



Death Penalty Information Center

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Florida Inmate Facing Imminent Execution Despite Evidence of Witness Tampering by Prosecution

Dissent in Florida Supreme Court Would Grant Wayne Tompkins Hearing after "Bombshell Disclosure" by Jailhouse Informant

Washington, D.C. –Florida may execute Wayne Tompkins soon despite new revelations that the state prompted a trial witness to lie. Tompkins was to be executed in Florida on October 28, 2008, but was granted a stay of execution to allow time for the state Supreme Court to review his case. On November 7, the court denied Tompkins' appeal, even though the court acknowledged that a state witness admitted to providing false testimony at Tompkins' original trial in 1985. Justice Harry Anstead dissented from the court's ruling and underscored the gravity of the new information: If a trial witness was fed information by the prosecution, it "could change the jury's entire evaluation of the case," he wrote.

Tompkins was convicted of murdering his girlfriend's daughter, Lisa DeCarr, and burying her under a house in Tampa in 1983. He has always maintained his innocence. One of the key witnesses who testified against Tompkins was an inmate who shared a jail cell with him while Tompkins was awaiting trial. That inmate, Kenneth Turco, recently admitted that the prosecutor prompted him to give false testimony about the victim's purse during the trial. Turco claims that the rest of his testimony, in which he recounted an alleged confession by Tompkins, was true.

Justice Anstead would have granted Tompkins an evidentiary hearing regarding what he called "flagrant misconduct" by the state. He said that the prosecutor's actions, if true, amounted to tampering with a witness. "Imagine here a jury already concerned with the credibility of a jailhouse snitch now being told that a critical part of his testimony was fabricated by the state's prosecutor," he wrote. "Surely, common sense would tell us this is the kind of 'bombshell' disclosure that could change the jury's entire evaluation of the case." (*Tompkins v. Florida*, Nos. SC 08-992, -1979, -2000, Nov. 7, 2008) (Anstead, J., dissenting in part).

Tompkins' stay of execution expires on Nov. 18. For further information about Tompkins' case, contact his attorney, Martin McClain, 305-984-8344, email: martymcclain@earthlink.net. For other death penalty information, contact DPIC's Executive Director, Richard Dieter, 202-289-2275, email: rdieter@deathpenaltyinfo.org.

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