

## 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