

## **DEATH ROW: Broward killer's appeal denied days from execution**

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Convicted Broward County killer John Richard Marek has lost an appeal just five days before his scheduled execution.

The Florida Supreme Court on Friday turned down an appeal from Marek's lawyers arguing that his death sentence was unconstitutional since his co-defendant, Raymond Wigley, received only a life sentence.

They also contended that Florida's lethal injection procedures are unconstitutional and that the 25 years he has spent on Death Row constitute cruel and unusual punishment.

Marek, 47, is scheduled to die at 6 p.m. Wednesday at Florida State Prison near Starke.

Marek and Wigley were convicted of the 1983 kidnapping, rape and slaying of Adella Simmons, 47. Her battered, strangled body was found in a Dania Beach lifeguard shack.

On another legal track, Marek is awaiting Broward Circuit Judge Peter Weinstein's ruling from this week's evidentiary hearing in Fort Lauderdale, at which Marek's attorney contended Wigley was the actual murderer.

The lawyer offered three of Wigley's former prison mates who claimed Wigley confessed to them that he, not Marek, strangled Simmons.

Weinstein's ruling on whether or not that testimony warrants granting Marek a stay of execution had not been filed with the Florida Supreme Court by the end of business Friday.