

Murder victim's wife doesn't want convict killed

*Mary Davidson
Dawson says she's
forgiven Anthony
Ray Hinton, the
man convicted of
killing her husband*

By CARLA CROWDER
News staff writer

Mary Davidson Dawson has waited nearly 19 years for the man convicted of killing her husband to be executed.

The wait has taken so long, she says, that God has changed her heart, and Anthony Ray Hinton's death sentence is no longer the most important thing to her.

"I don't even care about the death

penalty anymore. I just want him to stay there for life," she said. "I want him to pay for what he did, but I don't want for him to die and not to be forgiven."

Dawson's change of heart came during the 2½ years that retired Jefferson County Circuit Judge James Garrett took to rule on one of Hinton's appeals.

Dawson called the delay "horrible" but said there might have been a greater reason for it. "Maybe it's drug out to give me

a chance to see this through someone else's eyes," she said, and to forgive Hinton.

Dawson was a mother in her early 40s when her husband, John Davidson, was killed during a robbery at the Southside Mrs. Winner's restaurant where he was a manager. Hinton also was convicted of killing Captain D's manager Thomas Vason and shooting Quincy's manager Sidney Smotherman, all in 1985 during what

authorities said was a crime spree.

Late last month, Garrett denied Hinton's capital murder appeal, adopting the attorney general's motion. It states that the defense's ballistics evidence aimed at weakening the case against Hinton was neither new nor conclusive and that the time limit on that appeal expired before ballistics evidence was presented.

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HINTON: Defense objects to judge's order

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Hinton's attorney, Bryan Stevenson, has filed an objection to Garrett's order.

"It's what the state submitted, word for word, verbatim in 2002," said Stevenson, executive director of the Equal Justice Initiative, a Montgomery nonprofit law firm that represents poor people. Efforts to reach Garrett failed.

The Jan. 31 objection to Garrett's ruling says that the order is replete with legal and factual errors.

Assistant Attorney General Clay Crenshaw, head of the AG's capital litigation division, said Hinton's objection did not have merit.

"Once the judge signs a proposed order, it becomes the judge's order," Crenshaw said. He said it's not unusual for a judge to adopt one side's order.

Legal expert John Robbins agreed. "Should a judge write an independent order? Sure he should. Am I surprised? No," said Robbins, a member of the Alabama Criminal Defense Association board and its regional vice president for the Birmingham area.

'Never even close'

Hinton's arrest came after the Smotherman shooting at a Bessemer Quincy's. Smotherman identified Hinton as the shooter. Authorities searched Hinton's home, retrieving his mother's handgun, which investigators later said linked him to the Davidson and Vason killings.

Garrett's order states that the ballistic experts for the defense — two from the Institute of Forensic Sciences and a retired chief of the FBI's firearm and toolmark identification unit — testified that their tests were inconclusive in evaluating whether Hinton used the gun that prosecutors maintain he did.

One of the experts at the hearing said that a possible match "was never even close."

The state has since lost the original test bullets that prosecutors say linked Hinton's gun to the crimes:

"The biggest concern I have, we have, I'm absolutely convinced Ray Hinton is innocent," Stevenson said. "He has already spent over 19 years on Death Row for a crime he didn't commit."

Mary Davidson Dawson does not agree that Hinton is innocent but says she's forgiven him — a departure from her early feelings. "I didn't want to hear anything but, 'Put him to death, put him death,'" she said.

Her former pastor at the Leeds Assembly of God helped her toward forgiveness.

"The death penalty is not really important to me. What's important to me is him straightening out his life," she said.

Hinton's conviction will be appealed to the Alabama Court of Criminal Appeals. Efforts to reach Vason's family failed.