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December 3, 2007

By Facsimile and Overnight Mail

The Honorable Bob Riley
Governor of the State of Alabama
State Capitol
600 Dexter Avenue
Montgomery, AL 36130

Re: Thomas Arthur, Set to Be Executed December 6, 2007

Dear Governor Riley:

On November 5, 2007, in response to a request from your Policy Director Bryan Taylor for guidance on how the Governor's office should address requests for post-conviction DNA testing in capital cases, even where the courts have declined to do so, we sent Mr. Taylor a letter (enclosed here) outlining general guidelines to apply to such requests. We also specifically applied the guidelines to Mr. Arthur's case and provided our assessment that Mr. Arthur's request to the Governor's office for DNA testing should be granted because of the clear way in which DNA testing could provide compelling evidence of Mr. Arthur's innocence. We are now days away from Mr. Arthur's scheduled execution, and we have received no response to our letter or to calls we made to Mr. Taylor's office seeking to follow up on the letter.

We are deeply disappointed by the manner in which the Governor's office has handled Mr. Arthur's request for testing thus far and do not understand the reason for its failure to take action. Your office long ago stated that you did not want to order testing that would delay the execution, yet had your office ordered testing when Mr. Arthur first requested your office to do so at the end of August or even after receiving our letter of November 5, we would already have the results. Thus your decision not to order testing had absolutely nothing to do with not wanting to delay the execution. Had you authorized testing, those results could have provided evidence of Mr. Arthur's innocence and even identified the true killer, or alternatively confirmed Mr. Arthur's guilt and put to



rest any lingering doubts about who killed Troy Wicker, without any delay to the execution.

The time for inaction is now at an end, and the Governor's office has only a few days remaining. We urge your office to issue a stay immediately and implement the DNA testing we recommended. If your office fails to do so, there is much to lose. Allowing an execution to go forward without first conducting DNA testing that could scientifically confirm or refute guilt not only risks putting to death an innocent man, but also does irreversible damage to the public's confidence in the state's criminal justice system and its elected officials.

Sincerely,

Peter Neufeld
Olga Akselrod