November 22, 2005, Coleman was interviewed for the Committee. In that interview, Coleman stated that in 1986 he believed investigators were looking at him as a suspect. Coleman stated that in 1989, once he learned he was no longer a suspect and was considered a witness, he was more cooperative. (See Coleman's November 22, 2005 Committee interview, Appendix A-17.) Coleman also stated that he first identified Brown in 1986 but was told that Brown was in jail. In 1989, he told investigators that Mitchell and Hunt "looked like" the people he saw, not that they were the people he saw. In 1986, he did not mention hearing screams; in 1989, he mentioned hearing screams. Coleman accounts for this difference as being the result of his realization that investigators no longer viewed him as a suspect.

4. **Who asked the SBI to investigate? (8)**

Answer: The request was made by Police Chief Joseph Masten.

5. **What were the findings of the 1986 SBI reinvestigation? What activities did the SBI undertake during the reinvestigation? What was the purpose of involving the SBI? Was the SBI report an independent investigation of the Sykes crime? If the SBI report was intended to be an independent review of the Sykes crime, did the SBI find fault in the way the police and or District Attorney's office handled the investigation? Did the SBI feel that Hunt's civil rights were violated? If yes, why? If the SBI report came to the conclusion that the Sykes case was not handled correctly, why were the results of the report not made public? Did the SBI recommend changes in Police Department policies and procedures? Did the SBI recommend changes in the District Attorney's Office? Was the SBI report handed over to the State Attorney General's Office for action? (8)**

Answer: The closing to the SBI report stated, "This reinvestigation of the August 10, 1984 murder of Deborah B. Sykes is not complete, and probably will never be complete. The main reason for this fate is time and the inability to change circumstances that have already taken place. There were many questions about the murder of Deborah B. Sykes, and the subsequent investigation when this reinvestigation was begun. Hopefully, the reinvestigation will answer some of those questions, but it will most likely raise other questions that may never be answered." The SBI investigators wrote that they reviewed all the information and data collected in the first investigation, the Hunt trial transcript, the 1985 City Manager's Report, and the 1986 Police Department Internal Affairs Report. The SBI investigators stated they interviewed all involved police officers, civilian witnesses, interested parties, Darryl Hunt, community and government leaders, and anybody else who was later

developed. The investigators stated that they also paid particular attention to the development of evidence and the main witnesses in the case. The purpose of involving the SBI was to make sure every lead and witness was fully followed and interviewed and to make any determinations as the evidence may or may not warrant.

The SBI investigation was staffed by two SBI agents and two Police Department officers. The investigation appears to have been a collaborative effort between the SBI and the Police Department. The SBI documents the Committee investigators reviewed make neither findings of fault or sufficiency with regard to the Police Department's original investigation, nor findings concerning civil rights violations. None of the files reviewed by the Committee investigators make recommendations regarding the Police Department or District Attorney's Office policy or procedure. Similarly, no records indicate that the report was furnished to the N. C. Attorney General. (Note: the SBI is an arm of the Attorney General's Office.) The SBI file was available to Judge Forrest A. Farrell (1990 trial judge) and Judge Meltzer Morgan (the judge ruling on the motion for appropriate relief in 1994). (By law, SBI files are not public records.)

6. **What was the division of responsibility within the SBI for the investigation, and reinvestigation or other involvement in the case from 1984 through 2004? (8)**

Answer: The SBI did not have any responsibility for this case until they agreed to conduct an investigation at the request of Chief Masten in January 1986. That SBI investigation was completed in 1986. The SBI submitted its report to the District Attorney and they took no further investigative role until the end of 2003 when DNA testing developed new information. The SBI (assisted by the Police Department) pursued the new DNA lead, which led to the arrest and confession of Williard Brown.

#### IV. **Rehearing in 1994 Before Judge Morgan regarding DNA Evidence**

This section of the report focuses on the Police Department's involvement and participation in the 1994 petition for rehearing following DNA test results that eliminated Hunt, Mitchell, and Gray as sources of the DNA evidence recovered from Sykes' body. This portion will also examine why the Police Department did not reopen the Sykes investigation in order to look for another possible suspect once they knew the DNA evidence did not match Hunt, Mitchell, or Gray.

##### A. **Questions**

1. **Police never had any physical evidence to link Hunt to Sykes' murder, and when DNA testing in 1994 ruled him out as the rapist, there was opposition to a request for new trial. Was identity of rapist sought? Why was the case considered closed until Hunt's attorneys asked for a new round of DNA testing in 2003? (2, 5)**

Answer: The Police Department treats cases in which there is a conviction as closed by conviction. However, in 1992, the Police Department considered another possibility as the Sykes rapist. Just after Ernest Cherry was arrested for kidnapping, raping, and almost murdering Christine Gallaher in September 1992, Captain M. V. McCoy directed Sergeant Teresa Hicks to investigate a possible connection to Sykes' attack. Hicks investigated and the case was open for this investigation in 1992 and 1993. DNA testing cleared Cherry in 1995.

2. **The decision to oppose a motion for appropriate relief and/or for a new trial rests with the District Attorney's Office. Why the Police Department never sought the identity of the rapist is no clearer from actions in 1994 than it is from the time they learned in**

**1985 from blood group evidence that neither Hunt nor Mitchell could have been the rapist.**

Answer: The Police Department did investigate Ernest Cherry as a suspect in 1992 and 1993. (See previous question.)

- 3. How did police handle new information from DNA testing in 1994 rehearing before Judge Morgan? Did the police ever suggest to the District Attorney in 1994 or thereafter that DNA testing should be done on Brown? (4, 5)**

Answer: The 1994 testing eliminated Gray, Sykes' husband, Mitchell, and Hunt as the source of the semen. No records indicate that the police suggested DNA testing on Brown. No national DNA database existed at this time through which Brown could have been linked to the Sykes case.

- 4. Were all body fluid samples tested? What were the DNA results from each testing? Did the DNA from any of the samples tested somewhat match the DNA of Hunt? (8)**

Answer: No. Items to be examined by the SBI are submitted by the case detective on an SBI "request for examination of physical evidence" form. Once the evidence is submitted, the assigned SBI analyst determines what tests are necessary, possible, and appropriate and conducts those tests. DNA either matches or it does not match. The SBI tested body fluid evidence, including the vaginal and anal smears and the vaginal swab, in 1984; it did not test the anal swab. The sweater Sykes was wearing at the time of her death was saturated with blood; not all the blood on the sweater was tested. In 1993, the SBI was unable to test the vaginal swab and smears due to their condition. However, Roche Laboratories tested evidence, including the vaginal aspirate, anal smear, and vaginal swab. In 2003, the SBI tested evidence, including the vaginal aspirate, vaginal and anal smears, and the vaginal swab. No documents indicate that the SBI or Roche ever tested the anal swab. The 2003 testing conclusively identified Brown as the rapist. No documents indicate any DNA or other blood type evidence matched Hunt. (Appendix A-37).

## **V. Reinvestigation of the Sykes' Murder in 2003**

In the spring of 2003, Hunt's defense attorneys filed a motion to have the DNA evidence recovered from Sykes' body tested against the national database, a resource that had been developed in recent years. Judge Anderson Cromer entered an order directing the SBI to test the sample against the database. The SBI proceeded in its normal manner, but by fall of 2003 (due to the small number of DNA examiners and the large number of samples awaiting testing), the sample still had not been tested. Cromer contacted the Attorney General's Office, and the SBI expedited testing of the sample. Following testing of the sample, the Police Department instituted a continuing investigation of the Sykes' murder based on the results of the DNA testing. This portion of the report examines that investigation.

### **A. Questions**

- 1. Why was information not released regarding the 1986 interview of Brown? At that time, Brown denied any role in the Sykes murder, and he was dropped as a suspect. How could he have been overlooked all of those years? (2)**

Answer: These questions are answered above.

- 2. Review all actions taken by the Police Department in the spring and fall of 2003 relating to the new testing of DNA against a national database. What happened in the detective's office to piece it together and link the information to Brown? (5)**

Answer: Detective M. C. Rowe's report addresses these questions. (See Deborah Sykes case file, Appendix A-8.)

3. **Concern raised by defense attorneys that Brown was allowed no visitors. (2)**

Answer: Rowe's report addresses these questions. (See pp. 17-18, Detective Rowe's July 27, 2006 supplement report, Deborah Sykes case file, Appendix A-8.)

## VI. Review of the Arthur Wilson Homicide Investigation

This section of the report focuses on the Police Department's investigation into the 1983 homicide of Arthur Wilson. Both Hunt and Mitchell were charged with this homicide.

### A. Questions

1. **Review relationship between investigation of Wilson's homicide and Sykes' homicide; same investigators worked both cases. (4, 5) The Wilson investigation contains contradictions between statements of eyewitnesses and police reports; information provided by eyewitnesses does not match up with autopsy reports. Were police so interested in prosecuting Hunt and Mitchell for Wilson's murder that they were not interested in anything from any other source? (2)**

Answer: The Wilson and Sykes cases are factually dissimilar. That some investigators and supervisors worked on both cases is correct; those were officers assigned to the detective division. The initial Wilson investigation was inadequate in several ways. During the course of the 1983 investigation, the lead detective focused on the three witnesses who police made contact with the night of Wilson's murder, one of whom was too intoxicated to be of any assistance in the investigation. However, CrimeStoppers tips yielded names of several possible suspects; Sammy Mitchell and "another black male named Darrell" were two such names. There is no documentation during the 1983 Arthur Wilson homicide investigation that the Police Department interviewed Sammy Mitchell or the other named suspects, Chuckie Simmons, Wade Brady, Richard Wright and Richie Davis, or made any attempts to identify "Darrell." Available documentation indicates the investigative efforts to solve the 1983 Arthur Wilson homicide consisted of the creation of a wanted poster composite, showing photographs to two of the three witnesses with whom police made contact the night of Wilson's murder, and talking to Ezell Clowers, the drink house proprietor.

2. **Was the only reason Hunt and Mitchell were charged in the Wilson case due to accusation of Merritt Drayton to deflect attention from himself on another case? (5)**

Answer: The District Attorney's Office determined that probable cause existed to charge Hunt and Mitchell for the murder of Wilson. Former District Attorney Warren Sparrow was asked the above-listed question at the June 15, 2006 Committee meeting, and his response was that he did not know. (See June 15, 2006 Committee minutes, Appendix A-28.)

## VII. Current Police Operations

The last section of the report addresses current police case management procedures and safeguards, communications training, and some new investigative tools available now (but not in 1984) because of technological advances.

## A. Questions

1. **Explain the potential for tunnel vision in investigating a case; is it the role of the Police Department to develop theories or evidence? Can investigators keep an open mind? (2)**

Answer: The potential for tunnel vision exists in any problem-solving endeavor, experiment, or other analysis in which multiple facts emerge requiring organization and deductive reasoning. The need to revisit and reexamine one's hypotheses applies across all professions. Police officers gather evidence, and from that evidence, form theories. In some cases, those theories result in the officer's conclusion that probable cause (which is a "fair probability" but which courts have stated is less than "more probable than not") exists to charge a particular suspect with a crime. The District Attorney's Office is involved in charging decisions in felony cases, and where the District Attorney seeks an indictment, a panel of citizens determines whether the suspect should be indicted.

2. **Look at current training, procedures, communications, and investigative tools and compare to what was available in 1984; what corrective actions have been taken? (5, 7)**

Answer: Newly developed investigative tools, training, procedures, and communications are discussed more fully in the final Committee report. However, Compstat, a computer-enhanced crime analysis unit, specialized investigative units, accreditation, technology development, departmental e-mail, Computer-Aided Dispatch (CAD), special intelligence bulletins, advanced training opportunities, and the Pistol Records Management System have improved the overall investigative abilities of the Police Department. Obviously, computer application enhancements have improved greatly since 1984.

3. **Should the Police Department formally amend its current policy on evidence retention to retain evidence for a longer period? (8)**

Answer: The Police Department's current evidence retention policies comply with Commission of Accreditation for Law Enforcement Agencies (CALEA) standards, state law regarding DNA evidence, and the industry practice. The retention period depends on the type of evidence and the type of crime. See "Changes and Measures to Prevent" for more information.

## **CURRENT PRACTICES OF THE POLICE DEPARTMENT CONTRASTED WITH THOSE OF 1984**

Our review of the Sykes and other investigations raises this question: In what ways does the Police Department operate differently now to ensure the accuracy and effectiveness of its investigations? This section highlights changes that have improved police operations and investigative effectiveness over the past 20 years.

1. **Compstat and E-mail:** One problem during the early 1980s was the disjointed nature of the Police Department's criminal intelligence and case management. While a supervisor would have been aware of his or her subordinate's cases, detectives within the same unit or officers on the same squad may not have known the details of other officers' cases. No mechanism for interfacing information existed except for word of mouth or the roll call book, from which supervisors read about events to officers during line-up before the shift.

In 2004, the Police Department adopted "computer comparison statistics" (Compstat), a system that helps police track crime incidents. Police Department command staff, supervisory personnel, officers, and non-sworn personnel from the department's three bureaus attend the weekly Police Department Compstat meetings. This information sharing allows Police Department personnel to identify crime patterns and develop solutions, as well as to plan proactive approaches to curb future crime. Also, all officers have e-mail; they can read about crimes occurring while they were not on duty by reviewing the e-mails labeled "circumstances of special interest" (CSI). Officers also use the e-mail system to circulate information about specific suspects (BOLO, which stands for "Be on the Look Out") where appropriate. This method is more reliable than conveying the information via the department's radio system because officers can print out information as needed or save the e-mail for future reference.

2. **Crime Analysis Unit:** The theory behind crime analysis has not changed significantly since 1984. However, because Records personnel, not crime analysts, enter case data, crime analysts have more time to detect trends and common factors among different crimes. Since 1984, police departments generally and the Winton-Salem Police Department specifically have harnessed technology in specialized crime analysis units to enhance effectiveness and to detect crime trends.

The Police Department's Crime Analysis Unit examines common and different factors in crimes to help determine connections among criminal acts. The unit may focus on crime type, location, time, victim characteristics, suspect similarities, common methods, etc., to help detect connections. Electronic data assimilation of facts concerning particular crimes (see discussion of PISTOL below) enables technicians to perform different analyses quickly and efficiently and enables officers to compare case characteristics. Also, technological developments have made crime mapping easier. For example, the Crime Analysis Unit assisted Committee investigators by preparing charts comparing various aspects of four rapes and maps illustrating abduction and attack locations. This unit plays a very important role in Compstat. Unless a specific identifier emerges from the data, crime analysis still boils down to reading reports and making connections.

### **3. Computer Systems**

- a. **PISTOL:** In the 1980s, officers either wrote or typed reports and submitted them to the Police Department Records Division for filing and storage. Records personnel entered limited information into a mainframe database. Today, the Police Department uses the PISTOL (Police Information System Totally Online) Records Management System, which greatly improves the

collection and retrieval of case data. PISTOL captures much more information and is capable of providing an officer with a great deal of information quickly upon request.

- b. **Computer-Aided Dispatch (CAD):** CAD is used to receive and dispatch calls for service. CAD improves the speed of dispatch and verifies addresses. CAD also collects and stores data for future analysis.
- c. **Crystal Reports:** The Crystal system is a reporting tool used to retrieve and analyze information from both PISTOL and CAD. Various reports are available based on all of the information entered into both databases.
- d. **Application Extender:** Application Extender is a document imaging system for retrieval of a digital copy of a Police Department incident report. Aside from Mobile Field Reports (discussed below), all incident reports, handwritten or typed, along with field notes, are scanned by Records Division personnel into Application Extender. All Police Department personnel can access Application Extender.
- e. **Mobile Field Reporting:** Mobile Field Reporting is an application that allows the Records Division to collect data from officers in the field. In other words, Mobile Field Reporting allows an officer to type the report immediately after an incident while still in the patrol vehicle. This application interfaces with both CAD and PISTOL. Any information collected in Mobile Field Reporting is available to all personnel.
- f. **Police-to-Police (P2P) Data Sharing:** P2P is an internet database shared with other participating law enforcement agencies. P2P allows an officer to query an individual's contacts with other area law enforcement agencies and provides last known addresses, patterns of behavior, and contact information.

#### 4. Policy Changes

- a. **Identification Procedures:** When Sykes was killed, officers showed witnesses photographs sequentially rather than simultaneously. In 1986-1987, the Police Department switched its photograph identification to a simultaneous photo line-up presentation. This change occurred in response to the Hunt case and arose from the 1985 City Manager's Report.<sup>254</sup> In response to later studies and in compliance with recommendations from the Actual Innocence Commission, the Police Department is developing procedures and obtaining software to return to sequential photograph display.
- b. **Evidence Retention and Destruction:** Current policy requires retention of rape kits in unsolved or inactive rape cases for five years, at which time the case officer, his supervisor, and the Public Safety Attorney determine whether and for how much longer the evidence is retained. Retention in homicide cases is permanent. Of course, if the discovery statute requires longer retention, staff would make decisions in compliance with the statute. Also, witnesses' statements are retained until the officer, his supervisor, and the Public Safety Attorney approve destruction. No statements may be considered for destruction until the criminal proceedings, including appeals, are concluded. In that circumstance, staff delays destruction until three years after the sentence is completed, or three years after the offense date, whichever is later.

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<sup>254</sup> For more information, see 1985 City Manager's Report, Appendix A-15.

## 5. Training

- a. **Officers:** In the 1980s, training in North Carolina law enforcement agencies was in the developmental stages. Today, the officer training the Police Department provides is very different from the training conducted in the 1980s. The Police Department's Basic Law Enforcement Training (BLET) course is 1106 hours of instruction, 488 more than the state's required 618 hours. The Police Department has a permanent training staff whose job is to develop and implement training. Also, long before the state agency certifying officers required in-service legal training, Public Safety Attorney McNaught instituted in-service legal training at the Police Department. The Police Department has been using forfeiture funds to enhance its intra-departmental training program. With these funds, officers attend advanced training relevant to their assignments.
- b. **Communications Operators, Global Positioning System, and Enhanced 911:** Had today's technology and training been available to Police Department communications operators on August 10, 1984, this ability to locate the victim sooner and possibly solve the crime sooner would have been enhanced. One improvement that was not available in 1984 is the development of Global Positioning System technology. Global Positioning System is extremely useful in its ability to provide almost the exact location of vehicles and other devices equipped with Global Positioning System. Although the Police Department is not equipped with a Global Positioning System tracking system, it is able to communicate with Global Positioning System tracking systems companies (such as OnStar) that provide an exact location and can advise if a vehicle or device (such as one worn by a person) is stationary or moving, and its direction of travel.

Today's enhanced 911 calling system has the capability of providing a communications operator with the 911 caller's telephone number, and the name and address of the person or company the telephone number is registered to. In 1984, this technology would have allowed the operator to know Gray's location in relationship to where he said he saw the victim getting attacked, which would have allowed a quicker response time in locating the victim. In 1984, a 911 telephone call provided no other information other than what the caller provided.

In December 2002, the city's mapping system began interfacing with the Police Department's CAD system. This mapping system allows communications operators and officers on the street to actually view cross-streets and surrounding areas of the city. In 1984, the mapping system was text-based, could only be read by the communications operator, and then relayed over police radio to the responding officer(s). PISTOL also interfaces with these systems and is able to text and map an exact location and surrounding area, enabling police units to view a target area. If this system had been available in 1984, police units could have responded simultaneously to the exact location of the 911 call and the area of the reported victim's attack; areas of the suspect's escape on foot would have been included in a general mapping of the area where the victim was attacked.

Current cell telephone technology is a valuable tool for law enforcement personnel in receiving and transmitting information quickly and efficiently. Although the exact location of a cell telephone user cannot be determined, the cell telephone tower that the telephone is using to facilitate the telephone call can be determined. The user's location in relation to the tower's location can be determined within 50 feet depending on the type of telephone.

Today, Police Department communications operators are required to complete successfully an operator's course conducted by the Association of Public Safety Communications Officials. This week-long course of instruction enables operators to receive current information in communications technology and operations to improve their call-taking skills.

c. **Departmental Training:** Within the past few years, when training pertains to specific jobs, the Police Department has provided the training for both non-sworn and sworn personnel. This allows non-sworn personnel (such as communications operators and identification technicians) to receive the same training as police officers. It also encourages information sharing and allows personnel who otherwise may never have met to train together.

6. **Accreditation:** The Commission on Accreditation for Law Enforcement Agencies is a peer-review program designed to help law enforcement agencies implement the best practices in their operations. The Commission on Accreditation for Law Enforcement Agencies has developed a set of standards and uses these standards to measure, and when appropriate, accredit individual agencies. In 1997, the Police Department first received this accreditation; it has maintained accreditation since that time.

As part of complying with The Commission on Accreditation for Law Enforcement Agencies' requirements, the Police Department has developed a greater range of general orders than it had in 1984. These general orders guide officers so they more uniformly perform routine or recurring operations. Additionally, divisions have special operating procedures to provide more detailed guidance to that division's employees. For example, the evidence general order ensures that evidence is collected, handled, processed, and disposed of properly.

7. **Technological Advances in Forensics:** Just as in other areas, technological advances in forensics have substantially changed the landscape of law enforcement capabilities in the 22 years since the Sykes homicide. For instance, in 1984, fingerprint comparisons were done manually, with each fingerprint being examined by hand. With the development of the Automated Fingerprint Identification System, fingerprints have to be lifted by hand but can now be entered into a local or national database for a much broader and faster search than in 1984. Had today's scientific and technological advances been available in 1984, information available to investigators would have been substantially increased, thus enabling them to more effectively and efficiently identify suspect(s). The Automated Fingerprint Identification System would have enabled the Police Department to compare the palm print on Sykes' car to the Automated Fingerprint Identification System database. (Committee investigators were unable to locate the print from 1984, so whether it was Brown's is unknown.) In 1984, North Carolina laboratory tests could only identify blood groups and secretor characteristics; today, with the same evidence, DNA testing can eliminate a substantial portion of the population as suspects. Now with the smallest amounts of physical evidence, DNA can be analyzed, not only from blood or bodily fluids, but also from a person's slightest contact with an object's surface or material. Also, with today's technological capabilities, forensic technologists would have been able to conclusively distinguish Sykes' blood from that of her attacker. Today's technology completely debunks the "masking theory" SBI Lab Analyst Bissett applied in Hunt's trial to explain the failure to detect Hunt's blood type in the evidence gathered in the Sykes case.

8. **Changes in Discovery Law:** During the 1980s, North Carolina's criminal discovery law probably failed to comply with constitutional law (*Brady*) requiring disclosure of exculpatory information.<sup>255</sup> State law only required that the state disclose someone's statement after the person testified. District Attorney Tisdale apparently interpreted the state law as controlling, so he did not disclose exculpatory information until after witnesses testified. Thus, although *Brady* required disclosure of exculpatory information, the District Attorney did not disclose such statements unless and until the witness testified. Without Tisdale's participation in this review, it is impossible to determine his policies regarding evidence other than statements.

Today, the discovery law in North Carolina is substantially different. Beginning in 2004, state law required officers to provide all materials, including field notes, to the prosecutor, who must make

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<sup>255</sup> For a discussion of both the discovery law and *Brady* disclosure requirements, see Key Issue 10.

them available to the defense. This is broader than the witness statement provision in state law during the 1980s. Today, state law requires the prosecution to disclose all exculpatory information period – whether the defense requests it or not.

But what about information which is not in field notes, witness statements, etc., but which is potentially exculpatory? The problem of making the connection still remains. For example, when Sykes was killed, there was a similar, unsolved rape in the area. After Hunt was charged, Kathleen D. was attacked in what may or may not be another Brown attack. Regina K.'s attack followed a month later. Even today, while one might speculate whether the same person committed all four attacks, an officer's obligation to disclose such information arises only upon his realization that the information is potentially exculpatory.

## **CITY MANAGER'S FINDINGS**

### **I. Summary Statement**

By late November 1984, given the false statements in search warrants, Johnny Gray's identification of Terry Thomas and subsequent identification of Darryl Hunt, and subsequent blood group evidence eliminating Darryl Hunt as the rapist, probable cause to believe that Hunt had committed the offense did not exist. Furthermore, once detectives knew that Hunt and Mitchell's blood type did not match the blood type of the rapist, they conducted little or no investigation to locate the rapist.

### **II. Failure to Connect Cases**

The information presented in this review would indicate that Williard Brown likely attacked both Deborah Sykes and Regina K. Also, it is quite possible that Mr. Brown attacked Linda E. and Kathleen D. Overwhelming similarities in these cases existed at that time, and the Police Department should have conducted further investigations. Had the detectives recognized and acted upon any of the above, Sykes' assailant would likely have been identified much sooner than 2003. Although it is easier to look back now with current information, it is difficult to imagine how the detectives at the time did not connect these cases.

Police detectives should have connected the Sykes and Regina K. cases in the spring of 1986 and connected Williard Brown's blood group evidence with that from the Sykes case since the same investigator was working on both cases at that time.

Police detectives should have considered all available evidence and should have more thoroughly investigated the Kathleen D. and Linda E. cases to determine if the same rapist committed both crimes and whether that rapist was the Sykes/Regina K. attacker.

It is problematic that just a few weeks after the Sykes homicide, evidence in the Linda E. case was destroyed prior to the closing of that case. The destruction of this evidence did not follow proper procedures and prevented the comparison of the evidence in the two cases.

The official police reports for both the Sykes and Regina K. cases appear to have been written in a manner that disconnects the cases. Only by reading the case files together can the reader discover the relevance of Williard Brown to both cases. Yet, Detective Crump and other police personnel were actively working both cases simultaneously.

Detective Crump had several opportunities to connect these two cases. The type of assault, location, blood types, and the strikingly similar photos of the victims' wound patterns should have made a reasonable person connect the cases. Although it was not documented at the time, Crump now claims that he did make the connection, but did not pursue it because he thought Brown was in jail at the time of the Sykes attack. If his claim is true, he made a serious mistake of fact.

### **III. Terry Thomas**

It is clear that in 1984, detectives viewed Terry Thomas as a suspect in the Sykes homicide. Terry Thomas was the person Johnny Gray pointed out to Corporal Archer at the bus stop. However, Daulton's 1985 court testimony constituted a denial that Gray identified Thomas, and Daulton's trial testimony was inconsistent with records of the Miller/Daulton/Gray interview.

Despite these facts, the 1986 Police Department Internal Affairs investigation incorrectly concluded that Gray did not positively identify Thomas on August 22, 1984.

The Committee's 2005 and 2006 interviews, along with previous interviews, indicate that Johnny Gray did in fact identify Terry Thomas as Deborah Sykes' attacker on August 22, 1984. Additionally, it appears that the 1986 Internal Affairs Report did not accurately evaluate the facts and reach the reasonable conclusion that, in fact, on August 22, 1984, Johnny Gray identified Terry Thomas as Sykes' assailant.

#### **IV. Warrants**

The Mitchell apartment search warrant appears to have lacked probable cause and contained false statements. Further, the affidavit purported to present one witness's statement when in fact several witnesses' statements were combined to establish all facts included in the affidavit.

Questions remain concerning the 1984 search warrant for Hunt's blood, pubic hair, hair from the head, and saliva, such as: who actually drafted the warrant?; who was the citizen informant?; and did any witness identify any photographs on August 10, 1984? It appears that Daulton wrote the warrant without a lawyer's assistance. Further, it appears that Murphy was the citizen informant to which the affidavit refers, in light of the fact that Hooper never identified Hunt from photographs or in person and Gray had a criminal record. In addition, Daulton's sworn statement that someone identified Hunt on August 10, 1984 appears to be false.

In 1986, while investigating the Regina K. case, Crump obtained and executed a search warrant for Brown's blood, hair, and saliva. The resulting lab test revealed that Brown was an "O" secretor. Crump also knew that Sykes' attacker was an "O" secretor. Unfortunately, we have not been able to locate a copy of the actual warrant. However, we do know that Crump knew at that time that Regina K.'s assailant did not leave behind any physical evidence. Without any physical evidence from the victim to which to compare Brown's physical evidence, it appears that Crump did not have probable cause for the warrant. It is also reasonable to question if Crump drew this warrant specifically to look at Brown as a suspect in the Sykes case. Furthermore, the disappearance of the warrant is very concerning.

#### **V. Kevey Coleman Identification**

If Kevey Coleman's recent recollections are correct, the questions they raise outnumber the answers they provide. In 2005, Coleman told investigators that he picked out Williard Brown's picture during the SBI Sykes investigation. He stated he picked Brown's picture as looking most like one of the suspects he saw with Sykes on the morning of August 10, 1984<sup>256</sup>. According to Coleman, the 1986 investigators told him that Brown was in jail at the time so Brown could not be the attacker. Given that: 1) Coleman saw two men with Sykes and a third man standing on the hill; 2) everyone should have known by 1989 that neither Mitchell nor Hunt matched the seminal fluid collected from Sykes; and 3) according to Coleman and documentation, Crump was investigating Brown in relation to another similar sex crime, it would seem that a prudent,

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<sup>256</sup> **City Manager's Note:** Coleman's account of the interview is convincing in part because of the clarity of his recollection of conversations. By example, according to Coleman, when he pointed to Williard Brown's picture, either Crump or Keller stated "Willie Brown." Coleman responded, "That's not Willie Brown; I know Willie Brown 'cause I played basketball with him." At that point, officers checked the name more closely and concluded the photograph was of Williard Brown, not Willie Brown. For a more thorough discussion of Kevey Coleman, see Key Issue VIII.

thorough officer would have documented how he verified that Brown was in jail on August 10, 1984.

Also, because Coleman stated he saw a third man and Johnny Gray admitted to being at the scene, it is problematic that officers failed to show Coleman a photograph of Gray, if only to confirm and verify Coleman's truthfulness. Coleman provides a credible reason for his differing accounts: an initially strong fear of being charged with the rape and murder of Deborah Sykes. As that fear diminished, he revealed more information in greater detail.

## **VI. Line-ups**

On September 12, 1984, Daulton conducted a line-up where Johnny Gray allegedly identified Hunt. Daulton would later explain that Gray wrote "1-4" and that this meant that the number one suspect was the man holding the number 4 (Hunt). However, Daulton's report did not mention the 1-4 notation, and he did not inform his supervisors of this fact.

On May 13, 1985, Roger Weaver identified Hunt in a live line-up as the man he saw at the Hyatt House the morning of the murder. Hunt did not have an attorney present. Clearly, he had a Sixth Amendment right to have his attorney present at this critical stage.

## **VII. Regina K.**

Regina K. identified Williard Brown as her attacker from both photographic and in-person line-ups. In addition, Regina K. told Crump that she would recognize her attacker's voice if she heard it again, and although she wrote down the words her attacker said after being asked to do so by Crump, he still did not conduct a voice exemplar. In 2006, Regina K. told investigators that she asked detective Bill Miller if her case could be connected to the Sykes case, and he told her the police already had Sykes' attacker in custody, and they did not want to raise any questions or doubt about the Sykes case. Regina K. also said that she asked detectives if a voice exemplar could be used in her case, but that detectives discouraged her from pressing charges "without hard evidence." This alleged treatment of Regina K. by detectives was simply unacceptable.

## **VIII. Brady Disclosure Requirements**

The Police Department furnished 226 pages of reports to the prosecution in the prosecution booklet. Other documents prepared in the Sykes case were not turned over to the prosecution. There were many supplement reports that were not in the first prosecution booklet. Gray's identification of Thomas was not documented in the 1985 prosecution booklet. The police did not give the District Attorney's Office all case documents; presumably, the police should have given all documents to the prosecutor so that the prosecutor could determine what was *Brady* exculpatory material and whether to furnish copies to the defendant. Also, Daulton testified he discarded enough notes to fill a 50-gallon drum.

## **IX. Gray Credibility**

Johnny Gray and Thomas Murphy were the only witnesses who said that they saw Darryl Hunt with Deborah Sykes on August 10, 1984. Reviewing the Sykes investigation raises the obvious question: Why did Johnny Gray continue to play a key role despite significant issues regarding his credibility? The facts establish a sufficient basis to seriously doubt Gray's credibility. Whether the District Attorney knew about the third Gray polygraph before Hunt's first trial is unknown. The Police Department clearly knew about all of the incidents that called into question Gray's credibility. To answer why Gray's involvement in the case continued, despite all of the

above, is impossible given the available information. Ultimately the decision to continue Gray's involvement was that of prosecutors, not police.

#### **X. Case Management**

A review of case files relevant to this investigation demonstrates that reports were not always completed in a timely manner. In 1986, an officer wrote a report documenting another officer's activities in 1984, and the 2003-04 reinvestigation report was not completed until mid 2006. Some supervisors and upper level managers did not require officers or detectives to complete reports in a timely manner. Such performance is unacceptable and may well result in the failure to record critical information.

## CITY MANAGER'S RECOMMENDATIONS

Our main purpose in reviewing these events and actions is to determine what changes will best ensure that we do not repeat the mistakes made in the past. This review process has helped identify what the Police Department is doing well now and what changes remain necessary. My recommendations outline the best course to avoid making the same mistakes in the future. I have also included recommendations that I believe will enhance the Police Department's operations and services to citizens.

### I. Education and Training Issues

- A. Education incentive:** The city currently compensates officers for attaining associate and bachelor degrees. Although the city instituted this policy as a recruiting tool, current officers have taken the initiative to obtain post-secondary education. Generally, pursuing a post-secondary course of study exposes the student to new ideas and encourages development of critical thinking skills. The student learns to consider, analyze, test, reject, or modify hypotheses as appropriate in light of available information. Judging from detectives' reports and from the facts, this critical thinking ability was absent during most of the investigations discussed in this report.

The city's education incentive, begun in 1995, has already resulted in a pool of applicants and officers with critical thinking skills; the policy's effect if continued over time will be much greater. By attracting individuals who have learned critical thinking skills at the post-secondary level, the Police Department has a greater likelihood of developing officers who will continue to re-explore hypotheses and remain open-minded concerning possible suspects in a particular case. Further, because incumbent officers are also eligible, this incentive enhances the department's ability to develop and retain individuals with inquisitive minds and critical thinking abilities to enhance police investigations. *To encourage more officers to pursue post-secondary degrees, the city will conduct a review of our current policies to see if enhancements to the tuition reimbursement program and more flexibility in work schedules are needed. In addition, the Police Department will continue its current efforts to develop a recruiting scholarship program with Winston-Salem State University.*

- B. Training:** The Police Department's training program should be enhanced. The department currently utilizes outside training resources extensively in order to keep abreast of best practices. *However, the Police Department's internal training should be enhanced by offering patrol officers and officers in specialized units more courses focusing on conducting investigations effectively. The Police Department should develop and implement an effective internal "train the trainer" program by sending personnel with teaching skills to specialized advanced training outside the agency.* This will have the effect of increasing the internal aggregate of investigative skills, resulting in better police investigators. *In addition, the Police Department should implement an enhanced ethics and integrity training program that is designed and led by trainers who can bring a fresh perspective from a background other than law enforcement.*
- C. Career Development:** The Police Department's current pay and classification structure for sworn officers includes seven ranks: officer, corporal, sergeant, lieutenant, captain, assistant chief, and chief. To advance in the department beyond the level of corporal, personnel must step into supervisory roles. In many cases, however, highly skilled senior officers would prefer to stay in field assignments. A review of other major North Carolina police departments has revealed the common use of career ladder pay structures. These structures enable officers to advance within rank with steps such as Officer 1, Officer 2, Corporal 1, Corporal 2, etc. The steps are based on performance and advanced skill development. *The city should implement this type of career ladder for the Winston-Salem Police Department.* It should be noted that a career ladder structure

does not mean that detectives assigned to the Criminal Investigations Division should remain in that division for a large part of their career. To avoid the development of an entrenched culture and to ensure the ongoing infusion of new ideas and perspectives, the department must continue its current practice of personnel rotation.

## II. Supervision, Management, and Accountability Issues

- A. Expectations, Accountability, and Remediating Poor Performance:** Supervision, management, and accountability are ineffective unless they begin at the top of an organization. I as city manager must clearly articulate my expectations for city employees. Likewise, the police chief and assistant chiefs must clearly articulate and convey performance expectations to the command staff and other employees on a periodic basis. (Facilitating this communication on a periodic basis was among the reasons the city instituted its current performance review system.) Following this clear communication, upper level management must hold themselves and their subordinates accountable for meeting the expectations.

Apparent from this report is the fact that some Police Department supervisors in the 1980s were providing inadequate supervision and were not holding their subordinates accountable. Criminal Investigations Division supervisors neither managed the Sykes case adequately nor appropriately supervised case detectives, yet the sanctions administered were minimal with the exception of Daulton's discipline. Lack of discipline and a dearth of leadership at the command staff level were contributing factors.

Effective managers who consistently hold subordinates accountable can generally cure inadequate performance by fairly minor corrective measures. However, sometimes consistent failure to meet expectations requires more significant steps. Suspending or demoting upper level managers is sometimes necessary. *The police chief must guide the assistant chiefs as they utilize minor corrective measures to improve subordinates' performance. In the appropriate circumstances, however, more significant measures may be necessary.*

- B. Supervisors' Commitment to the Citizens of Winston-Salem:** A key component of effective management and accountability is that supervisors and employees have allegiance to the organization and to the community. The Police Department has room for growth in both of these areas. For many years, some members of the Police Department have perceived themselves as being somehow separate from the rest of city government. Factors contributing to this include their physical location and the unique powers and duties inherent in Police Department operations. Over the past years, the Police Department has become more integrated and intrafaced with the rest of the city. *As city manager, I plan to work with the police chief to communicate that all employees are part of this organization, and that we share in the same goals and responsibilities. In addition, I plan to develop a cross-departmental training program that facilitates communication and team building between the Police Department and other city departments. We need to work together to deepen the awareness that all employees are part of the city and an understanding that city leaders strive to direct the best course of action for our customers, the citizens who live and work here.*
- C. Public Safety Attorney:** During the course of this review, several issues were examined with respect to the role of the Police Department's Public Safety Attorney. The report suggests that there may have been some uncertainty about the ultimate reporting authority for the Public Safety Attorney. In the course of the Sykes Investigation, there are at least two instances (the Mattie Mitchell warrant and Gray civil lawsuit) where the Public Safety Attorney consulted with the Police Chief but perhaps did not consult with the City Attorney or the City Manager. It is possible that if they had been consulted, a different outcome could have occurred.

The Institute of Government and the City Attorney have clearly stated that any lawyer employed by a governmental entity represents the entity as client. Today, as it was in 1985, the Public Safety Attorney reports to the Police Chief and is not part of the City Attorney's staff. However, because the Public Safety Attorney is only accountable to the department, it may make it difficult for the attorney to always be objective and represent the city as a whole. A previous review by the Citizens Efficiency Review Committee recommended making the Public Safety Attorney part of the City Attorney's staff. In their report they stated:

There are occasions when legal guidance or advice to the Police Department must take into consideration the best interests of not just the Police Department or particular officers. Rather, the best of the city as a whole must have a major, if not determining, influence on that advice. The potential of there being a lack of appreciation for the greater good in the advice rendered by one who has little exposure to the best interests of the city on a continuing basis certainly exists in this reporting arrangement.

*Therefore, effective immediately, the Public Safety Attorney, her paralegal, and her legal intern will now report to the City Attorney who will solicit input from the Police Chief.*

Although there have not been any concerns raised about the current incumbent Public Safety Attorney, this organizational change is still needed to ensure accountability for future attorneys.

### **III. Case Management**

- A. Case Assignment:** Officers must have opportunities to develop and improve investigative skills. However, supervisors must balance professional growth opportunities with the need to solve cases efficiently and accurately. Clearly, a detective as inexperienced as Daulton was on August 10, 1984 should have received closer supervision and guidance from more experienced detectives and supervisors. Managers in the Criminal Investigations Division should continue to assign seasoned detectives to work with inexperienced detectives on complex cases. On more routine cases, the supervisors should monitor the inexperienced detectives' progress and investigation as appropriate. Further, upper management must hold supervisors accountable for assignment errors. *To achieve this objective, the Criminal Investigations Division should develop written policies to formalize the current case assignment practice. Further, the chief and the assistant chief over the Criminal Investigations Division should critically review the policies and processes by which officers are selected for assignment in the Criminal Investigations Division and, in particular, in sections handling rapes, robberies, and homicides.*
- B. Case investigation:** For many years, police personnel in general, and in the Criminal Investigations Division in particular, have not regularly complied with department general orders or industry standards regarding prompt completion of reports. Reviewing case files relevant to this investigation demonstrates this fact. In 1986, an officer wrote a report documenting another officer's activities in 1984, and the 2003-04 reinvestigation report was not completed until mid-2006. Some supervisors and upper level managers have not required officers or detectives to complete reports in a timely manner. Such performance is unacceptable and may well result in failure to record information or recording information incorrectly. A culture of being timely in completing staff work is a necessity.

Similarly, the Criminal Investigations Division has not consistently complied with general orders. Despite written policy, until recently the division did not always submit their searches for legal review. Currently, in many cases the unit does not comply with the Police Department report writing manual, as discussed above. *The division must promptly, completely, and accurately report case facts. The division should investigate how best to accomplish these goals within*

*existing resources. Reconsideration of scheduling and deployment decisions and consideration of efficiency incentives are options that should be considered.*

The Police Department's innovative use of technology to enhance investigations has been a very positive step in its improvement of case management. The Police Department's commitment to COMPSTAT and other tools for crime analysis has certainly improved this community's safety. As crime becomes more regional, the Police Department's practice of sharing case information with neighboring agencies to identify connected crime trends and suspects and cooperating in regional investigations has improved its protection of our city's citizens.

- C. Case Review:** Extensive close involvement often impairs perspective and diminishes the ability to view evidence or facts with a fresh approach. Research has demonstrated that when a group operates in isolation and without individual accountability, group dynamics come into play, resulting in the group agreeing to accept a path or decision that its individual members would not otherwise concur. An ancillary effect is that individual members do not voice questions about the group's assumptions or reservations about the group's decisions. The overarching result is development of a culture in which individuals become reluctant to voice concerns about group decisions.

This "group think" phenomenon appears to have played a key role in the decision to continue focusing on Darryl Hunt, even though blood group evidence did not match Hunt or Mitchell, and even though at least one similar rape occurred while Hunt was in jail.

Combating the effects of "group think" requires a detached review by someone dissociated with the case. Independent review of detectives' conclusions will likely bring the best result; this approach combines the detectives' extensive knowledge of the case facts with a new perspective that may challenge certain assumptions case detectives have made. This challenge will result in exploration of weaknesses in assumptions, and perhaps creative alternative conclusions may emerge.

Currently, the Criminal Investigations Division section sergeants are intimately involved in investigations of serious cases. Usually, a lieutenant is also significantly involved in homicide investigations from the early stages. This close assistance and monitoring by skilled, experienced supervisors is beneficial to the technical thoroughness of the investigation. However, in serious cases where the perpetrator's identity is not immediately apparent, periodic review by a detached officer not involved in the investigation would be extremely beneficial. *The assistant chief should designate which cases are reviewed and by whom, with care given to selecting a reviewer not intimately involved with the investigation. Current assignment and rank need not necessarily be considered in selecting the reviewer. Also, the Police Department should reexamine using a case investigation template to review investigations. This method may well assist in ensuring that all relevant avenues have been explored.*

- D. Identification and Interrogation Procedures:** Several concerns have been raised about the methods officers used to show witnesses photographs and the methods used to interview witnesses. In 2005, the North Carolina Actual Innocence Commission recommended procedures for sequential photograph display. The Commission has also recommended the use of videotaping for all interviews in serious violent crime cases. The Police Department has been working to implement these changes and hopes to have both completed in 2007. *The department should move quickly to implement these and any other recommendations from the Actual Innocence Commission.*

**E. Criminal Investigations Division Inspection:** During the course of this review, significant management and operational issues have been raised about the Criminal Investigations Division. *Although the Police Department is fully accredited nationally, it would be beneficial for an outside expert to conduct a top to bottom review/inspection of the Criminal Investigations Division.* There are several national firms and associations that conduct such reviews. An outside review will help to assure the public and the City Council that all best practices are being followed. *To ensure complete independence and objectivity, the outside firm should clearly understand that their client is the City Council and the city manager.*

#### **IV. Evidence Collection, Storage, and Retention**

Technological advances and department policies have changed significantly since the 1980s. For example, then, as now, the Linda E. evidence destruction violated Police Department policy, but now, unlike then, the SBI would agree to test the Linda E. evidence. Information officers can obtain from evidence will continue to expand as technology improves. Consequently, retention policies must make allowances for as-yet-unknown technological advances. *I recommend that the Police Department link case management and evidence retention electronically, creating parameters to preclude premature evidence destruction. Also, the Police Department should retain evidence in unsolved major crimes as follows: homicides for 40 years; sexual offenses and felonious assaults, kidnappings, or robberies with serious injury for 25 years. (Of course, if necessary or appropriate, the Police Department may retain evidence longer.) State law governs retention of biological evidence following felony convictions; in appropriate cases, the Police Department should consider retaining biological evidence for longer periods. The Police Department should address retaining nonbiological evidence it continues to possess after felony convictions. Before finalizing any policy changes, the Police Department should survey best practices for evidence collection, retention, and storage.*

#### **V. Police Department's Relationship with the District Attorney's Office**

One item receiving particular attention during the 1985 City Manager's review was the District Attorney's role in the Sykes investigation. Given the District Attorney's statutory duties, a cooperative relationship with the District Attorney's office is necessary and advantageous to thorough case investigation. *The relationship should be and remain one of cooperation rather than capitulation; the District Attorney's office doesn't make police policy or police decisions, but the Police Department and the District Attorney's office should continue to work together to ensure effective and just prosecutions.*

#### **VI. Diversity**

Throughout this review, there have been several allegations/perceptions of racial biases and inequality in the Police Department. While these concerns were not proven, the perceptions of unfairness based on race are very clear. The department has made great strides over the last 20 years to improve diversity in hiring, promotions, and assignments. Recently, the department has partnered with the Institute for Dismantling Racism. Through this partnership, many officers have taken training, and the department is now working on a strategic plan to combat deeply rooted institutional race issues. *The department should proactively develop and implement this anti-racism strategic plan. In addition, the Police Department should formally adopt a policy of disciplining, up to and including termination, any employee who displays a character for racial bias.*

## **VII. Truthfulness**

The Police Department takes very seriously its obligations regarding discovery in criminal cases. In the past seven years, officers have received comprehensive training on *Brady* issues and North Carolina's new discovery laws. This commitment and education should continue. *Also, in light of the Brady and Giglio cases mentioned in Key Issue 10, the Police Department should formally adopt its established practice of terminating any employee who is untruthful in an internal investigation or in matters related to job performance. Likewise, any employee who willfully fails to comply with Brady during discovery should be terminated. Lastly, the Police Department should discipline any officer who willfully fails to comply with state discovery statutes.*

## **VIII. Public Access**

Finally, a very important part of this review is the effort to ensure full public disclosure in order to restore the public's confidence in the department. To achieve this objective, we will ask the Court to release all documents related to this review.

## **IX. Follow-up**

To ensure thorough and timely follow-up to these recommendations, we will provide City Council with a six and twelve-month status report on actions taken.

## APPENDIX

1. Timeline
2. Crime Analysis Map of Crime Locations
3. Rape Comparison Chart
4. Photographs
  - a. Williard Brown and Darryl Hunt
  - b. Sammy Mitchell and Johnny Gray
  - c. Kevey Coleman and Terry Thomas
  - d. Ernest Cherry and Carlos Stoner
  - e. Darran Haile and Thomas Mashack
  - f. Merrit Drayton and Darrell Sturdivant
5. June 1984 Prison Release Documents for Williard Brown
6. Arthur Wilson Case File
7. Linda E. Case File
8. Deborah Sykes Case File
9. Kathleen D. Case File
10. Regina K. Case File
11. Deborah Sykes and Regina K. Wound Comparison Photos
12. Spider T-Shirt Photos
13. Arthur Wilson Trial Doodles and Drawings
14. City Manager Bryce Stuart's 1985 Notes
15. 1985 City Manager's Report
16. 1986 Police Department Internal Affairs Report with Disciplinary Action Reports for Daulton, Mason, and Raker

17. 2005-2006 Committee Investigators' Interviews/Contacts with City Employees and Citizen

**City Employees:**

- a. Mike Barker
- b. Al Beaty
  - i. March 22, 2006
  - ii. August 30, 2006
- c. Otis Belton
- d. Earl Biggers
- e. Cheryl Collins
- f. Gid Cornatzer
- g. Homer Craig
- h. William Carter Crump
- i. Jim Daulton
  - i. December 30, 2005
  - ii. February 7, 2006
- j. Jeff Dorn
- k. Craig Fraser
- l. Teresa Hicks
  - i. December 12, 2005
  - ii. August 10, 2006
  - iii. August 10, 2006
- m. William Klinzing
- n. Carl Koontz
- o. Furman Mason
- p. Joseph Masten
- q. Jerry Matthews
- r. Mike McCoy
- s. Donna McKee
- t. Claire McNaught
  - i. January 9, 2006
  - ii. April 12, 2006
- u. Bill Miller
- v. Terry Moorefield
- w. Richard Nifong
- x. Barry Owens
- y. Randy Patterson
- z. Vicki Pearl
- aa. Robert Peddycord
- bb. Jerry Raker
- cc. Oliver Redd
- dd. Mary Rumble
- ee. Karl Schulte
- ff. Bobby Spillman
  - i. June 16, 2006
  - ii. July 14, 2006
- gg. Riley Spoon
  - i. November 29, 2005
  - ii. September 19, 2006
- hh. Lou Stoakley
- ii. Anthony Stover

- jj. Bryce Stuart
  - i. July 6, 2006
  - ii. October 5, 2006
- kk. George Sweat
- ll. Yvetta Thomas
- mm. Dave Walker
- nn. Randy Weavil
  - i. January 6, 2006
  - ii. July 3, 2006
  - iii. July 3, 2006
  - iiii. July 5, 2006
- oo. Mike Wilkins

**Citizens:**

- a. James Allen
  - b. Brenda Dew Bissette
  - c. Sandra Brown
  - d. Frieda Hairston Carpenter
  - e. Kevey Coleman
  - f. Marie Crawford
  - g. Linda E.
  - h. Gloria Fetsch
  - i. C. Farley Howard
  - j. Darryl Hunt
  - k. James Johnson
  - l. Christy Josey
  - m. Al Kelly
    - i. February 20, 2006
    - ii. February 23, 2006
  - n. Charles Lynch
  - o. Davida Martin
  - p. Peggy Matthews
  - q. Lisa McBride
    - i. March 27, 2006
    - ii. April 5, 2006
  - r. Sammy Mitchell
  - s. Mark Rabil
  - t. Dan Stone
  - u. Warren Sparrow
  - v. David Wagner
  - w. Charlie Walker
- 18. October 31, 1984 Hunt Hearing Transcript
  - 19. May 1985 Hunt Trial Transcript
  - 20. 1989 Hunt Appellate Court Opinion
  - 21. 1990 Hunt Trial Transcript
  - 22. 1994 Hunt Motion for Appropriate Relief Court Opinion

23. 1994 Hunt Superior Court North Carolina Court Opinion
24. 2004 Order Vacating the Judgment and Sentence and Dismissing State v. Hunt with Prejudice
25. 2004 Hunt Pardon from Governor Easley
26. Daulton's Grievance Hearing
27. Stake Holder Letters and Written Responses
28. Committee Minutes and Authorizing Resolution
  - a. July 26, 2005
  - b. August 18, 2005
  - c. September 1, 2005
    - i. Police Department Policy on the Retention of Evidence in Cases Unsolved or Closed Inactive in the 1980s versus 2005
    - ii. How the Police Department Identified Similar Crimes and Crime Patterns in 2005
    - iii. Persons Involved in Regina K. Case, Kathleen D. Case, Linda E. Case, Arthur Wilson Case, and Sykes Case
  - d. September 15, 2005
    - i. Report Comparing Police Department's Current Policy on the Retention of Evidence in Unsolved and Inactive Cases with other North Carolina Police Departments
    - ii. Abridged List of Persons Involved in Sykes Case – Police Department Investigators, Identifications Personnel, and Supervisors
  - e. October 6, 2005
  - f. October 20, 2005
    - i. Introduction to Constitutional Law
  - g. November 10, 2005
    - i. Index of Case Documents
  - h. December 1, 2005
  - i. January 5, 2006
  - j. February 2, 2006
  - k. March 9, 2006
  - l. March 16, 2006
    - i. Management of Police Evidence
    - ii. Evidence Collection and Crime Scene Management
  - m. April 6, 2006
    - i. Information on Administration of Polygraph Tests
  - n. May 4, 2006
    - i. Statements of William Hooper, Brenda Morino, Thomas Murphy, and Johnny Gray. Supplemental Reports: Spider T-Shirt, Search Warrant, Statements, and Responses Regarding Search Warrant
  - o. June 15, 2006
    - i. Briefing on Internal Affairs and Complaint Process
  - p. July 20, 2006
    - i. Jet Hollander's Presentation of "Big Rock" Issues
  - q. August 17, 2006
  - r. September 21, 2006
  - s. October 19, 2006
  - t. January 4, 2007
  - u. January 11, 2007

29. Committee Minutes of Closed Sessions
  - a. March 9, 2006
  - b. April 6, 2006
  - c. May 4, 2006
  - d. June 15, 2006
  - e. August 17, 2006
  - f. September 21, 2006
  - g. October 19, 2006
  - h. January 4, 2007
  - i. January 11, 2007
30. Draft 2007 Court Order to Release Full Committee Report
31. Winston-Salem Journal Articles
32. Destruction Order for Court Records
33. Search Warrants
34. Copy of Jeff Dorn's 1986 Arthur Wilson Case Notes and Documents
35. Claire McNaught's Documents
36. Investigators' Notes, 1986 Arthur Wilson Case
37. Lab Reports for Sykes Case
38. Magistrate's Findings: Gray v. Spillman