

# **RAW DEAL: A QUESTION OF CONSENT**

**Produced by Alfred Spellman and Billy Corben**

**Directed by Billy Corben**

**PRESS CONTACT:**

**Jeremy Walker  
Jeremy Walker and Associates  
(212) 595-6161**

**SALES:**

**Alfred Spellman  
rakontur  
(305) 891-0903**

Directed by  
BILLY CORBEN

Produced by  
ALFRED SPELLMAN and  
BILLY CORBEN

Associate Producer  
DAVID CYPKIN

Cinematographer/Sound  
LAWRENCE JANUS

Edited by  
ARMANDO SALAS  
BILLY CORBEN

Music by  
TRAVIS ROIG  
ERIC RANSOM

## ABOUT THE FILM

Audiences have come to expect video footage to tell the truth, to shine a light on “what really happened.” “Raw Deal: A Question of Consent” takes a look at how some explosive video footage polarized one college town in Florida for months as its residents hotly debated whether or not the video proved innocence or guilt, consensual sex or rape.

Here are the facts: in February 1999 an exotic dancer named Lisa Gier King was hired by Anthony Marzullo, Pledge Master for the Delta Chi fraternity house for a party at their chapter on the campus of the University of Florida. The next morning, King ran from the house half-naked and distraught, claiming that frat brother Michael Yarhaus had raped her. While investigating, the police discovered hours of video footage taken by Marzullo, Yahraus and other fraternity brothers depicting the events of that night, video that turned the case on its head, causing King herself to be arrested and charged with filing a false report. A shocking portrait of Greek life at its seediest, the footage is as graphic as it gets. But what is truly outrageous is the way in which the footage was handled by the Alachua County State Attorney, Rod Smith. Under pressure to appear supportive of his police department, and under siege by the Campus National Organization for Women and the broadcast news media, Smith, in the midst of a campaign for State Senate, authorized the duplication and release of countless copies of the Delta Chi tapes.

Through extensive interviews with participants on all sides of the issue, we see how the footage was used to advance various agendas. But we also see how video can betray the high expectations we have for the medium, since the tapes ultimately show everything while they prove nothing for certain, except perhaps that subjectivity and short-sightedness are the Achilles’ heel of our justice system.

## ABOUT THE PRODUCTION

Based in Miami, Alfred Spellman and Billy Corben, the producer and director of “Raw Deal: A Question of Consent,” first heard about the “Delta Chi tapes” and the ruckus they had caused from friends attending the University of Florida. Although the Gainesville campus was at the opposite end of the Florida panhandle from Miami, Spellman and Corben were immediately drawn to the case because they were curious about how a bunch of guys their own age got into such big trouble. The stories they heard made it sound like the circumstances of the case were clear: Delta Chi brothers hired a stripper, and after a wild night of drinking she accused one of the brothers of rape. The twist was that video footage taken by the guys had caused the whole case to be turned on its head, and that the woman making the charges ended up getting arrested instead.

“Like most people,” says Spellman, “we heard the words ‘fraternity,’ ‘rape’ and ‘drinking’ and assumed the Delta Chi guys must have been out of control and behaving badly and that someone there was probably guilty. But as we talked about it we became interested in the fact that the controversy had spilled over the university walls and created a real dichotomy of opinion that divided a whole community. And we couldn’t help but wonder how there could be such disagreement about what really happened if all of it was on video.”

As Spellman and Corben read more about the case, they were surprised to find no comprehensive report on the incident, no attempt to bring together accounts from both sides of the controversy. 21-year-old filmmakers who had collaborated since they were fourteen, and whose previous efforts had all focused on youth issues, Spellman and Corben recognized that their perspective and ages might be unique assets in seeking out the truth about what really happened that night in Gainesville.

Says Corben, “We had the idea to do the film before we saw the video footage the guys had taken, because while there was a lot of reporting of day-to-day events in the local media, no one had done a full-fledged investigation. And since we were suddenly having heated talks with our friends about the incident – about consent, alcohol abuse, and personal responsibility – we thought a movie could spark similar talks everywhere.”

In addition, says Spellman, “We took the subject matter very seriously, and felt that if anyone could bring a level of trust to the table it was us. We felt that we were uniquely qualified to tackle the material.”

After obtaining the Delta Chi videotapes from the State Attorney’s office in Gainesville, Corben and Spellman decided to put their lives on temporary hold and commit themselves to making a feature-length film. Spellman, a senior at Florida International University, and Corben, a senior at the University of Miami, were both about 18 credits and a semester away from graduation when they took leaves of absence from their

schools in January of 2000. In April, they rented a small apartment on the edge of Gainesville.

Although they had never attempted to make a nonfiction film before, they came up with a strategy for pursuing interview subjects who, they imagined, would be reluctant to talk on camera about a case that had torn their lives apart and continued to send aftershocks through the community.

“Our plan was to try to get people on the periphery of the case on camera first. As when solving a jigsaw puzzle, it is always easiest to start with the edges,” Spellman explains. “We figured if we could get a few easy interviews in the beginning we could create a sense of momentum. We thought if we could show that we were making the film no matter what, no one person’s refusal to be interviewed could put the entire project in jeopardy.”

Corben adds, “We also knew that this was essentially a case of one person’s version of events versus another. If we had one side speaking on camera, chances are we would get the other.”

Although it looked good on paper, the plan backfired almost immediately!

Spellman and Corben first approached the Gainesville chapter of the Campus National Organization for Women, whose members had been staging noisy protests outside the State Attorney’s office on behalf of Lisa Gier King once a week for months on end. But in the wake of the Florida courts failure to prosecute King’s case, Campus NOW had taken a lot of flack from the community. Reluctant to expose themselves to more public scrutiny, Campus NOW representatives not only refused to be interviewed, they immediately warned King about the film and urged her to regard Spellman and Corben with suspicion.

“It was one case,” says Spellman, “when being two young guys probably worked against us.”

Says Corben, “Campus NOW had lost a big fight to keep the tapes from being made public, and they felt that we would be exploiting King using the tapes in a movie. We were disturbed that they seemed not to care that we were trying hard to tell both sides of the story, and that their important voice would be missing. We went to great lengths to try to get someone on camera; we even left messages for [NOW president] Patricia Ireland.”

Campus NOW ultimately sent a letter to Spellman / Corben Productions explaining that while the organization “disagreed” with their decision to use the Delta Chi tapes, they would cooperate with the filmmakers under certain conditions. Campus NOW officials would broker access to Lisa Gier King, make themselves available to be interviewed on camera and would share recordings, photos, petitions and other materials with the filmmakers in exchange for a cash fee and a percentage of the film’s future profits. In

addition, the officials demanded approval over the film's title and final cut. Spellman and Corben decided to make the film without Campus NOW's participation.

Corben and Spellman moved forward, scheduling and completing on-camera interviews with a number of key people connected to the case, including University Police Department spokesman Joe Sharkey, UPD Victim's Advocate Maggie Gerard, University of Florida Dean Julie Sina, Gainesville radio DJ Grant Stone, and UF Alligator reporter Corrine Simon. But when the filmmakers approached members of Delta Chi, they quickly learned that the organization could circle the wagons as quickly as Campus NOW.

"We asked friends of friends of some guys at Delta Chi to see if anyone would talk on camera," says Spellman. "The contact sparked an email Delta Chi UF President Avi Mizrahi to all of its members, warning everyone about us and urging them not to talk."

After several weeks of telephone negotiations with Mizrahi, he agreed to sit for a joint interview with brothers Jose Gonzalez and Aaron Bernstein. All had been present at the party.

As Spellman and Corben completed more interviews, they learned first hand what a small town Gainesville could be and how deeply life at the University influenced life in the town. "We stopped going out at night while we were in Gainesville," says Spellman. "We would run into interview subjects and it was sort of awkward. The more people we interviewed, the quicker word spread that we were making our film. We did not get the feeling that people in Gainesville were totally happy about the fact that the film was happening."

By this point Corben had begun a phone relationship with Lisa Gier King independent of Campus NOW. But King would not agree to sit for an interview until July. Says Corben, "When we went up to Gainesville we knew we might be in this for a long time. We knew that dealing with real people meant that we would have to be patient, that we would have to be very flexible as we went along. But we also knew that putting together the film would be like a chess game, where a move by one side would mean a move by the other."

Before King and Anthony Marzullo, Pledge Master for Delta Chi, both agreed to be interviewed for "Raw Deal," director Billy Corben was visited by a former classmate from the University of Miami who also worked for the *Miami Herald*. Her interview with Corben, conducted at the apartment in Gainesville while they looked at the Delta Chi tapes, ran in the June 2, 1999 edition of the paper, just as Corben was negotiating with King and Marzullo for access. According to Spellman, "The article helped us. The fact that the film was discussed in the paper made us appear more legitimate."

After another month of phone conversations, Lisa Gier King agreed to sit for an interview.

Marzullo, who was put on alumni status – in layman’s terms thrown out – by Delta Chi and was no longer subject to their rules, agreed to sit for an interview a few days after the filmmakers completed their interview with King.

Corben and Spellman continued to pursue Michael Yahraus, with mixed results. The filmmakers had two or three phone conversations with him, and he left two or three messages on their answering machine at odd hours. Yahraus ultimately did not make himself available.

Throughout the filmmaking process, Spellman and Corben’s impressions of the individuals involved with the case shifted constantly, especially as they came face to face with the people they knew only from a dark, grainy videotape. They found Anthony Marzullo to be articulate, bright and credible, whose very wry, “shock jock” sense of sense of humor may have been his downfall as he was fooling around with a video camera.

The filmmakers were doubly surprised by their interview with Lisa Gier King. “The woman we talked to was nothing like the woman we saw on the tape,” Spellman says. “She was forthcoming and candid, but she was also very strong and not afraid to share her anger. We admit that after the interview our impression of King changed. We realized that something must have gone terribly wrong that night.”

Indeed, the filmmakers’ opinions about the events of February 26, 1999 changed all the time, with each new interview or bit of research adding new perspective. During the editing process, as they cut over 60 hours of interview footage against the Delta Chi tapes, they discovered that they could create great drama by juxtaposing arguments on either side of the case. But a consensus of opinion could be equally rewarding, especially when the consensus came from people on opposite sides of the argument. Such a moment occurs when Heather McCloud, former victim’s advocate for the State Attorney’s Office (who left in the wake of the Delta Chi case), and Anthony Marzullo’s attorney Tom Edwards, share their opinion of State Attorney Rod Smith.

After completing all of the interviews, Corben spent the late summer and early fall months in Tallahassee, at the apartment of editor Armando Sallas, where they put together the first cuts of the film. During the editing process, the filmmakers hung a sign in the cutting room that read:

#### WELCOME TO THE ARGUMENT

“The Argument” was constant, focused and deliberate. In order for the filmmakers to make sure that “Raw Deal” was a fair and balanced examination of what at the time was one of the most controversial cases Florida had ever seen, director Corben, producer Spellman, editor Salas and associate producer David Cypkin engaged in hundreds of arguments. They argued over cuts, over screen time, over what to assertions and accusations to include in the film, what to leave out. They would argue from King’s

perspective, and would then switch sides and argued from the fraternity brothers' side of the issue.

#### ABOUT THE FILMMAKERS

Miami natives Billy Corben and Alfred Spellman, both 22 years old, formed their first production company in March 1994 as high school sophomores. Over the next three years, the duo made three shorts and one feature-length movie. "Raw Deal" is the duo's first documentary.