

# State concedes new trial to Death Row inmate after allegations his judge, prosecutor met at dinner

By Tonya Alanez and Missy Diaz | South Florida Sun Sentinel  
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FORT LAUDERDALE - The state of Florida has agreed to grant a new trial to a man on Death Row after allegations that his judge and prosecutor dined together while he was on trial and joked about the case.

That dinnertime encounter at an upscale eatery on Las Olas Boulevard in Fort Lauderdale conveyed an impermissible "appearance of impropriety," the state conceded in a legal motion.

The Broward Circuit judge in the case, Ana Gardiner, went on to sentence defendant Omar Loureiro, 46, to death for nearly decapitating a Lighthouse Point man he accompanied home from a bar.

The Florida Supreme Court on Tuesday turned the matter over to Broward Chief Judge Victor Tobin, who is expected to schedule the new trial, said attorney Bruce Rogow, who has been representing the Broward State Attorney's Office in the matter.

Broward prosecutor Sheila Alu, who also is a Sunrise city commissioner, has said she dined with Gardiner and then-Broward prosecutor Howard Scheinberg four days before Loureiro's conviction for first-degree murder in March 2007.

During the meal at Timpano's restaurant, Alu said the judge and prosecutor laughed about a juror fainting over crime-scene photos and joked about the victim's and defendant's sexual orientation -- both were gay.

Gardiner and Scheinberg, in sworn depositions, said they happened to bump into each other and denied speaking about the case.

A friend of Alu's who also was present at the dinner corroborated her version of events.