

Florida Supreme Court frees Death Row inmate in 1994 Broward murder



Herman Lindsey, 36, was convicted in 2006 of the murder of Joanne Mazollo at the Big Dollar pawn shop.

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TALLAHASSEE -- The Florida Supreme Court unanimously ordered Thursday that a Death Row inmate be set free because there wasn't enough evidence to convict him of murdering a Fort Lauderdale pawn shop worker.

Three justices went a step further than their colleagues, issuing a separate opinion that said the Broward County court "erred" by allowing a prosecutor to inflame jurors when they were deciding whether to recommend the death sentence for Herman Lindsey.

Lindsey, 36, was convicted in 2006 of the murder of Joanne Mazollo at the Big Dollar pawn shop. That happened 12 years before, but the cold case was cracked by a Fort Lauderdale police detective.

During trial, prosecutors presented numerous pieces of evidence suggesting Lindsey and another man, Ronnie LoRay, committed the crime. LoRay later pleaded guilty. A damning statement against Lindsey, who has a long criminal record, came from a former Broward County jail inmate who said Lindsey admitted to having murdered a witness in a robbery.

"While we agree that the evidence here does seem suspicious, even a deep suspicion the appellant committed the crime charged is not sufficient to sustain conviction," the court ruled.

After his conviction, Lindsey tried to persuade jurors to spare him from the death penalty. The prosecutor, whose name was not listed in the court ruling, should have asked Lindsey about his childhood during this phase of the case.

But the prosecutor, instead, asked Lindsey about the details of the crime.

"Why did you put a gun to her head and pull the trigger?" the prosecutor asked. "I didn't," Lindsey said.

Lindsey's lawyer objected, but he was overruled. The prosecutor continued, and then asked Lindsey, "so the jury is wrong?"

"I think the jury is mistaken," Lindsey answered.

None of that should have happened, wrote Justice Peggy A. Quince.

"The trial court abused its discretion," Quince wrote. "This error was not harmless. The prosecution's comments were not only improper but were also prejudicial and made with the apparent goal of inflaming the jury."

Neither prosecutors, the defense nor the Broward Circuit judge, Eileen M. O'Connor, could be reached.