

2 Fla. death row inmates win appeals

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TALLAHASSEE, Fla. (AP) -- One death row inmate convicted of killing and robbing an elderly man will be retried. Another, who raped a pregnant woman and killed her husband, will get a new sentencing hearing.

The Florida Supreme Court on Thursday ordered the new trial for Hollywood roofer Gabby Tennis, 28, who robbed and stomped to death 91-year-old Albert Vassella in 2003 to get money to pay for the right to marry a 16-year-old girl. The justices found Circuit Judge Susan Lebow erred by failing to hold a hearing before letting Tennis represent himself at his Broward County trial.

The high court, meanwhile, upheld Mark Anthony Poole's convictions for first-degree murder, attempted murder, sexual battery and other crimes, but it vacated his death sentence because of a prosecutor's improper cross examination during the penalty phase of the Polk County trial.

In Tennis' case, Liza Boltos testified she was a member of the "gypsy culture" and had demanded "three, four or five thousand" dollars from his Tennis' father in exchange for his marrying her daughter, Sophia Adams. Boltos also did housekeeping for the victim.

Adams, who went with Tennis to the victim's home, pleaded guilty to second-degree murder for her role in the slaying and also testified against Tennis. She was sentenced to 10 years in prison and has a December 2012 prospective release date.

The high court ruled 7-0 in the unsigned decision, but Justice Barbara Pariente wrote a concurring opinion to also express concern that Lebow had refused, without explanation in the court record, to accept the state's offer to let Tennis plead guilty in exchange for a life sentence.

Three other justices concurred with Pariente's opinion, which urged the state to again consider the plea offer if that's "in the best interests of the victim's family and the public" and Tennis accepts it.

The 5-0 unsigned opinion in Poole's case concluded the prosecutor's questions to defense witnesses about unproven evidence - prior arrests and a "Thug Life" tattoo - and Poole's alleged lack of remorse were improper. Department of Corrections records show Poole has tattoos, but none saying "Thug Life."

Poole, 45, broke into a couple's home in 2001, fatally beating the husband with a tire iron as the man tried to stop Poole from assaulting his wife. She also was beaten with the weapon. One of her fingers and part of another were severed in the attack.

Recently appointed Justices Charles Canady and Ricky Polston did not participate.