



Benjamin N. Cardozo School of Law, Yeshiva University

10 Years After Chad Heins Was Wrongly Convicted of Murder, Florida Judge Vacates Conviction, Citing New DNA Evidence

Judge throws out conviction and sentence, and sets hearing for Tuesday in Jacksonville; Innocence Project hopeful indictment will be dismissed

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(JACKSONVILLE, FL; December 14, 2006) – Based on DNA evidence showing that another man committed the murder for which Chad Heins was convicted in 1996, a state judge in Florida has vacated his conviction and set a hearing for Tuesday morning in the case, the Innocence Project said today. While the ruling grants Heins a new trial, the Innocence Project said the DNA evidence exceeds the legal standard for dismissing the indictment entirely.

Ten years ago, Heins was convicted of murdering his sister-in-law, Tina Heins, in Mayport, Florida. In 2003, Chad Heins enlisted the help of the Innocence Project (which is affiliated with Benjamin N. Cardozo School of Law at Yeshiva University) to secure DNA testing that could prove he did not commit the murder. Although the state opposed DNA testing, multiple pieces of evidence were finally tested, and provide compelling new evidence that an unknown male murdered Tina Heins. The Innocence Project, along with pro bono co-counsel Holland & Knight LLP in Jacksonville, argue that Heins's conviction should be vacated and the indictment against him should be dismissed – just as it has been for 188 other people nationwide when DNA testing similarly showed that they were wrongly convicted.

“We have powerful scientific evidence that Chad Heins is innocent, which the judge recognized in vacating his conviction,” said Nina Morrison, staff attorney at the Innocence Project. “Under Florida law, even if the state put Chad on trial again for this murder and a jury somehow convicted him, the trial judge would have to set that verdict aside because the state has no explanation for how Chad could have possibly committed this murder given the strength of the DNA evidence.”

Innocence Project Co-Director Barry Scheck spoke with State Attorney Harry Shorstein this afternoon and said it will take several weeks for Shorstein to decide whether to attempt to retry Heins in the case or seek to dismiss the indictment.

“Harry Shorstein is a thoughtful, responsible prosecutor, and he’s thinking carefully about what to do next in this case. He’s giving it the serious consideration it deserves,” Scheck said.

“Obviously, we are very pleased with this ruling, and we’re hopeful that Chad Heins will soon be free, but we know that this process may take some time.”



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In the early-morning hours of April 17, 1994, someone entered the Mayport, Florida, apartment Tina Heins shared with her husband, Jeremy, and his brother, Chad, and stabbed Tina 27 times. Trial testimony indicated that Jeremy, who was in the Navy, was on board his ship that night. Chad, having moved to Jacksonville at Jeremy's request, and working two jobs so that his own fiancée in Wisconsin could eventually join him in Jacksonville, slept on the living room sofa. Later that morning, police officers interrogated Chad for nearly seven hours. With the exception of one small variation (the 19-year-old with an I.Q. of 78 tried to conceal the fact that he'd used a fake I.D. to drink in a bar), Chad gave the same, unwavering account he'd given at the scene, the same one he would give over and over for the next several years: *He drank 4 to 5 large beers on an empty stomach before driving home and passing out on the sofa a little after 12:30 a.m. He heard Tina arrive home from her job at about 2:30 a.m. but didn't get up himself. He passed out again and didn't wake up until about 5:45 a.m., when he discovered and put out three small fires in the living room and kitchen. One of the fires was actually smoldering on the sofa where he slept. After disarming the smoke detector alarm, he went into the bathroom and bathed a burn wound on his leg. He then went into Tina's bedroom to check on her and found her body on the bloody bed. He ran to the phone and placed a frantic call to 911, then left the apartment to rouse neighbors for assistance.*

An officer at the scene saw no blood on Chad's clothes, and other than a blister on his thumb and the burn wound on his leg, he had no scratches, scrapes or wounds on his body – in fact, he had not one injury consistent with engaging in a close-range, violent homicide. Police found no bloody, wet or recently laundered clothes. No murder weapon was ever found. Despite this lack of evidence, on April 27, 1994, Chad Heins was indicted for Tina's murder and the state announced it would seek the death penalty.

The investigation had uncovered three unidentified hairs on Tina's body – two pubic hairs and one body hair. DNA tests on these hairs proved that none of them came from Chad. Two came from an unknown source, and the third contained a mix of DNA profiles from Tina and the unknown source. In fact, there was no biological trace of Chad's presence anywhere in Tina's bedroom, including on her body or on the bed sheets. Neither Chad's body nor clothing carried any evidence, even microscopic, of having committed this crime. The state's only "evidence" was Chad's presence in the apartment. The state sought to bolster its case through the testimony of two jailhouse snitches, who claimed Chad admitted to the crime. Their claims have been directly contradicted under oath by a third inmate whom the snitches claimed was present during the conversations.

On December 20, 1996, Chad Heins was convicted of first-degree murder and attempted sexual battery. At the sentencing phase of the trial, however, the jury did not impose the death penalty. On September 17, 2001, Chad wrote the Innocence Project in New York, which, in 2003, enlisted pro bono counsel from Holland & Knight to file a motion for DNA testing on Tina's fingernail scrapings. The state, knowing that the murderer's DNA could well be under Tina's fingernails given her desperate fight for life, had requested this testing during the original investigation, but FDLE, using the science of that time, had found the material insufficient for



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productive testing. The state objected to testing after Chad was convicted, but the court granted the motion.

In June 2004, DNA test results showed that male DNA under Tina's fingernails on both of her hands did not come from Chad Heins or Jeremy Heins – meaning that an unknown male was the source. The state argued that those results were insufficient to vacate the conviction. In July 2004, Heins's attorneys asked the state to conduct further testing, to compare the fingernail DNA to the hairs on Tina's body that had been tested in 1996. In 2005, FDLE confirmed that the profile from the pubic hair was consistent with the DNA from under Tina's nails. Chad's attorneys discovered additional critical evidence in 2004 that was never heard by the jury – a fingerprint from someone other than Chad, Tina, or Jeremy Heins on the faucet of the blood-stained sink in the Heins' bathroom.

During Chad Heins' trial, Assistant State Attorneys Angela Corey and Stephen Bledsoe speculated that the unknown pubic hair came from the previous owner of Tina and Jeremy's mattress (which they purchased four months before the murder). The fact that the DNA from under Tina's fingernails in both hands matches the DNA from the unknown hair, however, contradicts the state's prior explanation.

In court papers, the state has not offered a theory as to who – other than Tina Heins' killer – could have deposited these items of DNA evidence at the crime scene. Heins's attorneys have argued that this fact alone would preclude convicting Heins.

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Additional Resources:

- [Judge's order vacating Chad Heins's sentence, dated 12/13/06](#)
- [More information on how the use of jailhouse snitches leads to wrongful convictions](#)

The following six Florida men have been exonerated with DNA evidence in recent years:

- [Luis Diaz](#)
- [Alan Crotzer](#)
- [Frank Lee Smith](#)
- [Wilton Dedge](#)
- [Jerry Frank Townsend](#)
- [Orlando Boquete](#)