

Judge denies request to delay this week's execution in 1983 murder near Stuart

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FORT LAUDERDALE — A judge today denied a request for a new hearing for Death Row inmate John Richard Marek, 47, who is scheduled to die Wednesday for the 1983 kidnapping of a woman near Stuart and her subsequent rape and murder.

Marek's attorney, Martin J. McClain, had asked Circuit Judge Jeffrey R. Levenson today to hear the testimony of convicted murderer Lee Johnson, who is serving a life sentence at the Sumter Correctional Institution. Johnson would testify that Marek's co-defendant, Raymond Wigley, had told him it was he and not Marek who killed Adela Marie Simmons in June 1983.

According to an affidavit from Johnson, he and Wigley were incarcerated together during various years.

Simmons, 45, an administrative assistant at Barry University in Miami-Dade County, was driving late at night with a female friend on Florida's Turnpike south of Stuart when their car broke down. Simmons accepted a ride from Marek and Wigley, who she thought were taking her to a gas station.

Her traveling companion, Jean Trach, refused to get into the truck with the men and said she urged Simmons not to, either. That was the last time she saw her friend alive.

Simmons was found the next afternoon, raped and strangled near a lifeguard stand on Dania Beach.

Assistant State Attorney Carolyn McCann reminded Levenson of testimony he heard last year that Wigley had confessed the murder to six other inmates over the years. Levenson had dismissed those claims, and the Florida Supreme Court subsequently upheld his decision.

Levenson referred to the previous inmate testimony in denying the request from Marek's attorney today.

"This Court finds that this claim has been raised previously, discussed at great length, and thoroughly considered through numerous years of litigation," he wrote.

He pointed out that at trial Trach testified that it was Marek, not Wigley, who had persuaded Simmons to get into the truck and that it was Marek's fingerprint that was discovered on the lifeguard observation deck near where the body was found.

"The evidence at trial clearly indicated that Marek was the dominant actor," Levenson wrote.

Marek and Wigley were convicted in 1984. Wigley was sentenced to life in prison, but was killed behind bars in 2000.

McClain appealed Levenson's decision to the Florida Supreme Court on Monday. He said he still had appeals pending before the 11th U.S. Circuit Court of Appeals in Atlanta and the U.S. Supreme Court in an attempt to stop the execution.