

# Judge denies Death Row inmate's request to toss conviction in Broward murder

Tonya Alanez | South Florida Sun Sentinel  
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FORT LAUDERDALE - A Broward circuit judge has denied John Richard Marek's request to set aside his capital murder conviction and death sentence for the 1983 strangling of a woman whose body was found in a Dania Beach lifeguard shack.

Circuit Judge Jeffrey Levenson issued his ruling to the Florida Supreme Court on Friday evening. It is now up to the state's high court to make a final decision.

Levenson's decision was based upon evidence and testimony presented during a two-day hearing on June 1-2.

During the hearing, Marek's attorney had presented witnesses who said Marek's co-defendant, Raymond Wigley, claimed to be the strangler, not Marek.

In a 15-page ruling, Levenson wrote: "The testimony of the six inmate witnesses is not credible and does not offset the substantial evidence against the defendant."

Marek, 47, had been scheduled to die by lethal injection May 13 when the Supreme Court indefinitely postponed the execution and sent the case back to Broward County for a hearing.

Marek's attorney said that because Wigley, who was murdered in prison in 2000, got a life sentence, his client should as well.

The raped, strangled body of Adela Marie Simmons, a 45-year-old Barry University administrator, was found in a Dania Beach lifeguard shack in June 1983.