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Ex-Death Row inmates back Arthur's quest for DNA testing

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Six men sentenced to death and then exonerated by modern DNA testing asked Gov. Bob Riley on Thursday to order testing of evidence in the case of Alabama Death Row inmate Thomas Arthur.

The men, one of whom was nine days from execution when DNA testing proved his innocence, said Riley should take advantage of an unrelated court delay to order the tests.

"Prosecutors, judges or governors rejected our initial pleas for DNA testing," the men said in a letter. "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."

A spokeswoman for Riley said the governor had not yet received the letter, orchestrated by the advocacy group The Innocence Project. Riley in the past has refused requests to order DNA testing.

Arthur was scheduled to be executed Dec. 6 for the 1982 murder-for-hire killing of Troy Wicker Jr. of Muscle Shoals. His execution was stayed by the U.S. Supreme Court, which ordered it delayed until the court rules in a Kentucky case challenging the constitutionality of lethal injection. The high court's decision to hear the Kentucky case, *Baze v. Rees*, has effectively halted executions nationwide.

Eric Ferrero, spokesman for the Innocence Project, said modern DNA testing could exonerate Arthur, who has always maintained his innocence. Advocates have championed Arthur's case because of irregularities in each of his three trials, including witnesses for the prosecution later claiming that they had been pressured to lie on the stand.

DNA testing would take about a month, Ferrero said. Arthur's execution date cannot be set until after the Supreme Court rules in the Kentucky case which it won't hear until at least this spring.

The former Death Row inmates who signed the letter to Riley:

Rolando Cruz, exonerated in 1995, 10 years after being sentenced to death in Illinois.

Charles Irvin Fain, exonerated in 2001 after 17 years on Death Row in Idaho.

Ray Krone, exonerated in 2002, a decade after being sentenced to death in Arizona.

Ryan Matthews, exonerated in 2004, five years after being sentenced to death in Louisiana.

Curtis McCarty, exonerated this year, 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.

Arthur, now 65, was convicted of killing Wicker, 35, who was shot through the right eye as he slept.

Wicker's wife, Judy, initially told police that a man had raped her and killed her husband. But she later recanted and said she paid Arthur, a work-release inmate with whom she was having an affair, to kill her spouse so she could collect \$90,000 in life insurance proceeds.