



Benjamin N. Cardozo School of Law, Yeshiva University

Six Men Sentenced To Die – but Later Exonerated by DNA – Urge Gov. Riley to Order DNA Testing for Thomas Arthur

**‘If we had never been granted DNA testing, we might not be alive today,’
exonerated former death row inmates tell Riley**

(MONTGOMERY, AL; December 20, 2007) – Six men who were wrongfully convicted of brutal murders, sentenced to die, and sent to death row – only to be exonerated years later through DNA testing – today urged Alabama Governor Bob Riley to immediately order DNA testing for Thomas Arthur, whose execution was delayed by the U.S. Supreme Court earlier this month.

Arthur maintains his innocence, and DNA testing on evidence from the crime scene could show whether he is guilty or innocent. The Innocence Project has been requesting DNA testing in the case since August, but Riley has refused. Hours before Arthur was set to be executed earlier this month, the U.S. Supreme Court issued a stay in the case until constitutional questions about lethal injection are resolved. Noting that DNA testing can be completed in less than a month, the Innocence Project has again asked Riley to order testing in the case (while the execution is stayed).

In a letter sent to Riley this morning, six men who were sentenced to die and later exonerated through DNA testing asked Riley to order DNA testing in Arthur’s case immediately. “In each of our cases, juries heard evidence they believed was overwhelming and proved our guilt beyond doubt. Prosecutors, judges or governors rejected our initial pleas for DNA testing,” the letter says. “Each of us sat on death row, wondering whether the truth would come out before we were executed. And each of us was spared when the irrefutable science of DNA proved that we were innocent.”

The letter to Riley marks the first time that several people who were exonerated through DNA after serving time on death row have directly asked a governor to order DNA testing in a case, the Innocence Project said. Since the Innocence Project launched a web-based letter-writing campaign earlier this month, 1,200 people in Alabama and across the country have written to Riley urging him to order testing in Arthur’s case. [Send you own email to Riley today.](#)

The exonerated former death row inmates who signed the letter to Riley include Earl Washington of Virginia, who came within nine days of being executed in Virginia; DNA proved his innocence in 2000. Ryan Matthews, who was just 17 years old when he was sentenced to die in Louisiana, also signed the letter to Riley; he served five years on death row until he was exonerated through DNA testing in 2004.



Benjamin N. Cardozo School of Law, Yeshiva University

Following is the text of the letter sent to Riley this morning:

December 20, 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

Dear Governor Riley:

Over the last several days, you have heard from hundreds of people in Alabama and across the nation asking you to order DNA testing for Thomas Arthur, who is on death row in Alabama. We write to you today because we were all convicted and sentenced to die for crimes we did not commit, only to be exonerated years later through DNA testing.

In each of our cases, juries heard evidence they believed was overwhelming and proved our guilt beyond doubt. Prosecutors, judges or governors rejected our initial pleas for DNA testing. Each of us sat on death row, wondering whether the truth would come out before we were executed. And each of us was spared when the irrefutable science of DNA proved that we were innocent.

We do not know whether Tommy Arthur is guilty or innocent. None of us has met him, nor have we reviewed all of the briefs in his case. We do know it's entirely possible that DNA testing could provide compelling proof of his guilt or innocence – and we know, based on our own experience, that when science can reveal the truth, DNA testing must be conducted.

If we had never been granted DNA testing, we might not be alive today. Few people have been in Mr. Arthur's position, but we have – and that's why we're appealing to you to order DNA testing in this case. His execution has been delayed by the U.S. Supreme Court for other reasons, leaving plenty of time for DNA testing to be completed if you order it now.

Any of us would welcome the opportunity to talk with you or your staff about our cases – and about the DNA testing that proved our innocence and kept the state from carrying out an irreversible miscarriage of justice. You or your staff can contact the Innocence Project attorneys who have been in touch with you about Mr. Arthur's case to arrange a discussion with any of us.



Benjamin N. Cardozo School of Law, Yeshiva University

Sincerely,

Rolando Cruz

Exonerated through DNA testing in 1995 – a decade after being sentenced to death in Illinois

Charles Irvin Fain

Exonerated through DNA testing in 2001 – more than 17 years after being sentenced to death in Idaho

Ray Krone

Exonerated through DNA testing in 2002 – a decade after being sentenced to death in Arizona

Ryan Matthews

Exonerated through DNA testing in 2004 – five years after being sentenced to death in Louisiana

Curtis McCarty

Exonerated through DNA testing in 2007 – 21 years after being sentenced to death in Oklahoma

Earl Washington

Exonerated through DNA testing in 2000 – 17 years after being sentenced to death in Virginia

Background on what DNA testing in Thomas Arthur's case could determine

The Innocence Project, which does not represent Arthur and does not have a position on his guilt or innocence, has said for several months that DNA testing in the case could show whether the initial story from the victim's wife was, in fact, accurate. (She initially claimed a stranger – someone other than Arthur – broke into their home, raped her and killed her husband. Police suspected she was lying, and she was charged and convicted in her murder. She then changed her story and testified against Arthur in order to be released from prison earlier.) Several pieces of evidence – the victim's wife's blood-stained clothing, a rape kit collected from her after the crime, and hairs in the victim's wife's car – could be subjected to DNA testing. The testing could show that her testimony against Arthur was false; hers was the only testimony linking him to the crime. For example, it's possible that the testing could show that her original story was true and that she was raped, and the DNA profile from evidence in the rape could be entered in the federal DNA database and yield a hit to a man matching her initial description of the intruder at the couple's home.