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## **Hank Skinner Files Motion for DNA Testing Under New Law, Asks Court to Withdraw Nov. 9 Execution Date**

(*Gray County, Texas*) Attorneys for Hank Skinner filed a motion today in state district court in Gray County, Texas, to compel DNA testing of key pieces of evidence that have never been tested in his case. The motion is filed under a new law, SB 122, which took effect on September 1, 2011. SB 122 intends to ensure that procedural barriers do not prevent prisoners from testing biological evidence that was not previously tested or could be subjected to newer testing. Mr. Skinner's attorneys also asked the court to withdraw Mr. Skinner's scheduled November 9 execution date to allow time for the DNA testing (the motions, which were mailed to the court on Friday, are attached).

"The new law was intended to make advanced DNA testing available in all cases where it can aid the truth-seeking process, and Skinner's case falls squarely within that category," said Sen. Rodney Ellis, co-sponsor of SB 122 which passed the Texas Legislature with overwhelming bipartisan support in May 2011.

The State of Texas, which for more than a decade has actively resisted Mr. Skinner's efforts to obtain DNA testing of the evidence in his case, came within an hour of putting him to death in March 2010 before the U.S. Supreme Court stepped in to stop the execution. The Court eventually agreed to hear Mr. Skinner's case, and in March 2011 ruled that Mr. Skinner was entitled to seek access to the evidence for DNA testing by suing the Gray County District Attorney under a federal civil rights law. The case returned to the federal district court in Amarillo, Texas, where a decision is pending.

"Texas is wrong to seek Hank Skinner's execution without allowing for DNA testing. The State should be leading the search for truth, instead of continuing to waste taxpayer dollars on its eleven-year-long campaign to block testing of critically important scientific evidence," said Rob Owen, an attorney for Mr. Skinner.

The evidence that Mr. Skinner seeks to test, and which has never been tested, includes: a man's windbreaker found next to the victim's body, which had blood splatter, perspiration stains and human hairs on it, and did not belong to Mr. Skinner; two knives, at least one of which was a likely murder weapon; swabs from a rape-kit; and clothing and towels found at the crime scene. The State's refusal to test the evidence for DNA is particularly troubling because there is another suspect who stalked the victim, had a violent criminal history, and behaved suspiciously immediately after the crime.

There is a powerful public consensus that DNA evidence should be tested when it is available. More than 8 in 10 Americans believe DNA evidence is either completely or very reliable. In Texas, 85 percent of the people believe that prisoners should have access to DNA testing if it may prove their innocence.

"Testing the evidence will serve the public interest by providing certainty in this case," said Nina Morrison, staff attorney at the Innocence Project. "It's just common sense to test the DNA evidence."

To speak with Mr. Skinner's attorneys and other experts, or for more information, please contact: Laura Burstein, 202-626-6868 or [laura.burstein@ssd.com](mailto:laura.burstein@ssd.com).

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