

Virginia vs. Dustin Turner

When I first became aware of the mysterious disappearance and tragic murder of Jennifer Evans in 1995, it was as everyone else in Hampton Roads did – through an unprecedented and unrelenting surge of local media. The murder of Ms. Evans, an incredibly promising college student vacationing in Virginia Beach, was shocking and prurient. That the perpetrators were two US Navy SEAL trainees – very soon to be fully operational members of that elite group – made it even more scandalous.

Aside from the compelling personal aspects of the case, more important and frightening to many was the clash of the region's two biggest industries – Tourism and the US Navy – tinged with sexual violence and terrible finality.

Virginia Beach officials could not send their own message of finality quickly enough. Except their message was not “Justice will be done,” but an echo of the Mayor in the movie JAWS: “We have caught and killed a large predator that supposedly injured some bathers. But the beaches are open and people are having a wonderful time.”

For most, the story ended there. Until 2010, it's where it ended for me. I had moved away and forgot about it until JD Leete, a multi-decorated 21-year veteran of Navy Special Warfare, called me about a documentary he was making about the case.

It was an odd call in that I knew about the case (or thought I did) and it came not from some “Lefty radical” but from a war veteran who retired after leading a 14-man communication team into Afghanistan during Operation Enduring Freedom.

Leete worked with the Navy SEALs for years, and through this tight-knit community he became aware of the case against Dustin Turner and Billy Joe Brown. Intrigued, he investigated and found that the “facts” did not ring true. He told me, “We don't put our lives on the line in order to protect a justice system that works like this.”

Then he committed himself – and all he had – to telling this story via his first film “Target of Opportunity: The US Navy SEALs and the Murder of Jennifer Evans.”

In the last four years I have learned about every aspect of this crime and case, and an alarming amount about Virginia's justice system. Here is what I learned based on facts and court documents.

Dustin Turner and Billy Joe Brown were “swim buddies” through SEAL training – unavoidably inseparable through arguably the toughest military training in the world. They came from different backgrounds, and had entirely different personal and criminal histories... yet they bonded through the experience, and together achieved what very few men are able to do – they were to become Navy SEALs.

And then they went out to The Bayou in Virginia Beach on June 19th, 1995.

That night Dustin Turner met Jennifer Evans. They enjoyed each other's company while Billy Brown sat in the corner drinking to excess. Ms. Evans's friends wanted to leave, but she wanted to spend more time with Turner. Her friends agreed to pick up Ms. Evans an hour or so later in the parking lot. Turner wanted Brown far from him and Ms. Evans, and arranged for someone else take Brown home.

Ms. Evans was 21 years old when she died. Brown was 23 and Turner was 20 years old. Turner and Ms. Evans were in Turner's car in The Bayou parking lot, waiting for her friends to get her any minute. But Brown arrived first – in an intensified version of his usual social condition: drunk, angry and violent.

Minutes later, Jennifer Evans was dead – her larynx most likely crushed instantly by Brown – the large, drunk, steroid-abusing trained killer sitting behind her.

And then Dustin Turner made the biggest mistake in his life. He listened to his friend, a murderer, screaming at him to "Drive!" A woman was dead in his front seat. Turner panicked and drove. He helped his friend bury the body. A week later, Turner told authorities what had happened and took them to Jennifer's body.

Many say that Turner didn't try to save Jennifer, or didn't try hard enough, or just idly watched her die... and they are free to believe their conjecture – however wrong it may be. They are not wrong in believing that Turner made a horrible mistake in helping his friend cover up the crime and that Turner is guilty of that crime.

Once he confessed, Turner's story never changed. Upon hearing of Turner's confession, Brown immediately blamed Turner for the murder and told several different stories. It doesn't take Sherlock Holmes to know that liars change their stories, but it's the liar's story that prosecutors chose to believe... and then added their own sexually charged narrative to Brown's obvious lies.

Robert Humphreys, Virginia Beach's prosecutor, did not care who actually did it. The truth was right in front of him and the investigating detectives. But the truth was not good enough. After this incredible yearlong media frenzy, the fact that an alcoholic with a criminal history of violence – against women in particular – snapped and finally killed someone wasn't good enough. They needed more.

So Humphreys found a way to prosecute both Brown and Turner for murder. The prosecution made up a theory that Brown and Turner abducted Jennifer in order to rape her, and that one of them (whichever one, it didn't matter) murdered her while perpetrating the original crime of abduction. In Virginia, if you're part of a crime that ends in murder, you're responsible for murder and can be charged for it.

This wasn't the first time that Robert Humphreys used a fallacious "deviant sex" theory to convict a Navy man of murder. In 1987, he prosecuted Craig Bell for the murder of his fiancé – who was stabbed in their home while Bell slept upstairs. A mass of evidence pointed to the real killer – including a strange male pubic hair

found at the scene. However, instead of following evidentiary leads, the prosecution claimed to receive an “anonymous call” stating that Mr. Bell was bisexual.

Humphreys and the prosecution used Bell’s “bisexuality” to explain the strange male pubic hair while ignoring signs of an intruder (who had committed similar crimes in the same area.) Craig Bell was then convicted of murdering his fiancé.

While Bell sat in jail, the killer broke into another home and raped a child. The police caught him and he confessed to the murder of Bell’s fiancé. Bell got lucky.

Humphreys said, “It is obvious the evidence was there to convict Craig Bell.” Part of that “evidence” was baseless conjecture about Bell’s supposed sexual proclivities meant to defame his character and make it easier for a jury to convict. He said he would authorize prosecution again. Some people can never admit they were wrong.

Eight years later Humphreys used his same “deviant sex” strategy to convict Brown and Turner, but instead of “bisexuality,” this time it was “group sex.” Brown received 72 years and Turner received 82 years - both without parole.

And Robert Humphreys was promoted to the state’s second highest court – the Virginia Court of Appeals. Judgeships are often rewarded to successful prosecutors, but no one I have spoken to can recall a leap as high as the one Humphreys made.

In 2003, Billy Joe Brown, having become a born-again Christian in prison, confessed to murdering Jennifer Evans and framing his best friend, Dustin Turner, for her murder. Three years earlier, he had confessed this to his Norfolk-based attorney, Andrew Sacks, who said nothing then and has since only declined comment based upon his “attorney-client privilege.” For the record, Sacks’s failed defense of Billy Brown amounted to simply blaming Dustin Turner for Jennifer’s murder.

In 2008, Virginia Beach Judge Frederick Lowe ruled that Brown’s confession was credible. In 2009, a three-judge panel from the Virginia Court of Appeals ruled that Turner should be set free. They were not the first “officials” to believe this.

Alan J. Reed was the Jury Foreman during Turner’s trial. In 2005, Reed wrote to Gov. Mark Warner: “I do feel the majority of the jury felt that Dustin was innocent of participating in any way with the murder. His guilt was in assisting Billy Brown and not coming forward until he was confronted; his inaction causing most of the bad feelings of the jury.” He went on to add, “In the hearts of the jury I am sure they would say that he has spent enough time in prison and justice has been served.”

In 2010, after the Commonwealth appealed the panel’s ruling that Turner should be free, the full Virginia Court of Appeals – the court on which Robert Humphreys sat and still sits – overturned that decision. Humphreys recused himself, but it doesn’t take much imagination to think that his fellow judges would close ranks around him.

Nor did it take imagination for that Court to explain how Turner could still be guilty. Based on Humphreys' original "deviant sex" theory, Judge Cleo Powell surmised "that Turner deceived Evans into going to his car with the true intent of both he and Brown having a 'threesome' with Evans against her will."

After Turner's case, Humphreys admitted that his only doubt was "whether we'd be able to convince the jury that there was absolutely no way she could have been killed in the parking lot of The Bayou that night because if that was the case, then we had a kidnapping or an abduction on our hands, and if we could sell the jury on the abduction, then everything would follow from that."

But in a classic example of "moving the goalposts," the Appeals Court's ruling infers that while Brown may have killed Ms. Evans in the parking lot, the fact that she and Turner merely walked together to his car now constitutes "abduction by deception."

Turner is now guilty of abduction (and murder) not because Ms. Evans did not die in the parking lot, but because they walked out of The Bayou together. Hand-in-hand. To wait for her friends. Friends who had met Turner that night. So, the Court says, that Turner could rape her with Brown – a man for whom Turner had repeatedly attempted to find an alternative ride so that the two men would NOT be together.

And that is what The Supreme Court of Virginia inferred in 2011 with their decision to keep Turner in prison for another 60+ years, and that is what they claim a jury could believe – knowing everything we now know. Now *that* takes imagination.

While attending the Supreme Court hearing, I briefly spoke with Al Evans, Jennifer's father. I told him that I have a daughter of my own, and that I understand their anger and I have no idea how forgiving I would be if beset by such heartbreak.

Mr. Evans told me that he doesn't want Turner set free because he knows that Turner would commit this crime again. I understand why he would want to believe that, but Dustin Turner had never been in legal trouble before this case. Ever.

Turner failed to save Jennifer Evans's life. As a 20-year-old, he then made an instant horrific mistake and he knew it, and he tried for a while to keep it a secret.

Folis Jones is a retired Sr. Psychologist from the Virginia Dept. of Corrections. He met Turner in 1997 and wrote: "In my (23) years of service, I met only two inmates who convinced me they were innocent. Dustin Turner was one of them. Many other staff that interacted with him shared this opinion. Dustin's part in this case was wrong, no one denies that. However, it does not warrant the time he was given."

Many "law and order" types disagree. The Law says that the crime of being an "accessory after the fact" is punishable by 12 month in jail – not 82 years without parole. The way I see it, anyone who disagrees either has a personal investment in

this case, or is simply part of the modern equivalent of a lynch mob. To the latter, I say: "Don't be afraid. Just look at all the facts. Knowledge is your friend."

Countless others have called for Turner's release including John Floyd, a retired Navy SEAL Commander who had officially investigated the case and believes Turner was just wrapped up in Brown's violent act.

Anna Marie Riggs is the daughter of Al Alberi – who worked under Robert Humphreys as a key prosecutor on the Brown and Turner cases. Mr. Alberi is no longer with us, but Ms. Riggs believes her father would want Turner released knowing what we know now. And so does she.

The cause still needs more brave people like Delegate Joe Morrissey of Virginia's 74th District – an elected official who, unlike many, is not afraid to stand up for what's right even if there are powerful forces on the other side.

Many citizens of Hampton Roads have strong feelings about this case and hopefully many more want to learn more about it – these two are not mutually exclusive.

On Thursday, June 19th, "Target of Opportunity: The US Navy SEALs and the Murder of Jennifer Evans," will be screened at The Naro Cinema in Norfolk. The non-profit Virginians for Judicial Reform is sponsoring this and a discussion will follow.

Perhaps after seeing the film your mind will change. Perhaps you've always felt that Turner got a raw deal. Perhaps you'll always think that he should die in prison even if he had no active role in the actual abduction and/or murder of Jennifer Evans.

Either way, we are a better society when we open our minds to other points of view and can debate issues based on knowledge and true perspective – not on emotion or warped notions of vengeance masquerading as justice.

Jennifer Evans's death is by far the greatest crime and tragedy of this nightmarish event. But the subsequent investigation, prosecution and high court reversals are acts of fabrication and hubris. And I would never have come to this conclusion had I not been open to learning what I did not previously even consider.

Jennifer Evans cannot be brought back. Dustin Turner was as promising as a young man could be – and willing to die for us. Yet his life has also been destroyed here.

I believe he has done his time for his crime and should be free. Maybe you will too.

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New York City (via Norfolk)
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