

Based on New DNA Evidence, Florida Supreme Court Reverses Murder Conviction of Man Who Served 28 Years on Death Row

DNA Proves Critical Physical Evidence Used to Tie Paul Hildwin to Crime Belonged to Victim's Boyfriend

Contact: Paul Cates, 212-364-5346, pcates@innocenceproject.org

(Tallahassee, FL – June 26, 2014) The Florida Supreme Court today reversed the capital murder conviction of Paul Hildwin based on DNA evidence pointing to his innocence of the crime for which he has served more than half his life on death row. DNA testing performed by the Innocence Project proves that critical evidence used to tie Hildwin to the crime belonged to the victim's boyfriend, who the defense argued all along must have been the real killer and who is currently incarcerated for the sexual assault of two minors.

“Mr. Hildwin, who has served nearly 30 years, is extremely grateful that the Florida Supreme Court has recognized the significance of the DNA evidence,” said Nina Morrison, a Senior Staff Attorney with the Innocence Project, which is affiliated with Cardozo School of Law. “Mr. Hildwin has maintained all along that the victim's boyfriend must have committed this crime, and as the court noted, that is strongly supported by the DNA evidence.”

Paul Hildwin was convicted of the 1985 murder of Vronzettie Cox whose naked body was found in the trunk of her car in Hernando County. Investigators suspected that she had been sexually assaulted, and her death was ruled a strangulation. Hildwin became a suspect in the murder after stolen property from the vehicle was found in his possession. When questioned, he told investigators that he had hitched a ride with the victim and her boyfriend, William Haverty, several days earlier and admitted stealing property from the vehicle, including the victim's checkbook. But he denied assaulting or murdering her, and insisted that he left the victim with her boyfriend, with whom she had a volatile relationship, by the roadside after the two got into a heated argument and pulled over the car.

At trial, the prosecution presented a serology expert who wrongly claimed that bodily fluids found on two pieces of crime scene evidence (women's underwear and a washcloth) matched Hildwin. That evidence came from a FBI forensics expert who claimed that Hildwin was among only 11% of the world's white male population who could have left the fluids behind. The expert also claimed that the fluids couldn't have come from Haverty.

In 2003, DNA testing excluded Hildwin as the source of semen and saliva found on the two pieces of evidence in Cox's car. The Innocence Project fought prosecutors for the next seven years to get the state to run the DNA profile into the CODIS DNA database to determine the source of the DNA. In 2010, the Florida Supreme Court finally ordered a DNA database search on the DNA profile, which matched to the boyfriend Haverty. This new evidence supports statements made by Hildwin to the police and at trial that Haverty was the likely perpetrator. Unreliable or improper forensics contributed to nearly half of the 316 DNA exonerations nationwide.

In reaching its decision today, the Florida Supreme Court ruled, “. . . the scientific evidence relied upon at trial has been proven to be false, and the new scientific evidence actually supports Hildwin's defense. The State cannot now distance itself from the evidence and theory it relied upon at trial by arguing that it could have still convicted Hildwin without any of the now-discredited scientific evidence.”

In addition to the DNA evidence, the Innocence Project also uncovered evidence of Hildwin's innocence that was never turned over to the defense. The victim's nephew and another witness told investigators they saw Cox with Haverty nearly 12 hours after the prosecution maintained Hildwin killed her, yet neither were called to testify during trial.

“We’re hopeful that the court’s reversal will cause prosecutors to seriously reevaluate their position in this case and agree not to retry Mr. Hildwin,” said Marty McClain, of McClain & McDermott, who was the court-appointed collateral counsel who worked with the Innocence Project on Mr. Hildwin’s behalf “The DNA evidence, Mr. Haverty’s criminal background and statements by witnesses who prove the crime couldn’t have occurred when originally thought, make it obviously clear that law enforcement when after the wrong person. Certainly, now there is a strong case to be made that it is Mr. Haverty who should be prosecuted for the murder.”

This is the fourth time in just over a year that the Florida Supreme Court has reversed a death sentence based on new evidence pointing to innocence. According to the Death Penalty Information Center, with 24 exonerations, Florida leads the nation in the number of people on death row who have been exonerated. In 1990, a death warrant was issued for Mr. Hildwin and an execution date was set.

“As Mr. Hildwin’s thirty year quest to free his name so dramatically illustrates, there is a real danger that the recently enacted ‘timely justice act’ could result in the execution of innocent people,” said Barry Scheck, Co-Director of the Innocence Project. “Regardless of how you feel about whether the death penalty is morally appropriate, we should not be rushing to put people to death without due process of law.”

Now that the Florida Supreme Court has reversed the conviction, the case will return to the trial court where prosecutors must decide whether to retry the case.

A copy of today’s decision can be found at <http://www.floridasupremecourt.org/decisions/2014/sc12-2101.pdf>.