

Equal Justice Initiative

Criminal Justice Issues and Prisoners' Rights

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02.24.14

The United States Supreme Court today unanimously granted relief to Anthony Hinton, finding that his trial lawyer was constitutionally deficient. EJI began representing Mr. Hinton in 1999 and since then has been arguing that his capital murder conviction was unconstitutional. In today's opinion, the Court agreed with EJI's arguments that his trial lawyer did not provide adequate representation and directed the Alabama state courts to determine whether, as a result, Mr. Hinton should get a new trial.

[Anthony Hinton](#) was arrested in 1985 and charged with two separate shooting murders that occurred during robberies at two fast food restaurants near Birmingham, Alabama. The only evidence linking Mr. Hinton to the murders was testimony from state lab technicians who stated that bullets recovered from the murders and a third uncharged crime were fired from a weapon recovered from Mr. Hinton's mother. The State conceded at trial that without testimony linking gun evidence from the three separate crimes, Alabama could not convict Mr. Hinton of capital murder.

The trial judge appointed one lawyer to Mr. Hinton who had to defend against three distinct crimes and whose out-of-court compensation was limited by statute to \$1000. That lawyer recognized that Mr. Hinton's defense required an expert witness who could effectively rebut the State's gun experts, but he mistakenly thought \$1000 was the maximum he could get under Alabama law to hire an expert. He could only find one person willing to testify for the pay he could offer Andrew Payne and he believed Payne was inadequate, but nonetheless put him on at trial. As the Supreme Court found, the prosecutor badly discredited Payne and Mr. Hinton was convicted and sentenced to death.

In 1999, EJI took on Mr. Hinton's case. In June 2002, three of the country's top gun experts testified that they had examined the State's evidence and concluded that the bullets from the three crimes could not be matched to each other or to the weapon recovered from Mr. Hinton's mother.

In a per curiam decision, the Supreme Court agreed with EJI and held that Mr. Hinton's trial attorney rendered constitutionally deficient performance when he failed to seek additional funding to replace an expert he knew was inadequate because he mistakenly believed he had gotten all the money he could get under Alabama law. The Court concluded that the Alabama courts did not correctly apply Supreme Court precedent in Mr. Hinton's case and vacated the state court judgment that denied relief to Mr. Hinton.

The Court made clear that Mr. Hinton is entitled to a new trial if he was prejudiced by his lawyer's deficient performance and remanded to the state court for it to apply the proper inquiry to the facts of this case.

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122 Commerce Street Montgomery, AL 36104 [\(334\) 269-1803](tel:(334)269-1803) [\[emailprotected\]](#)

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