

9/29/08 Birmingham News (AL) 6
2008 WLNR 18585450

Birmingham News (AL)
Copyright © 2008 Birmingham News. All Rights Reserved.

September 29, 2008

Volume 121
Section: EDITORIAL

AG's big hurry

THE ISSUE State prosecutors are in an awfully big rush to get another execution date for an inmate with key issues pending in court. Judges are rightly applying the brakes.

The state of Alabama has no business trying to execute Thomas Arthur anytime soon.

The Alabama Supreme Court said as much last week when it ruled 6-2 against Attorney General Troy King's request to set an execution date for Arthur. The justices have every reason to hold off.

For starters, another prisoner has confessed to the murder that put Arthur on Death Row. Although awfully convenient and dubious, the confession must be investigated before Arthur is put to death for killing Troy Wicker.

Part of that investigation ought to include DNA testing, which Arthur has sought for years, to no avail. Unfortunately, the state recently acknowledged some of the evidence in the case that could be tested for DNA - a rape kit - is missing.

Just as unfortunately, the state has resisted testing any of the evidence, arguing on one hand the case against Arthur is overwhelming and on the other hand that scientific screening wouldn't turn up Arthur's DNA.

Yes, you're reading that right. State prosecutors have said they don't think the DNA testing would incriminate Arthur, who they say planted false evidence at the scene without leaving behind any of his own genetic material. That's a strange argument for prosecutors to make, even in a case as strange

as this one.

Prosecutors say the victim's wife, Judy Wicker, paid Arthur to carry out the 1982 murder. Mrs. Wicker, who also was convicted in the murder, at first claimed an intruder killed her husband and raped her - hence, the rape evidence that has since gone missing. Judy Wicker later changed her story and implicated Arthur in a deal that won her an early release from prison. Arthur has admitted having an affair with Mrs. Wicker, but has denied killing her husband.

He has been convicted three times of Wicker's murder, and three times has come within a day of being executed before winning a last-minute reprieve. Along the way, enough questions have been raised that even Wicker's own family members have said they support DNA testing.

Prosecutors have left no doubt they are eager to carry out this sentence. But the bottom line is that Arthur's latest request for DNA testing - which could prove or disprove the other inmate's latter-day confession - is pending in Jefferson County Circuit Court. As the Supreme Court recognized, the state shouldn't even attempt to set an execution date until that issue has been resolved.

In the meantime, if the attorney general's office is seriously eager to do something in the case, it should find the missing evidence - or find out what happened to it.

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

Company: TAKARA CO LTD; A AND G KAUBANDUSE AS; AG; DNA; EDITIONS DES DERNIERES NOUVELLES D'ALSACE SA

News Subject: (Legal (1LE33); Economics & Trade (1EC26); Judicial (1JU36))

Industry: (Science (1SC89); Science & Engineering (1SC33); Physical Science (1PH15))

Region: (Alabama (1AL90); North America (1NO39); Americas (1AM92); USA (1US73))

Language: EN

Other Indexing: (AG; ALABAMA SUPREME COURT; DNA; JEFFERSON COUNTY CIRCUIT COURT; SUPREME COURT) (Arthur; Judy Wicker; Thomas Arthur; Troy King; Troy Wicker; Wicker)

Word Count: 544

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

NewsRoom