

State's top court reviews Daytona death-row case

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TALLAHASSEE -- Weighing arguments about possible new evidence, the Florida Supreme Court on Thursday waded back into the case of a death row inmate convicted of murdering a Bethune-Cookman University student in 1992.

An attorney for James Eugene Hunter said evidence now shows a co-defendant could have been the gunman in the slaying of Wayne Simpson, 19, who was shot in the back during a robbery outside his father's sandwich shop near the Bethune-Cookman campus in Daytona Beach.

Supreme Court justices in 1995 and 2002 rejected other appeals by Hunter, 37, who was known by the nickname "Psycho." Also, a federal appellate court rejected an appeal in 2004.

But attorney Paul Kalil asked justices to order a new circuit-court hearing in the case, in part, because Hunter co-defendant Eric Boyd has made written and verbal statements in recent years about shooting another man who was with Simpson.

Kalil said prosecutors have long argued that only one gunman fired shots during the robbery.

Assistant Attorney General Kenneth Nunnelley, however, said testimony during the 1993 trial of Hunter and Boyd was "absolutely crystal clear" that Hunter shot Simpson.

"This case is just as solid now as when Mr. Hunter was convicted in 1993," Nunnelley said.

Some justices also appeared skeptical, pointing to testimony from witnesses during the trial. Justices questioned whether Boyd had made statements about shooting Simpson -- or whether he had only talked about shooting the other man, Taurus Cooley.

"He hasn't explicitly stated that fact," Kalil said when pressed by Justice Harry Lee Anstead.

Hunter, Boyd and two accomplices were charged in the September 1992 killing of Simpson and the shooting of three other victims.

While Hunter received the death penalty, the other defendants were sentenced to life in prison, state records show.

Simpson was shot as he lay face down on the sidewalk. The other victims, including Cooley who was shot in the chest, survived the attack.

The robbers left after taking clothes, jewelry and other items from the victims. Police in Ormond Beach stopped a car in which Hunter and the accomplices were traveling, but the murder weapon was not found.