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Governor Riley Must Insist on Review of all DNA Evidence Before Alabama Executes Thomas Arthur, Says Amnesty International

WASHINGTON - September 11 - Alabama Governor Bob Riley should halt the planned September 27 execution of Thomas Arthur, a potentially innocent man who has not had a judicial hearing on evidence that could raise serious doubts about his guilt, Amnesty International said today. The organization is mobilizing its membership across the country and around the world to petition Governor Riley to ensure modern DNA testing is performed on evidence from the crime scene that has not yet been tested – before Thomas Arthur loses his life. Thomas Arthur was sentenced to death for the murder of Troy Wicker in 1982. Arthur has been on death row for much of the past quarter of a century. To this day, no physical evidence links him to the crime. Hair samples and fingerprints from the crime scene were tested and did not match Arthur's. Alabama has so far resisted Arthur's request for DNA testing on other materials connected to the murder.

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"Given the many unanswered questions in this case, it would be absurd for Alabama not to test all the DNA," said Larry Cox, executive director of Amnesty International USA (AIUSA). "When Alabama refuses to examine available evidence, it might as well say 'we don't care if we actually get it right.'"

Troy Wicker, 35, was found dead on February 1, 1982 in his home in Muscle Shoals, having been killed by a single shot through his eye. His wife Judy Wicker told police that she had come home to find an African American man in the house (not Thomas Arthur, who is white), that he had raped her, knocked her unconscious, and shot her husband. Judy Wicker was charged with the murder of her husband, allegedly to collect insurance, and was convicted and sentenced to life imprisonment. Thomas Arthur was charged with shooting Troy Wicker and was also tried in

1982. The state alleged that Judy Wicker hired Arthur to kill her husband. Arthur was sentenced to death -- twice -- but both times his conviction was overturned due to improper admission of evidence.

Judy Wicker testified that Thomas Arthur was the killer, directly contradicting her previous testimony that an African American man had killed her husband. Arthur was convicted and sentenced to death. He is seeking to have modern DNA testing conducted on various pieces of evidence, including Judy Wicker's bloodstained clothing, the rape evidence and hair samples. Arthur has also filed a suit challenging the constitutionality of Alabama's lethal injection procedure and contending that the state's lethal injection procedure constitutes cruel and unusual punishment

Thomas Arthur was convicted only on circumstantial evidence and the testimony of a woman who was helping her own parole bid -- yet Alabama is still resisting efforts to establish the truth," said Sue Gunawardena-Vaughn, Director of AIUSA's Program to Abolish the Death Penalty. "Serious evidence in capital cases should not go unexamined."

More than 120 wrongful convictions in capital cases in the United States have been uncovered since 1977; DNA testing has played a substantial role in more than a dozen of those cases.

To read Amnesty International's more extensive examination of the case, please see:

<http://web.amnesty.org/library/Index/ENGAMR511372007>