

EDITORIALS

Vindicating a verdict

Hinton case merits a closer look by prosecutors

A Perry Mason moment, it was not. There were no bombshells. No cathartic confessions. No explosive new testimony that showed, unequivocally, that Anthony Ray Hinton absolutely did not commit the murders for which he has served 16 years on Alabama's Death Row.

But the facts that came out at a recent hearing in Jefferson County court were no less disturbing.

Three pedigreed experts — including the retired chief of the FBI's firearm and toolmark identification unit — gave testimony that raised substantial questions about the ballistics evidence that was a cornerstone of Hinton's conviction.

Their findings contradict Alabama forensic scientists who linked a .38-caliber gun found in Hinton's mother's home to three robberies in 1985, including two that left restaurant managers dead. The experts tried to get bullets test-fired from that gun to resemble those recovered from the crime scenes. They couldn't, even when they manipulated the barrel. That throws serious doubts on trial testimony of a conclusive match.

Such a dispute between ballistics experts is no routine occurrence. John Dillon Jr., the retired FBI expert, testified that the differing findings in the Hinton case were a first in his experience.

The ballistics evidence is not the only part of the case in question. A surviving victim, who identified Hinton as the robber, also told police that the football player who stopped to help him was driving a Porsche. He was driving a Mercedes. Furthermore, Hinton was working at a secured Bruno's warehouse at the time of one of the holdups. He took and

passed a lie-detector test.

Granted, it's not a slam-dunk exoneration, at least not in the sense of the real killer breaking down on the witness stand under the relentless questioning of a Perry Mason. But there are disturbing signs that Hinton could be innocent — an unsettling prospect in any case, but particularly in a death penalty case.

Also unsettling is Attorney General Bill Pryor's reluctance to consider the possibility that a mistake was made. While Hinton's current lawyers are asking that his conviction be reconsidered, Pryor's office calls it a "waste of time." The office contends that a jury convicted Hinton, there's no reason to question his guilt and, besides, the time has passed for Hinton to raise such issues.

That's unfortunate. Pryor's staff is entrusted with death penalty cases throughout the appeals process. But the prosecutors have no greater duty than ensuring that the wrong person does not die for a crime. If nothing else, Pryor's office should want to make sure a real killer is not walking free.

One doesn't need to look far to see mounting evidence that capital convictions are not infallible. Since 1973, 101 people in 24 states have been released from Death Row with evidence of their innocence, the bulk of them in the past 10 years. At least four have been released from Alabama's Death Row. Others were executed, despite questions of guilt.

"Close" is not good enough when a defendant's life is at stake. When there are real questions about a Death Row inmate's guilt, the first priority should not be vindicating the verdict — it should be vindicating the innocent.