

## Boy has a lifelong sentence

By Ruth Sheehan, Staff Writer

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Howard Hunichen walked out of prison a week ago Saturday. For those of you who didn't live here in 2000, Hunichen was the street preacher who so brutally disciplined 7-month-old Zachary Fortner that the boy suffered permanent brain damage.



**Howard Hunichen**

Hunichen was convicted of felony child abuse for shaking, stomping and hitting the infant, supposedly to force him to crawl and walk. He told the boy's parents that Zachary was "a crybaby."

The baby suffered two skull fractures, four broken ribs, a broken right wrist and arm, two broken legs, a fractured pelvis, bruises on his abdomen and buttocks and brain-stem injuries from the shaking.

The case was sickening to all of us -- but to no one more than Becky Holt, the assistant district attorney who prosecuted it.

Holt has a daughter close in age to Zachary. She was keenly aware of the future Hunichen had stolen from the boy.

As the trial progressed, Holt watched with pain as her daughter blossomed into a chattering toddler -- and Zachary did not.

At the time of Hunichen's conviction, Holt told me, the most optimistic prognosis for Zachary was that one day he wouldn't recoil at human touch.

That one day he would be able to smile.

"We went for, and got, the maximum sentence [under law at the time]," Holt said. "But there isn't enough time for someone who did what [Hunichen] did to this child."

I tried to track down Hunichen last week without success.

His mother told me she wouldn't help. "Sorry, I'm not giving out anything," she said. "Bye-bye."

I wanted to ask Hunichen whether he'd come to regret what he'd done to Zachary. During the trial, he portrayed himself as the victim in the case.

The parents, who had been living in Hunichen's home -- and in his thrall -- at the time of the injuries, pleaded guilty to felony child abuse for allowing this to happen. They served no time. Instead, they moved back to Tennessee with their two older daughters; the wife was pregnant with another child during the trial.

Zachary was left behind. He remains a ward of the state and will be institutionalized for life.

The boy's lucky break came in the form of Hilltop Home, a Raleigh center for brain-damaged children. By all accounts, it is a wonderful place.

Holt visited him there about a year ago to see how he was doing.

I asked whether this was typical, for her to follow a victim so long after a trial.

No, she said. But in 15 years as a prosecutor, this is one case that has stuck with her.

"It was just one that hit real personally," Holt said. "It pretty much stands alone."

Thanks to the folks at Hilltop, and surgeries on his skull, Zachary seems to be doing better. When he hears the voices of the people who deal with him most closely, he smiles.

Holt explained that it's hard for his brain to make sense of what he's seeing.

So Howard Hunichen has served his time and is walking the streets, while 6-year-old Zachary Fortner remains locked inside a broken mind and body.

From that prison, I'm afraid, there is no release.

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**See story of Hunichen's trial, March 27, 2000 at:**  
<http://www.nospank.net/n-g11.htm>

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