

For Immediate Release
Thursday, April 2, 2015

Contact: Bryan Stevenson, 334-269-1803; bstevenson@eji.org
Laura Burstein, 202-626-6868 (o); 202-669-3411 (c); Laura.Burstein@squirepb.com
Case Information: <http://www.eji.org/deathpenalty/innocence/hinton>

Equal Justice Initiative Wins Release of Anthony Ray Hinton

Hinton Spent 30 Years on Death Row for a Crime He Did Not Commit

(Birmingham, AL; April 2, 2015) Anthony Ray Hinton, one of the longest serving death row prisoners in Alabama history and among the longest serving condemned prisoners to be freed after presenting evidence of innocence, will be released tomorrow after Jefferson County Circuit Court Judge Laura Petro granted the State's motion to dismiss the charges against him.

Thirty years ago, Mr. Hinton was arrested and charged with two capital murders based solely on the assertion that a revolver taken from his mother's home was the gun used in both murders and in a third uncharged crime. EJI attorneys engaged three of the nation's top firearms examiners who testified in 2002 that the revolver could not be matched to crime evidence. State prosecutors never questioned the new findings but nonetheless refused to re-examine the case or concede error. After another 12 years of litigation, the United States Supreme Court reversed lower court rulings in 2014, and Judge Petro granted him a new trial. She entered an Order of Nolle Prosequi today after the State informed the court that forensic scientists with the Alabama Department of Forensic Sciences have tested the evidence and confirmed the prior testing which revealed the crime bullets cannot be matched to the Hinton weapon.

After 30 years in custody for crimes he did not commit, Mr. Hinton's release is bittersweet. "We are thrilled that Mr. Hinton will finally be released because he has unnecessarily spent years on Alabama's death row when evidence of his innocence was clearly presented," said his lead attorney, Bryan Stevenson. "The refusal of state prosecutors to re-examine this case despite persuasive and reliable evidence of innocence is disappointing and troubling."

In 1985, two Birmingham area fast-food restaurants were robbed and the managers, John Davidson and Thomas Wayne Vason, were fatally shot. There were no eyewitnesses or fingerprint evidence; police had no suspects and pressure to solve the murders grew as similar crimes continued. On July 25, 1985, a restaurant in Bessemer was robbed and the manager was shot but not seriously wounded. Anthony Hinton was arrested after the manager identified him from a photo lineup, even though he was working in a locked warehouse fifteen miles away at the time of the crime. Police seized an old revolver belonging to Mr. Hinton's mother, and state firearm examiners said that was the gun used in all three crimes. The prosecutor—who had a documented history of racial bias and said he could tell Mr. Hinton was guilty and "evil" solely from his appearance—told the court that its experts' asserted match between Mrs. Hinton's gun and the bullets from all three crimes was the only evidence linking Mr. Hinton to the Davidson and Vason murders.

Anthony Hinton, 29 years old with no history of violent crime, steadfastly maintained his innocence. A polygraph test given by police exonerated him, but the judge (now-retired Circuit Judge James Garrett) refused to admit it at trial. Mr. Hinton was appointed a lawyer who mistakenly thought he could not get enough money to hire a qualified firearms examiner. Instead, he retained a visually-impaired civil engineer with no expertise in firearms identification who admitted he could not operate the machinery necessary to examine the evidence. With no credible expert to challenge the State's assertion of a match, Mr. Hinton was convicted and sentenced to death. Last year, the United States Supreme Court unanimously overturned his conviction based on his attorney's deficient representation, and Judge Petro ordered a new trial.

The State's evidence of a match was wholly 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 all three crimes could not be matched to a single gun at all, much less to Mrs. Hinton's gun, and found that her gun could not have fired the bullets from the third uncharged robbery. For more than fifteen years, attorneys with the Equal Justice Initiative repeatedly have asked state officials to re-examine the evidence in this case, but former Jefferson County District Attorney David Barber, and Attorneys General from Troy King to Luther Strange, all failed to do so.

"Race, poverty, inadequate legal assistance, and prosecutorial indifference to innocence conspired to create a textbook example of injustice," Mr. Stevenson said. "I can't think of a case that more urgently dramatizes the need for reform than what has happened to Anthony Ray Hinton."

Bryan Stevenson is lead counsel for Anthony Ray Hinton and the Executive Director of the Equal Justice Initiative.

The Equal Justice Initiative is a private, nonprofit organization that provides legal representation to indigent defendants and prisoners who have been denied fair and just treatment in the legal system and examines the history of racial injustice in America.

Additional information about the Anthony Ray Hinton case can be accessed here: <http://www.eji.org/deathpenalty/innocence/hinton>.

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