

# High court delays execution of convicted Broward killer

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The Florida Supreme Court Monday morning indefinitely postponed Wednesday's scheduled execution of convicted Broward County killer John Richard Marek.

Marek, 47, had been scheduled to die by lethal injection at 6 p.m. Wednesday at Florida State Prison near Starke.

The state's high court has scheduled oral arguments on the pending execution for May 20.

Marek and a co-defendant, Raymond 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.

Monday's actions come after Broward Circuit Judge Peter Weinstein late Friday evening declined to recommend a stay after a two-day evidentiary hearing in Broward Circuit Court last week.

At that hearing, Marek's attorney contended Wigley was the actual murderer. He offered three of Wigley's former prison mates, who claimed Wigley confessed to each that he strangled Simmons.

Marek's attorney, Martin McClain, is appealing Weinstein's decision.

"The new evidence is very solid and the new evidence should require that Mr. Marek's death sentence be vacated. I feel very strongly that Judge Weinstein was wrong," McClain said. "But I feel very encouraged that the Florida Supreme Court has granted an indefinite stay of execution and scheduled oral arguments for May 20."

On Friday, the same court had rejected another appeal in Marek's 25-year-old case. In that appeal, Marek argued his sentence was unconstitutional because co-defendant Wigley received a life sentence; Florida's lethal injection procedures are unconstitutional; and the 25 years he has spent on Death Row constitute cruel and unusual punishment.