

STATE OF NORTH CAROLINA
COUNTY OF FORSYTH

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
84 CRS 42263

STATE OF NORTH CAROLINA)
)
VS.)
)
DARRYL E. HUNT,)
)
DEFENDANT)

Motion and Order for
Release from Custody

MOTION

NOW COMES THE STATE OF NORTH CAROLINA BY AND THROUGH THOMAS J. KEITH, THE UNDERSIGNED DISTRICT ATTORNEY, AND THIS MATTER coming on and being heard before the undersigned judge presiding:

In chambers pursuant to a commission establishing a Special Term of Superior Court for the 21st Judicial District for December 23, 24 and 30, 2003,

And it appearing that the District Attorney for the 21st Prosecutorial District moves the Court pursuant to N.C.G.S. 15A-270(c) for an order discharging the defendant from custody, upon execution of an unsecured appearance bond.

In support thereof, the District Attorney respectfully shows to the Court the following:

1.

The defendant was convicted and sentenced to life imprisonment in 1990 for the felony murder of Deborah B. Sykes on August 10, 1984. The evidence presented indicated that Ms. Sykes had been raped during the course of the murder.

2.

In 1994, a Motion for Appropriate Relief was filed by the Defendant, asking for a new trial on the basis that DNA evidence in the form of semen, obtained from the crime scene that excluded the Defendant Darryl Hunt as the source of the DNA. Based on the totality of the evidence, however, the Court held there was sufficient evidence to sustain the conviction and denied the Defendant's motion.

3.

In April 2003, the Defendant Darryl Hunt, with the consent of the District Attorneys Office, applied for a Order directing the North Carolina State Bureau of Investigation to compare the original crime scene DNA sample in the state and national databases to determine whether the source of the semen could be identified. On December 11, 2003, Detective Mike Rowe of the Winston-Salem Police Department and Agent Scott Williams of the SBI began a new investigation of the Deborah Sykes murder.

4.

A possible source of the DNA was identified by the North Carolina State Bureau of Investigation after a search of the North Carolina Department of Corrections prisoner database.

5.

During the time the SBI was conducting further testing on the DNA sample of the possible suspect, Rowe and Williams examined old records on relatives of the suspect whom had been involved in the criminal justice system. In fact Willard E. Brown, one such relative to the above-described suspect had been investigated for a rape in the same location as the Sykes' murder, occurring approximately six months after the Deborah Sykes murder and rape.

On December 16, 2003, Rowe and Williams drove to Raleigh to the Department of Corrections Combined Records. They determined that Willard E. Brown, who had been thought to be in prison at the time, had in fact been released prior to that date.

6.

The new suspect Willard E. Brown was then being held in the Forsyth County Detention Center on a probation violation for misdemeanor possession of drug paraphernalia and trespassing.

7.

Mr. Brown's DNA had never been obtained by law enforcement before, and was therefore not in any database.

8.

Rowe and Williams, through their subsequent investigation were able to obtain a DNA sample from the suspect Willard E. Brown on December 17, 2003.

9.

The SBI tested the sample obtained from Willard Brown on December 19, 2003 and determined that it was in fact a match to the DNA sample left by the unknown assailant in the Deborah Sykes case.

10.

After consulting with the District Attorney, warrants were obtained from a Forsyth County Magistrate by Rowe and Williams charging Willard E. Brown with murder, rape, robbery and kidnapping of Deborah Sykes and the defendant was arrested at approximately 11:00 a.m. December 22, 2003 at the Forsyth County Detention Center.

11.

While being "booked", Willard E. Brown spontaneously confessed to the murder of Deborah Sykes. Willard E. Brown expressed deep remorse about the murder as well as the conviction of Darryl Hunt for the murder; he expressed remorse that the Darryl Hunt conviction had divided the community. Brown specifically indicated that he had acted alone when he murdered Deborah Sykes, and that Darryl Hunt was not involved. Brown agreed to cooperate with law enforcement in order to see that the Defendant Darryl Hunt be released.

12.

Based upon the new investigation by Rowe and Williams and other new evidence furnished to the District Attorney's Office, the undersigned District Attorney of the 21st Prosecutorial District moves the Court to release Darryl Hunt from custody temporarily upon his executing an unsecured appearance bond, and until further orders of the Court. That the hearing set for December 30, 2003 be continued until the 6th day of February 2004 in order to allow the State an opportunity for further investigation and to review additional evidence.

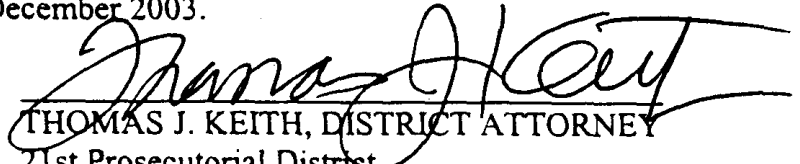
13.

The release of the above information in this motion by the District Attorney was made in the interest of justice.

14.

Furthermore, based upon the foregoing information, the District Attorney will not object to any future motion to change venue that might be filed by Willard E. Brown based on pre-trial publicity or any similar motion arising as a result of the above information being disclosed in this motion.

Respectfully submitted, this the 24 day of December 2003.


THOMAS J. KEITH, DISTRICT ATTORNEY
21st Prosecutorial District
Forsyth County, North Carolina
State Bar # 2492
336.761.2214 x 4006

ORDER


BASED UPON THE FOREGOING MOTION BY THE DISTRICT ATTORNEY OF THE 21ST PROSECUTORIAL DISTRICT, THIS COURT MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW BY CONSENT AND HEREBY ORDERS THE FOLLOWING:

1. That Defendant Darryl Hunt shall be released from custody upon his execution of an unsecured appearance bond in the amount of \$250,000 and until the next hearing in this matter; and subject to further orders of the Court.
2. That a hearing in the matter originally set for December 30, 2003 by continued until the 6th day of February 2004 at 10:00 a.m. for the Court to hear any further evidence from either side; that the Defendant shall not leave North Carolina without permission of the Court.
3. That the information contained in the District Attorney's motion is necessary and proper for the administration of justice and therefore not a violation of any North Carolina State Bar's Canon of Ethics or Rules of Court.

This the 24th day of December 2003.


SUPERIOR COURT JUDGE PRESIDING

Consented to: 
Defendant

Consented to: 
State