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A DNA test for Arthur

THE ISSUE Gov. Bob Riley should order DNA tests for Tommy Arthur, who is scheduled to be executed July 31.

Death Row inmate Tommy Arthur has been here before. Twice, he's had dates set with death. Both times, he came within a day of being executed. Both times, courts intervened.

The state of Alabama no doubt hopes the third time's the charm.

Arthur's new execution date is July 31. While it's possible courts will again provide Arthur a reprieve, it doesn't seem likely. Which makes it all the more imperative for Gov. Bob Riley to step up and do the right thing.

Riley has the power to block this, or any, execution. He has shown no willingness to do so. But he should at the very least order DNA testing in this case.

Make no mistake: Arthur is no Boy Scout. He was sentenced to death for the 1982 slaying of Troy Wicker. Admittedly, he had killed before. Admittedly, at the time of Wicker's death, Arthur was a work-release prisoner and involved romantically with the victim's wife, Judy. But he has steadfastly denied killing Troy Wicker. Since the advent of DNA exonerations, he has repeatedly sought testing of the evidence in his case, claiming it would clear him.

Could he be lying? Without question, yes. But if he were being tried today, the evidence would certainly undergo this now-standard scientific

screening.

Riley has nothing to lose and everything to gain in ordering the tests. Suppose the tests clear Arthur or raise doubts about his conviction. Better to find out before Arthur is executed. Even if DNA tests merely confirm his guilt, what has Riley lost?

Yet Riley has gone through a series of pitiful excuses not to order the tests. He has claimed at some points he didn't have the authority to do so. He has said at other times he shouldn't substitute his judgment for that of the courts. He even suggested once there was no evidence to test.

Riley's excuses don't hold up under scrutiny.

Judy Wicker originally claimed an intruder in her home raped her and killed her husband. A rape kit was collected, along with other evidence that could be and should be tested for DNA.

This scientific tool should be used in every old death penalty case where biological evidence exists. In the Arthur case, details of the case make DNA testing all the more sensible. Only after Judy Wicker was convicted of arranging to have her husband killed did she change her story and implicate Arthur, as part of a deal that won her an early release from prison. Even Troy Wicker's sister has said she supports DNA testing.

The tests could be conducted at no cost to the state, and probably without delaying Arthur's execution.

Riley should have ordered the tests long ago, when he was first asked to do so. But it's still not too late. It may be, though, on Aug. 1.

**---- Index References ----**

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