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Hunt v. McDade 2000 WL 219755, at *1 (4th Cir. Feb. 25, 2000)

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Hunt v. McDade

2000 WL 219755, at *1 (4th Cir. Feb. 25, 2000)¹

I. Facts

On October 10, 1984, Deborah Sykes ("Sykes") was found dead in a field near her place of employment. She had suffered multiple stab wounds and had been sexually assaulted both vaginally and anally. Darryl Eugene Hunt ("Hunt") was tried and convicted for the murder in North Carolina that same year and sentenced to life imprisonment.²

The North Carolina Supreme Court overturned the conviction on direct appeal based on a finding that the trial court erroneously allowed a police officer to testify to the substance of unsworn statements made by Hunt's girlfriend. Hunt was retried in 1990, convicted of felony murder, and sentenced to life imprisonment.³ During his direct appeal from the second trial, Hunt filed two motions for appropriate relief in state court based on newly discovered DNA evidence and alleged Brady violations.⁴ The superior court's denial of these motions was affirmed by the North Carolina Supreme Court.⁵

During both trials, the State relied upon eyewitness testimony that placed Hunt near the crime scene before, during, and after the murder. The State offered no direct evidence linking Hunt to the kidnaping, robbery, sexual assault or murder of Sykes. The testimony also showed that Hunt was accompanied by Sammy Lee Mitchell ("Mitchell"), who was also indicted for the murder of Sykes. Hunt posited an alibi defense at both trials.⁶

Hunt filed a federal habeas petition, and the district court granted the State's motion for summary judgment and dismissed the petition.⁷ The United States Court of Appeals for the Fourth Circuit granted a certificate of appealability on the following two issues: (1) Hunt's claim of actual

1. This is an unpublished opinion referenced in the "Table of Decisions Without Reported Opinions" at 205 F.3d 1333 (4th Cir. 2000).

2. Hunt v. McDade, 2000 WL 219755, at *1 (4th Cir. Feb. 25, 2000).

3. *Id.*

4. The Fourth Circuit opinion does not state the result of the second appeal. It is also unclear how the motions for appropriate relief could be filed while the appeal was pending. *Id.*

5. *Id.*

6. *Id.* This testimony was that Hunt spent the night at a friend's house and did not leave until after 7:00 a.m. the following morning. *Id.*

7. *Id.*, at *2.

innocence of the murder and the underlying offenses based on post conviction DNA testing;⁸ and (2) Hunt's claim that the State failed to disclose exculpatory and impeachment evidence.⁹

II. Holding

The Fourth Circuit held that neither of Hunt's claims exonerated him of the murder and affirmed the district court's dismissal of the appeal.¹⁰

III. Analysis / Application in Virginia

A. Claim of Actual Innocence

Hunt argued that he was factually innocent of felony murder because post-trial PCR/DNA testing of a fluid sample taken from Sykes's body indicated that he did not contribute to the sperm in the sample.¹¹ Because this was a factual claim, as opposed to a constitutional claim, the Fourth Circuit first examined whether a claim of actual innocence based on newly discovered evidence constitutes grounds for federal habeas relief.¹² According to *Herrera v. Collins*,¹³ claims based on factual errors, absent constitutional defects, have never been held to state a ground for federal habeas relief.¹⁴ Additionally, the court determined that because Hunt received a sentence of life imprisonment, rather than the death penalty, the *Herrera* Court's assumptions recognizing the possibility of a persuasive freestanding claim of actual innocence did not apply.¹⁵ The freestanding claim of actual innocence recognized in *Herrera* may be limited to capital cases because those assumptions were made in the context of evaluating the constitutionality of the execution.¹⁶

8. *Id.*, at *2-3.

9. *Id.*, at *3-6. The court dismissed this claim upon finding that Hunt had a substantial amount of impeachment evidence available to him during both trials, which he used during the cross examination of each witness. *Id.*, at *6. Further, the information that the State failed to disclose to him was cumulative, immaterial, or both. *Id.* The court found that Hunt could not demonstrate actual prejudice from any of the nondisclosure. *Id.* Due to the court's cursory consideration of this claim, it will not be discussed in detail in this note.

10. *Id.*, at *7.

11. *Id.*, at *2. PCR (polymearase chain reaction) is a technique in which small amounts of DNA are replicated so that DNA testing can be done. *Id.*, at *2 n.2.

12. *Id.*, at *2.

13. 506 U.S. 390 (1993).

14. *Hunt*, 2000 WL 219755, at *2; see *Herrera v. Collins*, 506 U.S. 390, 400 (1993) (holding that federal habeas relief exists to correct constitutional defects, not factual errors, [and] "claims of actual innocence based on newly discovered evidence have never been held to state a ground for federal habeas relief absent an independent constitutional violation occurring in the underlying state criminal proceeding").

15. *Hunt*, 2000 WL 219755, at *2.

16. *Id.*

The court further pointed out that *Herrera* requires a persuasive demonstration of actual innocence and that the threshold showing to assert an actual innocence claim is extraordinarily high.¹⁷ Hunt's claims did not meet this burden.¹⁸ In particular, the court found that the DNA results failed to discount a number of possible scenarios that still implicated Hunt in the sexual assault.¹⁹ Also, the DNA evidence did not exonerate Hunt of the murder of Sykes, or the underlying offenses of kidnaping or robbery, or from aiding and abetting any of these crimes.²⁰ Hunt additionally claimed that the DNA results weakened the State's entire theory of the case because the DNA did not match any of the State's three primary suspects.²¹ Hunt relied on various cases in which a new trial was granted based on exculpatory DNA evidence.²² The court distinguished these cases because in the instant case, the State asserted that there were multiple assailants; the cases that Hunt relied upon involved only one perpetrator.²³ DNA evidence in those cases showed that the defendant was not the one who contributed the sperm.²⁴ This established the probability that a reasonable jury would not have returned a guilty verdict.²⁵ In the instant case, the court evaluated the new DNA evidence along with the evidence presented at trial, and concluded that this new evidence was not sufficiently exculpatory to warrant a new trial.²⁶

Herrera suggests that in capital cases, a claim of factual innocence may constitute grounds for federal habeas relief because it is sufficiently related to the constitutionality of the execution.²⁷ In *Hunt*, the court explained that this claim will be evaluated strictly in light of the entire record presented to the jury.²⁸ A new trial may be granted when the newly discovered evidence makes it such that no rational trier of fact could find proof of guilt beyond a reasonable doubt.²⁹

Christina S. Pignatelli

17. *Id.*; see *Herrera*, 506 U.S. at 417 (asserting that in order to be entitled to relief on an actual innocence claim, petitioner would at the very least be required to show that based on the new evidence and the record as a whole, no rational trier of fact could find guilt beyond a reasonable doubt). *Id.* at 429.

18. *Hunt*, 2000 WL 219755, at *3.

19. *Id.* The court posited that perhaps Hunt's sperm might have been present on a different, untested sample; that he might have raped Sykes but did not ejaculate; or that he may have sodomized her. *Id.*

20. *Id.*

21. *Id.*

22. *Id.*

23. *Id.*

24. *Id.*

25. *Id.*

26. *Id.*

27. *Id.*, at *2; see *Herrera*, 506 U.S. at 417.

28. *Hunt*, 2000 WL 219755, at *2.

29. *Id.*

