

# Anthony Ray Hinton

## *Human Rights Violation in Alabama*

December 2007

Anthony Ray Hinton is an innocent man who has been condemned on Alabama's death row for 21 years. His case illustrates the gross injustice often found in the administration of criminal justice and the tragic unreliability of capital punishment in America.

Mr. Hinton was arrested in 1985 and charged with two separate shooting murders that occurred during robberies at two fast food restaurants near Birmingham, Alabama. There were no eyewitnesses to either crime, and the fingerprints lifted from each crime scene did not match Mr. Hinton. The State conceded at trial that the cases against Mr. Hinton were entirely circumstantial.

The only evidence linking Mr. Hinton to the murders stemmed from a third shooting at a fast food restaurant in Bessemer. The victim in the third shooting did not die and misidentified Mr. Hinton as the assailant. Although Mr. Hinton was never charged with this crime, state lab technicians stated that bullets recovered from all three crimes were fired from the same weapon and matched a weapon recovered from Mr. Hinton's mother. Based on this gun evidence, the state charged Mr. Hinton with the two murders even though there was no other evidence linking Mr. Hinton to the crimes.

At the time of his arrest, Mr. Hinton was twenty-nine. He did maintenance work as a temporary employee and had no history of



violent crime. He begged police and prosecutors to re-examine their evidence because he was completely innocent. At the time of the third shooting, Mr.

Hinton was working in a locked warehouse 15 miles from the crime scene. His supervisor and other employees confirmed his innocence but he was still prosecuted for capital murder. Police subjected Mr. Hinton to a polygraph test which confirmed his innocence but the judge refused to admit the test results at trial.

Alabama has no statewide public defender system. Mr. Hinton, who is poor, received court-appointed counsel whose compensation for preparing a defense was capped at \$1000 by Alabama law. The lawyer did not obtain adequate funds to hire a competent expert to challenge the state's faulty gun evidence or develop evidence to prove Mr. Hinton's innocence. Mr. Hinton was convicted and given two death sentences which Alabama appellate courts affirmed on appeal.

Alabama is the only state in the country that provides no legal assistance to death row prisoners after their convictions are affirmed. Consequently, Mr. Hinton desperately tried to find volunteer legal assistance to prove his innocence.

In 1999, the Equal Justice

Initiative took on Mr. Hinton's case. In June of 2002, a hearing was held where three of the country's top gun experts examined the state's evidence and concluded that the crime bullets could not be matched to the weapon recovered from Mr. Hinton's mother and that the state had erred in making that claim.

Evidence presented at the hearing also revealed that the State not only withheld information that would have helped prove Mr. Hinton's innocence, it pressured witnesses to give false statements implicating Mr. Hinton.

The trial court did not rule on the evidence of Mr. Hinton's innocence for 2½ years and then signed an order prepared by the State denying relief to Mr. Hinton, in part because the evidence of innocence presented was "too late." In April of 2006, the Court of Criminal Appeals upheld Mr. Hinton's conviction in a 3-2 split decision over strong dissent. EJI has appealed the ruling and is currently seeking relief from the Alabama Supreme Court.

The State of Alabama has been asked repeatedly by EJI to re-examine their evidence against Mr. Hinton and they have steadfastly refused. As a

result, Mr. Hinton remains condemned on Alabama's death row despite all of the un rebutted evidence of his innocence.

There have been several innocent people who have been wrongly convicted and sentenced to death in Alabama. Walter McMillian, Randall Padgett, Gary Drinkard, Louis Griffin, James Cochran and Leslie Quick were all found not guilty of crimes that put them on death row.

The astounding error rate in capital punishment is a serious indictment against the death penalty and requires all concerned citizens to seriously consider supporting an end to state executions. Nearly 130 death row prisoners have been exonerated and released after being found innocent in the United States.

EJI is committed to securing relief for Mr. Hinton and to challenging the unreliable and unjust administration of capital punishment in the State of Alabama. If you have questions or concerns about this case or other death penalty related issues, please feel free to contact the Equal Justice Initiative. You may also correspond with Mr. Hinton by contacting EJI.

For more information about Mr. Hinton's case or EJI, visit our website at [www.eji.org](http://www.eji.org) or contact us at:  
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