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http://www.deathpenaltyinfo.org/

ALABAMA EXONERATES MAN WHO SPENT 30 YEARS ON DEATH ROW FOR A CRIME HE DID NOT COMMIT

Anthony Ray Hinton is 152nd Person Added to the Death Penalty Information Center's Innocence List; Sixth Person from Alabama

(Washington, D.C.) The Jefferson County, Alabama Circuit Court dismissed all charges against Anthony Ray Hinton at the request of the State on April 2nd, making Mr. Hinton the 152nd person exonerated from death row with evidence of his innocence since 1973. Today, Mr. Hinton was freed from prison and his name was added to the Death Penalty Information Center's (DPIC) Innocence List at http://www.deathpenaltyinfo.org/innocence-list-those-freed-death-row

"Cases like Anthony Ray Hinton's give the public pause about the death penalty. As hard as we may try, humans will never be perfect and there will be mistakes," said Robert Dunham, Executive Director of the Death Penalty Information Center. "And from the outset, this case exhibited many of the classic signs of innocence."

Among those signs, Dunham noted that that case involved false or erroneous "scientific" evidence, suspect eyewitness identification, the rejection of a truthful alibi, ineffective lawyering, and racial overtones. "Even after the faulty forensic testimony was exposed, the prosecution continued to seek death and even after counsel's deficiencies became clear, the state courts said the error was harmless," Dunham said. "Despite layers of state court review, we still came perilously close to executing an innocent man."

Mr. Hinton was convicted and sentenced to death for two 1985 capital murders at Alabama fast-food restaurants based solely on the State's assertion that a gun in his mother's house was the gun used in both murders and a third crime for which he was not charged.

Mr. Hinton was 29 years old at the time of the crimes, had no history of violent crime, and always maintained his innocence. A polygraph administered by the police exonerated him, but the judge at his trial refused to admit it. The prosecutor who tried Mr. Hinton had a documented history of racial bias and said he could tell Mr. Hinton was guilty and "evil" solely from his appearance, according to the Equal Justice Initiative, which won Mr. Hinton's freedom today. (For more background, please see http://www.eji.org/deathpenalty/innocence/hinton.)

Mr. Hinton's trial lawyer did not know the law and mistakenly believed that he could not get enough money to hire a qualified firearms expert. Instead, Mr. Hinton's lawyer hired a visually impaired civil engineer with no expertise in firearms

identification who acknowledged that he could not operate the machinery needed to examine the evidence. Last year, the U.S. Supreme Court unanimously held that Mr. Hinton had been provided substandard representation and returned his case to the state courts for further proceedings.

Twelve years ago, the State's evidence of a match between the bullets and the gun was discredited by three highly qualified firearms examiners, including the former chief of the FBI's firearm and toolmarks unit, who testified in 2002 that the bullets from the three crimes did not match a single gun and did not match Mr. Hinton's mother's gun.

Mr. Hinton had a powerful alibi for the night of one of the three crimes. He was working in a secure warehouse 15 miles from the fast-food restaurant that was robbed. Mr. Hinton's supervisor and other employees confirmed his presence at the warehouse at the time of the crime. After Mr. Hinton's arrest, similar robberies of fast-food restaurants continued in Birmingham.

Mr. Hinton is the second person exonerated and freed from death row this year because of evidence of innocence. He is the sixth person added to DPIC's Innocence List from Alabama. Last month, Debra Milke was exonerated after being wrongfully convicted of hiring two men to kill her four year old son and spending 23 years on Arizona's death row. In 2014, seven men who had been sentenced to death in four states were exonerated. Their exonerations came an average of 30 years after the murders for which they were wrongfully convicted.

For inclusion on DPIC's Innocence List, defendants must have been convicted, sentenced to death and subsequently either: (a) been acquitted of all charges related to the crime that placed them on death row, or (b) had all charges related to the crime that placed them on death row dismissed by the prosecution, or (c) been granted a complete pardon based on evidence of innocence.

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The Death Penalty Information Center (www.deathpenaltyinfo.org) is a non-profit organization serving the media and the public with analysis and information on issues concerning capital punishment. DPIC was founded in 1990 and prepares in-depth reports, issues press releases, conducts briefings for the media, and serves as a resource to those working on this issue.