

*Foreword by BRYAN STEVENSON, author of JUST MERCY*

# THE HOW I FOUND LIFE SUN AND FREEDOM DOES ON DEATH ROW SHINE

Anthony Ray Hinton

*with LARA LOVE HARDIN*

# THE SUN DOES SHINE

HOW I FOUND LIFE AND FREEDOM  
ON DEATH ROW



Anthony Ray Hinton

with Lara Love Hardin

and a Foreword by Bryan Stevenson

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*For my mother, Buhlar Hinton.  
May we all learn to love as unconditionally as she did.*

## FOREWORD

On April 3, 2015, Anthony Ray Hinton was released from prison after spending nearly thirty years in solitary confinement on Alabama's death row. Mr. Hinton is one of the longest-serving condemned prisoners facing execution in America to be proved innocent and released. Most of us can't possibly imagine what it feels like to be arrested, accused of something horrible, imprisoned, wrongly convicted because we don't have the money needed to defend ourselves, and then condemned to execution. For most people, it's simply inconceivable. Yet, it's important that we understand that it happens in America and that more of us need to do something to prevent it from happening again.

Mr. Hinton grew up poor and black in rural Alabama. He learned to be a keen and thoughtful observer of the harsh realities of Jim Crow segregation and the way racial bias constrained the lives of people of color. He was taught by his remarkable mother to never see race or judge people because of their color. He resisted mightily the notion that he was arrested, charged, and wrongly convicted because of his race, but he ultimately couldn't accept any other explanation. He was a poor man in a criminal justice system that treats you better if you are rich and guilty than if you are poor and innocent.

He is blessed with an extraordinary sense of humor, which he relies on to overcome the racial barriers that condemn so many. He lived with his mother until he was in his late twenties and worked as a contract laborer. He had never been accused of a violent act before his arrest.

One night while he was locked in a supermarket warehouse cleaning floors in Bessemer, Alabama, a restaurant manager fifteen miles away was abducted, robbed, and shot by a single gunman as he left work. The victim survived and

later misidentified Mr. Hinton as the person who'd robbed him. Despite the fact that Mr. Hinton was working in a secure facility with a guard who recorded everyone's arrival and departure, miles from the crime scene, police went to the home of Mr. Hinton's mother, where they retrieved an old .38 caliber pistol. Alabama state forensic workers asserted this recovered gun was not only used in this recent robbery and attempted murder but also two other murders in the Bessemer area where restaurant managers had been robbed and killed at closing. Based on this gun evidence, Mr. Hinton was arrested and indicted for both murders, and State prosecutors announced they would seek the death penalty. Mr. Hinton passed a polygraph examination administered by police that confirmed his innocence, but State officials ignored this information and his alibi and persisted in obtaining two convictions and death sentences.

At trial, Mr. Hinton's appointed lawyer failed to obtain a competent expert to rebut the State's false claims about his mother's gun. For fourteen years, he could not obtain the legal help he needed to prove his innocence. I met Mr. Hinton in 1999, and he made quite an impression. Thoughtful, sincere, genuine, compassionate, funny, it was easy to want to help Anthony Ray Hinton, although it was worrisome to think how difficult it might prove to win his freedom.

I worked with my staff at the Equal Justice Initiative to engage three of the nation's top firearms examiners, who all testified that the gun obtained from Mr. Hinton's mother could not be matched to the crime evidence. It took fourteen more years of contested litigation and a rare unanimous ruling from the U.S. Supreme Court before Mr. Hinton was released in 2015. During his time on Alabama's death row, Mr. Hinton watched fifty-four men walk past his door on their way to be executed. The execution chamber was thirty feet from his cell.

Mr. Hinton was sustained during his long years on Alabama's death row by a childhood friend who never failed to visit him over the course of nearly thirty years. Lester Bailey insisted that Mr. Hinton never feel alone or abandoned. Mr. Hinton learned to engage those around him and create an identity on death row unlike anything I've ever seen. Not only did he shape the lives of dozens of other death row prisoners but also those of correctional officers who sought Mr. Hinton's advice and counsel on everything from marriage and faith to the struggles of day-to-day life.

While his case created years of disappointment and frustration for Mr. Hinton and cost me many sleepless nights after each adverse legal ruling, we both could be frequently seen bowled over with laughter in the visitation room at Holman

State Prison. Such is the extraordinary power of Ray Hinton and his remarkable spirit.

I've visited countless prisons and jails to see hundreds of clients during the course of my career. I'm usually ignored or merely tolerated by correctional staff during these visits. There have been times when I have been harassed or challenged by prison staff who seem to resent incarcerated people getting legal visits. Visiting Ray Hinton was unlike any other legal visit for me. Never have more guards, correctional staff, and prison workers pulled me aside to offer assistance or question me about how they could help than during the many years I have worked with Ray. I have never experienced anything like it.

I have represented scores of condemned prisoners during my thirty years of law practice. Many of my clients were innocent people wrongly convicted or condemned. However, no one I have represented has inspired me more than Anthony Ray Hinton, and I believe his compelling and unique story will similarly inspire our nation and readers all over the world.

Reading his story is difficult but necessary. We need to learn things about our criminal justice system, about the legacy of racial bias in America and the way it can blind us to just and fair treatment of people. We need to understand the dangers posed by the politics of fear and anger that create systems like our capital punishment system and the political dynamics that have made some courts and officials act so irresponsibly. We also need to learn about human dignity, about human worth and value. We need to think about the fact that we are all more than the worst thing we have done. Anthony Ray Hinton's story helps us understand some of these problems and ultimately what it means to survive, to overcome, and to forgive.

Since his release, Mr. Hinton has become an extraordinary public speaker, and he has had a life-changing impact on the audiences who hear him. He is rare in his ability to mix humor, deep emotion, and compelling storytelling to move people to share his agonizing but ultimately triumphant journey. His message of forgiveness is transformative, and I've seen him inspire groups of people as diverse as hardened police chiefs and prosecutors to young at-risk teens and students.

His story is one of forgiveness, friendship, and triumph. It is situated amid racism, poverty, and an unreliable criminal justice system. Mr. Hinton presents the narrative of a condemned man shaped by a painful and torturous journey around the gates of death, who nonetheless remains hopeful, forgiving, and

faithful. This book is something of a miracle, because there were many moments when I believe both of us feared he would never survive to tell his story. We should be grateful that he did survive, because his witness, his life, his journey is an unforgettable inspiration.

*Bryan Stevenson, attorney*

## CAPITAL OFFENSE

*But more so than the evidence, I have never had as strong a feeling in trying any other case that the defendant just radiated guilt and pure evil as much as in the Hinton trial.*

—PROSECUTOR BOB MCGREGOR

There's no way to know the exact second your life changes forever. You can only begin to know that moment by looking in the rearview mirror. And trust me when I tell you that you never, ever see it coming. Did my life change forever the day I was arrested? Or did the life-changing moment happen even earlier? Was that day just the culmination of a whole series of fateful moments, poor choices, and bad luck? Or was the course of my life determined by being black and poor and growing up in a South that didn't always care to be civil in the wake of civil rights? It's hard to say. When you are forced to live out your life in a room the size of a bathroom—a room that's five feet wide by seven feet long—you have plenty of time to replay the moments of your life. To imagine what might have happened if you had run when they came chasing you. Or if you had gotten that baseball scholarship. Or married that girl when you had the chance. We all do it. Replay the horrific moments of our lives and reimagine them by going left instead of right, being this person instead of that person, making different choices. You don't have to be locked up to occupy your mind and your days trying to rewrite a painful past or undo a terrible tragedy or make right a horrible wrong. But pain and tragedy and injustice happen—they happen to us all. I'd like to believe it's what you choose to do after such an experience that matters the most—that truly changes your life forever.

I'd really like to believe that.

Jefferson County Jail, December 10, 1986

My mom sat on the other side of the glass wall that separated us, looking out of place in her ivory gloves, green-and-blue flowered dress, and her wide blue hat rimmed in white lace. She always dressed for jail like she was going to church. But a nice outfit and impeccable manners have always been used as weapons in the South. And the bigger her hat, the more she meant business. That woman wore hats taller than the pope's. Looking at my mama in this visiting room, you would hardly guess in her own Southern way she was armed to the teeth and ready for battle. During the trial and even on visiting days, she looked a bit dazed and bewildered by it all. She had been like that ever since my arrest a year and a half ago. Lester said he thought she was still in shock. Lester Bailey and I have been friends since he was four years old and our mothers told us to go out and play together. I was six then and far too old to play with a four-year-old. But even though I had tried to lose him that first day, he stuck with me. Twenty-three years later, he was still sticking with me.

During every visit, it was as if my mom couldn't understand why I was still in jail. Three months earlier, I had been found guilty of robbing and murdering two people. Three months since twelve people decided I was no longer of value and this world would somehow be a better place if I weren't in it. Their recommendation was that I be murdered. Oh, the sanitized way of saying it is "sentenced to death." But let's call it what it is. They wanted to murder me because I had murdered.

Only they had the wrong guy.

I was working the night shift in a locked warehouse when the manager at a Quincy's restaurant fifteen miles away was abducted, robbed, and shot. I was mistakenly identified. The police claimed an old .38 caliber pistol owned by my mother was the murder weapon. The State of Alabama claimed this gun was not only used in the Quincy's robbery and attempted murder but also two other murders in the area where restaurant managers had been robbed at closing time, forced into coolers, and then murdered. That old gun my mom owned, I don't think it had been used in twenty-five years. Maybe longer. I had never even been in a fight, but now, I was not only a killer but the kind of cold-blooded killer that would hold a gun to your head and pull the trigger for a few hundred bucks and then just go about my business like it was nothing.

God knows my mama didn't raise no killer. And during those months of waiting for the official sentencing from the judge, her demeanor hadn't changed

from before I was convicted. Did she know I was one court date away from the death chamber? We didn't speak on it, and truly I wasn't sure if she was pretending on my account, or I was pretending on her account, or we were both just so caught up in this nightmare that neither of us really knew how to face what had happened.

"When are you coming home, baby? When are they going to let you come home?"

I looked at Lester, who stood behind her, one hand resting on her left shoulder while she held the phone up to her right ear. He usually came alone to see me, and my mom came with my sister or the neighbor. Every week, Lester would be the first in line on visiting day, stopping in on his way to work to say hello and put some money on my books so I had the essentials. He had done that for the last year and a half, like clockwork every single week. He was the first one there no matter what. He really was the best, best friend a guy could have.

Lester looked back at me and shrugged and then shook his head a little. My mom always asked when "they" were going to let me come home. I was the baby of the family—her baby. Up until my arrest, we were together every day. We went to church together. Ate our meals together. Laughed together. Prayed together. She was my absolute everything, and I was hers. I couldn't think of any big moment in my life when my mom wasn't right there by my side, cheering me on. Every baseball game. Before exams and school dances. Graduation. When I got home from work in the coal mine, she was always there waiting to hug me no matter how dirty I was. When I went to my first day of work at the furniture store, she was up early to make me breakfast and pack me a lunch. And she was there every day of my trial. Smiling up at everyone in that courtroom in her best dress with the kind of love that can just break a man's heart into a million pieces. She believed in me—always had, always would. Even now. Even though a jury had found me guilty, she still believed in me. I could feel the lump form in my throat and my eyes start to sting. She and Lester were probably the only people in the world who knew what I knew: I was innocent. They didn't care that the press made me out to be some kind of monster. The fact that these two people never doubted me for a second—well, let's just say I hung on to that like my life depended on it. But even if I were guilty, even if I had murdered those two people in cold blood for a little cash, my mom and Lester would have still loved me and believed in me. They would have still been right where they were. What does a man do with a love like that? What does a man do?

I looked down until I could get control. I had tried my best to keep my feelings and emotions in check throughout the trial because I didn't want to upset my mom. I didn't want her to see me cry. I didn't want her to feel my fear or my pain. My mom had always tried to protect me, to take away my pain. But this pain was too much for even a mother's love to contain. I couldn't do that to her. I wouldn't do that no matter how hard they pushed me. It was all I had left to give.

After a few moments, I looked back up and smiled at my mom. Then Lester and I locked eyes once more.

He shook his head again.

When you've known a guy as long as I have known Lester, you have a kind of unspoken language. I had asked him not to let anyone talk to my mom about my sentencing. My sister had wanted to sit her down and make her understand that they could put me to death and that I was never coming home. Make her face it and deal with it. Lester put a stop to all that talk. I would come home someday. I didn't want my mom to lose her hope. There's no sadder place to be in this world than a place where there's no hope.

When Lester came to visit alone, he and I could talk freely—well, as freely as two guys can talk when their every word is being recorded. We had a sort of code. But since my conviction, it didn't seem to matter much anymore. Time was running out, so we had talked about my options openly.

I put my hand up on the thick glass that separated me from my mom, and I readjusted the phone's handset against my ear. She leaned forward and stretched her arm out so that her hand was pressed against the other side of the wall that separated us.

"Soon, Mama," I said. "They're working on it. I plan to be home soon."

I had a plan. Lester knew it. I knew it. God knew it. And that was all that mattered. Now that I had blocked out all the sadness, I could feel the anger rising up through me and fighting to get out. It had come in waves ever since my conviction. Tonight I would pray again. Pray for the truth. Pray for the victims. Pray for my mom and for Lester. And I would pray that the nightmare I had been living for almost two years would end somehow. There was no question how my sentencing would turn out, but I would still pray for a miracle and try not to criticize it if the miracle didn't look like what I expected.

It's what my mama had always taught me.

Jefferson County Courthouse, December 15, 1986

It was nothing less than a lynching—a legal lynching—but a lynching all the same. The anger I had tried so hard to stuff down and pray away was back in full force. My only crime was being born black, or being born black in Alabama. Everywhere I looked in this courtroom, I saw white faces—a sea of white faces. Wood walls, wood furniture, and white faces. The courtroom was impressive and intimidating. I felt like an uninvited guest in a rich man's library. It's hard to explain exactly what it feels like to be judged. There's a shame to it. Even when you know you're innocent. It still feels like you are coated in something dirty and evil. It made me feel guilty. It made me feel like my very soul was put on trial and found lacking. When it seems like the whole world thinks you're bad, it's hard to hang on to your goodness. I was trying, though. The Lord knows I was trying. I had been all over the Birmingham newspapers from the time of my arrest and then throughout the trial. The press had judged me guilty from the second I had stepped out of my mama's yard. So had the police detectives and the experts and the prosecutor—a sorry-looking man with a weak chin, saggy jowls, and a pallor that made it look like he had never worked a day outside in his life. Now, if I had to judge anyone as evil in that courtroom, it would have been Prosecutor McGregor. There was a meanness that came out of his small, close-set eyes—a hatred that was hard and edgy and brittle. He looked like he could snap at any moment. Like some sort of rabid weasel. If he could have executed me right then and there, he would have done so and then gone about having his lunch without further thought. And then there was Judge Garrett. He was a large man; even in his loose black robe, he looked overstuffed and uncomfortable. He had a ruddy color to his cheeks. He preened and puffed and made a big show out of everything, but it was all a farce. Oh, sure, they all went through the motions. For almost two weeks, they paraded out witnesses and experts and walked us through the chain of custody and exhibits A to Z, all of which I guess gave legitimacy to what was already a foregone conclusion. I was guilty. Hell, as far as the police and the prosecutor and the judge and even my own defense attorney were concerned, I was born guilty. Black, poor, without a father most of my life, one of ten children—it was actually pretty amazing I had made it to the age of twenty-nine without a noose around my neck. But justice is a funny thing, and in Alabama, justice isn't blind. She knows the color of your skin, your education level, and how much money you have in the bank. I may not have had any money, but I had enough education to understand exactly how

justice was working in this trial and exactly how it was going to turn out. The good old boys had traded in their white robes for black robes, but it was still a lynching.

“Your Honor, the State rests.”

“All right, any witnesses for the defense?”

I watched incredulously as my attorney declined to question the second bailiff who had just lied about me under oath. I never told either bailiff that I knew how to get one over on a polygraph test. I had spent almost two years waiting for my trial—purposefully not talking to anyone about anything to do with my case—and now supposedly in the hallway outside the courtroom, I had confessed to a bailiff that I had cheated to pass my polygraph, a polygraph the State wouldn’t allow to be admitted because it had proven that I was innocent? It didn’t make sense. None of it made sense.

My attorney turned away from the judge and looked at me. “Do you want to testify?”

I could see the bailiff smirking as he got out of the witness stand. Did I want to testify? They were about to sentence me to death, and nobody was speaking up on my behalf. There were things that needed to go on the record. My wrists were shackled and cuffed together, a heavy chain linking them to the leg irons around my ankles. For a moment, I imagined wrapping that chain around all their necks, but then I unclenched my fists and placed the palms of my hands together as if to pray. I wasn’t a murderer. Never had been, never would be. I looked over at the jury, at McGregor, who stared back at me with hatred and self-righteousness, at the judge, who looked overheated and bored. I had spent a good many years testifying for God in church, and now it was time to testify for myself in this courtroom.

I nodded at my attorney. “Yes,” I said, a bit louder than I meant to. Inside my head, I was screaming, *Hell yes*, and I accidentally banged my chains against the table as I stood up from my chair.

“Is there any way he can have these handcuffs removed, Judge?”

My attorney was finally doing something right. Fighting a little. I knew at this point it was more about saving face and winning something than about believing in me. When he was assigned to my case and told he would get paid \$1,000, I heard him mutter, “I eat \$1,000 for breakfast.” He was going through the motions, but I knew his heart wasn’t in it. He either thought I was guilty or he didn’t care much one way or the other. I was just another file in a big stack of

files. We had been together for almost two years, but he didn't know me. Not really. Not in the way you would want someone to know you when he holds your life in his hands. Still, I needed him. He knew that, and I knew that. So I was polite and respectful. If today went the way everyone knew it would go, I would still need him.

I held my wrists out to the bailiff. He smirked again as he unlocked my cuffs. Out of the corner of my eye, I could see my mom in the second row. Lester sat on one side of her, and my sister Dollie sat on the other. Our neighbor Rosemary was also there. I looked all the way over my shoulder as the handcuffs came off, and she gave me a little wave. I glanced at Lester and he gave me a quick nod. We had an endgame in mind.

I walked up to the witness stand and turned around and looked out over the courtroom. I was happy to be able to see my mom and face her eye to eye. She smiled at me, and I could feel my heart tighten. God, how I was going to miss her. No matter how big her smile, I knew she was scared, and all this legal mumbo jumbo might as well have been a foreign language. When she had left after that last visit, it had made her smile to hear me say I would be home soon sitting at our table and eating one of her Sunday afternoon cakes. She could bake a cake so good it would make the devil himself confess his sins and beg for mercy just to have a bite. Sometimes, late at night, I would close my eyes and see her red velvet cake with buttercream frosting so clearly in my mind, I swear I could actually smell all that butter and sugar. My imagination has always been both a blessing and a curse. It helped me get through some rough times growing up, but it had also gotten me into some trouble. Nothing like the trouble I was in now.

Every day since they had arrested me, I had thought, *Today will be the day. They'll know I was at work. They'll find the guy that really did it. Somebody will believe me.*

It was all some bad dream that I couldn't wake up from.

I smiled back at my mom, and then I looked over at McGregor. He had been glaring at me for two weeks. It was a famous tactic of his. Stare at the defendant until he cowers. Show him who's the alpha dog. Well, I wasn't a dog, and I wasn't about to cower. On the inside, I was scared to death. I wanted to go home. I didn't want to die. But on the outside, I had to be strong. For my mom. For my friends. Martin Luther King once said, "A man can't ride you unless your back is bent." So I sat with my back as straight as possible in that courtroom, and when

McGregor stared at me, I straightened my back even more and stared right into his eyes. He was trying to ride me, all right, trying to kill me. And I wasn't going to make it any easier for him, or for any of them, than it already was.

"Judge," my attorney began, "let me make aware to the court that Mr. Hinton has requested the opportunity to testify. I have no particular idea of the subject matter of testimony, so there's no way of questioning him. I don't see how it could make any difference if he just testifies."

He didn't know the subject matter? The subject matter was this court just convicted me of two cold-blooded murders without any evidence. The subject matter is my attorney just let them find me guilty of two capital offenses based on a third attempted murder that happened while I was at work. The subject matter was my attorney hired a ballistics expert who could hardly see and who was crucified on the stand. The subject matter was the State of Alabama wanted to strap me to Yellow Mama and murder me for crimes I didn't commit. The subject matter was somebody was trying to kill me and I was fighting for my life. That was the subject matter.

I took a deep breath, closed my eyes, and said the same prayer I had prayed in my head a thousand times. *Dear God, let them know the truth of things. Let them see into my mind and my heart and find the truth. Bless the judge. Bless the DA. Bless the victims' families who are in pain. Dear God, let there be justice. Real justice.*

"First of all, I did not kill anybody. It is important to me that the families know this. Believe this. I wouldn't want anyone to take the life of someone I loved. I couldn't even imagine that pain. I know what it is like not to have a father, to be brought up with that missing in your life, and I wouldn't cause it to happen for anyone. There is a man up above who knows I didn't do it, and one day, I may not be here, but he's going to show you that I didn't do it. I wouldn't dare ever think about killing, because I can't give a life and, therefore, I don't have a right to take a life."

I could hear my voice shaking a little, so I took another deep breath, and I looked directly at the widow of John Davidson. "And if you ... if the family's satisfied that they've got the right man, I'm sorry, but if you really want your husband's killer to be brought to justice, get on your knees and pray to God about it, because I didn't do it."

I looked up at Judge Garrett. "Do with me what seems good to you, but as sure as you put me to death, you bring blood upon yourself and upon your hands.

I love all people. I've never been prejudiced in my life. I went to school and got along with everybody, never been in a fight. I'm not a violent person."

My mom was nodding. Smiling at me like I was in a school play or giving a recital. I kept going. "I've been praying to God for the DA, for this judge, and especially for the victims. You got to give an account for what you done, and it don't matter to me, because if I can recall, Jesus was prosecuted, accused falsely for things he didn't do, and all he did was try to love and save this world, and he died and suffered. If I have to die for something I didn't do, so be it. My life is not in this judge's hands. My life is not in your hands, but it's in God's hands."

I spoke to the bailiffs who had just lied on the stand. I told them that I would pray for the Lord to forgive them. *Forgive them, for they know not what they do.*

"You all sent an innocent man to prison. You kept an innocent man locked up for two years, and I begged, I pleaded with you to give me anything that you believe in. Truth serum, hypnosis, anything. I have nothing to hide."

I saw McGregor shake his head and roll his eyes and then give a half snort, half laugh.

I looked directly at him. "I'm praying for you," I repeated. "I'm praying that God will forgive you all for what you have done, and I hope that you have enough wisdom to ask God to forgive you. You're going to die just like I'm going to die. My death may be in the electric chair, but you're going to die too. But one thing—after my death, I'm going to heaven. Where are you going?" I looked at the judge and the bailiffs and the district attorney and the police detectives. "Where are you going?" I asked again. "A lie should not carry in God's sight. When the police came and arrested me, I had no idea what they were arresting me for. And I want the family to know that if I had killed somebody, you wouldn't have found me in my mama's backyard cutting grass. I had nothing to hide, and I didn't know anything about these murders."

My attorney was looking down, scribbling on his notepad. I was rushing to get everything out. God only knew if I was making sense.

"Since I been in jail, I've read the paper every day, and hardly a day goes by where people haven't been forced in a cooler, and you going to read about it again. Somebody's going to get killed. Maybe by then, you're going to realize you got the wrong man. But I pray to God it don't happen that way. I just pray that the man that really did it—I just hope the Lord will put enough burden on their heart where they can just come and tell you. But then, I'm not convinced you going to want to believe them. But when God is in the plan, I ain't worried

about what you believe. I don't want to be electrocuted, but whatever way the Lord have me go, I'm ready to go. And you know I looked and I've seen prejudice in this courtroom. You people don't want the truth. You people don't want the right person. All you wanted was a conviction.

"I never, ever committed such a violent crime. Yes, I got off on the wrong track, and I stole and I wrote some bad checks—but I didn't try to hide it. I admitted it, and I paid for that. How long do I have to pay for that? I'm not up here trying to reopen this case, but I think every one of you, you got some doubts. You got some doubts. I'm sorry we don't live in a just world. My Bible tells me every knee must bow and every tongue must confess."

Rosemary yelled out, "Amen!" and I watched my mom pat her on the arm.

I looked directly into McGregor's eyes. "I don't think *the people* really care who's innocent. I'm just one black man, and that don't mean nothing to you. I don't know what color God is, but I can tell you he loves me just like he loves you. You might think you're superior in this world, but you're not. I had a life just like everybody else had a life, and I don't hate you. Mr. McGregor, I don't hate you. But for a slight moment during the trial, I was beginning to hate you, I really was, but I thank God that it came to me that I can't make it into heaven hating nobody."

"Amen," I heard again.

"I love you. You might think I'm crazy for telling a man that I love him that's done prosecuted me and is trying to send me to the death chair, but I love you."

"Amen." Rosemary was holding her hands up like we were in church and there was a good sermon going on. My sister had her eyes closed. Mom was just smiling and nodding, and Lester looked grim.

"You know, I haven't told many people this, but when I was coming up, I took business law in school, and I loved it. And I wanted to be a judge, thought perhaps of going to college and being a DA or something, but you know, I'm glad that I didn't do that. I'm glad because we don't really know when a person is innocent or guilty. You have proven that."

I closed my eyes then. If I could put my heart in the judge's heart, he would know I didn't do it. He would know I wasn't violent. I have always cared about all people—white, black, green, purple—if you needed help, I would help you. It's how I was raised, and it's who I am. I knew right from wrong. And what happened in this courtroom was wrong. It was all wrong.

"You people got a joy out of prosecuting me," I said.

I wasn't sure how to say this exactly, but there was an excitement to it. During the whole trial, it had felt like McGregor and the detectives and the State's experts were enjoying themselves—like taking away my life was some sort of sporting event.

“Everybody that testified for me testified the truth. I can't say that about the people you called. They got to give an account for that, and you reap what you sow, believe me. And I feel sorry for those twelve people that found me guilty. I feel real sorry for them, but I ain't mad at them. If you happen to see them, tell them I ain't mad. I'm always going to pray to God that he forgive them, and in my heart, I know he is a forgiving God. There's no doubt about it.

“Might sound crazy, but I got joy—even with leg irons on me. The joy I got—the world didn't give it to me, and the world can't take it away. That's a fact. Your Honor, I thank you for letting me have my say. Mr. McGregor, I'm praying for you real hard. Ever since I seen you, you've been constantly in my prayers, and I'm going to continue to pray for you. Wherever they send me, God can hear my prayers. Now, what would really make me worried is if you could isolate me from God, but you can't do that. You took me from my family, but you can't take me from God.

“You know, I'm proud to be black. I would be proud if I was white. And it's sad when a police officer that is supposed to uphold the law tells you you're going to be convicted because you're black, and you got a white jury and you got a white DA. You know, that's sad. It's sad—real sad. If you talk to Lieutenant Doug Acker, tell him I'm praying for him also.

“Now, I look at those little kids back there, and that's a sad thing to know that their father won't be around no more. I know what it's like. I know what it's like.”

I looked again at Lester sitting next to my mom. He would take care of her for me. That gave me some peace. But I worried that if this could happen to me, it could happen to him. Or one of my brothers. Or any black man in Alabama. Or any black man anywhere.

“The only harm I'm guilty of is I looked like somebody. And you know what y'all always say—we all look alike. But it's a funny thing—we all look alike, but you can positively identify us in that time of trouble. You know what Lieutenant Acker told me? ‘Take this for your rap, because if you didn't do it, one of your brothers did it because y'all always helping one another, so take this.’ And that's sad.”

I paused and took one more deep breath.

“The saddest thing of all is that you’re ready to close the case. This judge is glad it’s over. The families are going home thinking the man’s been brought to trial. The police case is closed. But God ain’t closed the case, and he ain’t about to close it. He’s going to reopen it. It might be a year from now, it might be tomorrow, it might be today—he’s going to reopen it.”

Lester nodded at me, and I nodded back at him. This case was going to get reopened by God, but Lester and I were going to do everything we could to give God a little help.

It was time for the judge to sentence me. This was my fate from the second they arrested me. Someday they would know I didn’t do it. And then what? What do you say to a man when you find out he didn’t do it? What would they all say then? I sat up as straight as I could. I wasn’t going to beg for my life.

“I’m not worried about that death chair. You can sentence me to it, but you can’t take my life. It don’t belong to you. My soul, you can’t touch it.”

\* \* \*

It was a brief recess. Just three hours until they were bringing me back into that courtroom of rich wood and white faces for the last time. I listened as my attorney made one last attempt to object to them trying me for two capital offenses that were only related to each other by circumstance and not related to me by any evidence whatsoever. Somehow, the State of Alabama was able to consolidate the cases, relate them to a third, and put the death penalty on the table. This was the real capital offense.

The judge banged his gavel. Cleared his throat.

“It is the judgment of the court that the defendant, Anthony Ray Hinton, in each of these cases is guilty of the capital offense in accordance with the verdict of the jury in each of these cases. And it is the judgment of the court and the sentence of the court that the defendant, Anthony Ray Hinton, suffer death by electrocution on a date to be set by the Alabama Supreme Court pursuant to Alabama Rules of Appellate Procedure 8-D (1).

“The sheriff of Jefferson County, Alabama, is directed to deliver the defendant, the said Anthony Ray Hinton, into the custody of the director of the Department of Corrections and Institutions at Montgomery, Alabama, and the designated electrocution shall, at the proper place for the electrocution of one sentenced to suffer death by electrocution, cause a current of electricity of

sufficient intensity to cause death and the application and continuance of such current to pass through the body of said Anthony Ray Hinton until the said Anthony Ray Hinton is dead.”

I dropped my head. Judge Garrett banged his gavel, and my attorney said some things about an appeal, but my stomach was in my throat and there was a buzzing in my ears like a swarm of bees had been let loose in that courtroom. I thought I heard my mom crying as if in pain, and I looked back to see Dollie and Rosemary circled around her. The bailiffs were leading me toward the door that led out the back of the courtroom, but I turned and started to walk toward my mom. One of the bailiffs grabbed my arm below the shoulder, and I could feel each of his fingers digging in hard. There was no going to her. There was no way for me to comfort her. They would kill me if they could. I couldn’t let them. I needed to get back to my mom, and she needed to get me back. I was her baby. Dear God, I was her baby, and I was innocent. I watched as if underwater as Lester and my mom both stood. I saw the tears on Lester’s face, and my mom reached her arms out to me just as they pulled me through the door. It was all too much for one man to bear.

*Dear God, please let the truth be known.*

*Dear God, do not let me die this way.*

*Dear God, I am innocent.*

*Dear God, protect my mom.*

*I am innocent.*

*I am innocent.*

As they hurried me through the back hallway behind the courtroom, I remembered the grim look in Lester’s eyes as I had testified. He knew what I knew. What every poor person tangled up in the legal system knows. McGregor may have won, but I don’t think he or the judge realized that by sentencing me to death, they were giving me the only shot I had at proving my innocence. Now that I was sentenced to die, I would be guaranteed an appeal and guaranteed some representation by my attorney. If I had been sentenced to life, I would have had to hire an attorney to appeal.

The best chance for my life was to get sentenced to death. There was no money to prove my innocence. I was headed to Holman Prison. The House of Pain. Dead Man Land. The Slaughter Pen of the South. It had a lot of names. I was terrified, but I knew the only way to fight this injustice would be from inside.

*God have mercy on my soul.*