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A campaign for Riley

THE ISSUE Gov. Bob Riley should lead the way in trying to figure out what happened to rape evidence in the capital murder case against Thomas Arthur.

Gov. Bob Riley never has been inclined to order DNA tests requested by inmates on Death Row. Their stories are never compelling enough, or the timing is wrong, or maybe the dog ate Riley's homework. There's always a reason to say no.

But Riley should grant at least some requests made on behalf of Death Row inmate Thomas Arthur, whose backers still want DNA tests but also want the governor to help find out what happened to rape evidence in the case.

Prosecutors recently acknowledged they couldn't find the evidence, which includes semen and saliva. While they contend the evidence is irrelevant to Arthur's case, it could certainly be used to verify or debunk another inmate's recent confession to the murder that put Arthur on Death Row. Between the inmate's confession and news of the missing rape evidence, the Alabama Supreme Court called off Arthur's July 31 execution.

The Innocence Project, which has pushed for DNA testing in the Arthur case, is asking Riley to order a thorough search for the missing rape kit, saying that redoubled efforts in other states often located evidence that initially had been given up as lost. In any case, the nonprofit organization is asking the governor to document what happened to the evidence, if it indeed no longer exists.

"Wholly apart from Mr. Arthur's case, it is deeply disturbing that evidence in a capital case could simply disappear," the Innocence

Project wrote. "We request that you immediately order a close review of the state's system of preserving and organizing evidence in criminal cases, particularly in capital cases."

This, in particular, is a reasonable request. Governors in other states have stepped forward and provided key leadership when questions about capital punishment were raised. A former Illinois governor, troubled by the exoneration of some Death Row inmates, launched a study of capital punishment in his state that led to sweeping reforms and even commutations of all death sentences.

The scope of what is being asked of Riley is much more limited: Make finding the evidence in the Arthur case a priority and undertake a larger effort to ensure evidence in capital cases is properly preserved.

The effort certainly has implications for Arthur, who was convicted of killing Troy Wicker in Muscle Shoals. The rape evidence was collected from Wicker's wife, Judy, who initially claimed an intruder killed her husband and assaulted her. She

later admitted she paid Arthur to kill her husband. Now, another state inmate claims he committed the murder at Mrs. Wicker's request and then had sex with the new widow. That rape kit could help prove or disprove his claims.

But there is another issue at stake here, too. Evidence in capital cases shouldn't go missing. This is a campaign worthy of Riley's attention.

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