



Project represents over 220 individuals seeking post-conviction DNA testing, or relief from their convictions based on DNA test results, in dozens of states.<sup>1</sup>

As perhaps the nation's leading authority on DNA evidence and wrongful convictions, the Project and its founders, Barry Scheck and Peter Neufeld (both of whom are members of New York State's Commission on Forensic Science, charged with regulating all state and local crime laboratories) are regularly consulted by officials at the state, local and federal level. Indeed, the Project was asked by the legal advisor to Governor Bob Riley to provide guidelines for post-conviction DNA testing in Alabama. Alabama is one of the few states in this country that do not provide any statutory right to post-conviction DNA testing.<sup>2</sup>

The Project knows firsthand the power of DNA testing and its ability to demonstrate unequivocally guilt or innocence. The Project's work has given *amicus* a

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<sup>1</sup> The Project does not represent Thomas Arthur and takes no position on his guilt or innocence.

<sup>2</sup> Alabama is also the only state in the country without a state-funded program to provide legal assistance to indigent death row prisoners during state post-conviction proceedings.

particularly strong interest in advocating the benefits of hard science to avoid miscarriages of justice.

REASONS WHY THIS AMICUS BRIEF IS DESIRABLE

DNA testing has been a major factor in changing the criminal justice system. It has provided scientific proof that our system convicts and sentences innocent people -- and that wrongful convictions are not isolated or rare events. Most importantly, DNA testing has opened a window into wrongful convictions so that we may study the causes and propose remedies that may minimize the chances that more innocent people are convicted. DNA testing, though often decisive, can be difficult for people with non-technical backgrounds to understand, especially in cases, where, as here, the parties dispute the value of DNA in determining guilt or innocence. Furthermore, in this case, a critical piece of evidence, namely the rape kit collected from Judy Wicker, is apparently missing. The Project has vast experience in locating DNA evidence that was assumed missing and can advise this Court and the State on the appropriate steps to take to find the rape kit, or at least determine when and why it was destroyed.

The Project, with its *amicus* brief, can provide this Court with: (1) an explanation of the mechanics of DNA testing and a discussion of how DNA testing can be helpful in resolving the factual issues surrounding Thomas Arthur's conviction; (2) examples of similarly situated individuals who were granted relief based on exculpatory DNA results; and (3) advice on appropriate steps to take to ascertain the whereabouts of the rape kit.

CONCLUSION

For the foregoing reasons, the Court should GRANT the Project's Motion for Leave to File an *Amicus Curiae* Brief in the above-captioned matter.

August 20, 2008

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of August, 2008,  
I caused to be served by United States Mail, first class,  
postage prepared, a copy of attached Motion for Leave to  
File a Brief of *Amicus Curiae* on:

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