

THE CONSTITUTION PROJECT



Safeguarding Liberty, Justice & the Rule of Law

FOR IMMEDIATE RELEASE - February 24, 2014

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Hinton Decision 'Important Victory' for Right to Counsel

WASHINGTON, D.C. -- Earlier today, the U.S. Supreme Court agreed to return the case of Alabama death row inmate Anthony Ray Hinton to state court to determine whether or not his lawyer's failure to hire a competent expert witness unfairly prejudiced the case against him.

"This is an important victory for every person convicted of a crime without an adequate defense, and especially for those on death row," said Virginia Sloan, president of The Constitution Project, a bipartisan legal watch dog group. Hinton was represented in his appeal to the Supreme Court by Bryan Stevenson of the Equal Justice Initiative.

In a "[friend of the court](#)" brief filed last October, TCP argued that the failure to hire a qualified expert violated Hinton's Sixth Amendment right-to-counsel, which may have "led to a miscarriage of justice, and caused an innocent man to be sentenced to death." TCP prepared its brief with the pro bono assistance from the law firm of Sidley Austin.

Hinton was arrested in 1985 and charged with two separate shooting murders that occurred during robberies at two fast food restaurants near Birmingham, Alabama. There were no eyewitnesses to either crime, and the fingerprints lifted from each crime scene did not match Hinton's. He was convicted of murder based solely on ballistic tests, which both the National Academies of Science and the FBI have determined to be scientifically unreliable.

Hinton's court-appointed lawyer recognized prior to trial that the expert he had retained to challenge the prosecution's critical forensic evidence was not competent to do so, but wrongly believed he could not obtain the funds necessary to hire a better one. In fact, had he researched Alabama law, the lawyer would have found that the court was required to provide him with reasonable fees for an expert.

TCP's brief argued that the right to counsel encompasses the right to have counsel who is adequately educated about the scientific information that is involved in a defendant's case, and that counsel is ineffective when he or she fails to engage a competent expert to rebut the testimony of the state's expert.

The Supreme Court [agreed](#) with TCP's position without a hearing and without dissent. It returned the case to the state court for a determination of prejudice.

[About The Constitution Project](#)

Created out of the belief that we must cast aside the labels that divide us in order to keep our democracy strong, The Constitution Project (TCP) brings together policy experts and legal practitioners from across the political spectrum to foster consensus-based solutions to the most difficult constitutional challenges of our time. TCP seeks to reform the nation's broken criminal justice system and to strengthen the rule of law through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.