

**Statement from Attorneys for Hank Skinner in Response to
State District Court's Ruling**

“We are deeply disappointed by the district court’s ruling and will appeal, urging the courts to carefully consider all the evidence of Mr. Skinner’s innocence.

‘At the DNA hearing in February, the State failed to present any dramatic new evidence confirming Mr. Skinner’s guilt. The opposite is true: the testimony confirmed DNA from an unknown person, along with Twila Busby’s blood, on a dishtowel that had been secreted in a plastic garbage bag at the crime scene. In addition, the DNA test results were at odds with the State’s theory of the crime. If Mr. Skinner stabbed Randy Busby in the manner claimed by the State, Mr. Skinner’s blood should have been on the blanket of Randy’s bed. It wasn’t. If Mr. Skinner’s hands were covered with the victims’ blood when he staggered out of the house, their blood should have been mixed with his on the doorknobs he touched. It wasn’t. Finally, Mr. Skinner’s DNA on the common kitchen knife used in the crimes could have come from his having innocently used it as a resident of the house and being cut with it by the assailant.

‘Moreover, the DNA testing produced significant and exculpatory results that raise grave doubts about Mr. Skinner’s guilt and point to a credible alternate suspect. The State’s expert analyst did not retreat from his conclusion that three of the four hairs found in Twila Busby’s hand – hairs with DNA consistent with a maternal relative of the victims – were ‘visually dissimilar’ to the victims’ own hair. Indeed, he confirmed that the differences were so obvious that he could see them without using a microscope. This result supports the conclusion that a maternal relative of the victims committed the crimes, not Mr. Skinner. Robert Donnell, who is Ms. Busby’s maternal uncle, stalked Ms. Busby at a party shortly before her death, and the State presented no compelling evidence linking these hairs to any other maternal relative. In fact, Ms. Busby’s mother stated under oath before Mr. Skinner’s trial that she had not been inside the house in the preceding four months.

‘Where is the sweat-stained, blood-spattered men's windbreaker jacket found next to Ms. Busby’s body and collected as evidence by the police? The State claims to have lost this major piece of evidence, which could corroborate the hair evidence pointing to Donnell. From the earliest days of his fight for DNA testing, Mr. Skinner insisted that the jacket should be tested because it may have been worn by the assailant. But the State’s failure to safeguard this evidence has made that impossible.

‘At the DNA hearing, Mr. Skinner sought to present testimony from a witness who can positively identify the jacket as Mr. Donnell’s, and to have his DNA expert explain how testing could have confirmed Mr. Donnell’s DNA on the jacket. The State fought to keep this evidence out of the record, and the court agreed with the State and excluded it. We respectfully disagreed with this decision. In our view, this evidence is at the center of the case. It shows why a jury that heard all the evidence, including DNA results, would have harbored a reasonable doubt about Mr. Skinner’s guilt.

‘Excluding evidence about the jacket added to the overall unfairness of this process, in which Mr. Skinner was wrongfully forced to wait 13 years before obtaining DNA testing. In the meantime, through bungling by the State, potentially exculpatory evidence was being mishandled, damaged, contaminated, degraded, and lost.

‘The doubts about Hank Skinner’s guilt are far too great to allow his execution to proceed, particularly where the State’s utter failure to preserve key pieces of evidence may make it impossible to resolve those questions conclusively.’”

Judge Emmert's order can be accessed here:

<https://drive.google.com/file/d/0BxR5nee8pBYQR1dfN0d3OEZST0RkQ11ZMGlyNF9PcXpkaFdz/edit?usp=sharing>

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