

Florida death-row inmate asks for new hearing on blood evidence

David Eugene Johnston alleges several witnesses gave false testimony at trial



David Eugene Johnston, a transient, was convicted of the stabbing and strangulation of 84-year-old Mary Hammond at her Ridgewood Street apartment in Orlando. (RICARDO RAMIREZ BUXEDA, ORLANDO SENTINEL / April 24, 2009)

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Attorneys for Orange County death-row inmate David Eugene Johnston today asked the Florida Supreme Court to order a new hearing about blood evidence.

Johnston, 49, was convicted of strangling and stabbing 84-year-old Mary Hammond in her Orlando home in 1983.

The governor signed Johnston's death warrant in April, setting off a new round of legal briefs. Today's filings are the latest.

After DNA tests this summer on crime scene evidence, Orange County Circuit Judge Bob Wattles concluded the results did not exonerate Johnston.

But in pleadings filed today, defense attorney D. Todd Doss argued that Wattles made a key mistake. Doss asked the Florida Supreme Court to order Wattles to hold a new evidentiary hearing.

According to Doss, the new tests proved that several state witnesses gave false testimony at Johnston's trial.

They told jurors that several pieces of clothing Johnston was wearing appeared to have blood on them, presumably from the victim.

But the new tests show that lab technicians could not find blood on many of those items, including Johnston's shoes, socks and shirt.

The Florida attorney general's office was working Tuesday on a brief, responding to the new issues raised by Doss.