

David Lee Thomas

DAVID LEE THOMAS

717466



Written by David on 2005:

“I was born on October 13th , 1965 in Fort Myers, Florida. I am 40 years old. I am a Black American with brown hair and brown eyes. I have been on Death Row since May 15th , 1990 so that makes 15 years that I have been locked up and have not seen a single member of my family or a single friend. I was raised by my mother who is now dead. Relations with my family are not steady.

Please write to me. I am all alone.

Take care and may God bless you.”

THE FACTS / THE TRIAL

On April 26th , 1990 in Fort Myers Florida, a man was shot dead at the wheel of his car. He was also robbed.

David Lee THOMAS, known in the neighborhood as “Bubba” was accused by five people who acted as witnesses for the Prosecution. Two of them were already known to the police and had already been convicted of theft and other offences.

In exchange for their statements against David, they were promised leniency with respect to their own convictions. This is current practice in the USA.

Regarding the other witnesses, a thorough study of the scene of the crime showed that it was practically impossible for them to have heard or seen what they claimed.

During the interrogation, David admitted to having committed the murder.

Even for the Defence, this confession made under pressure is not proof of David's guilt. In addition, he is mentally handicapped.

CONVICTIONS

1° During the first trial, the Court-appointed lawyer did not use all the possible pleas. In his incompetence he did not put before the Court all the proof that could have saved David. His rights were infringed regarding the 5th, 6th, 8th and 14th amendments of the USA Constitution. In 1994, David was sentenced to death.

2° David is presently awaiting the outcome of an appeal trial dating from June 2004. His new lawyers are careful and competent.

3° Should he receive the death sentence once again, the Court will be asked to judge David's mental capacity. Since 2002, the Atkins Law has forbidden the application of the death penalty to all mentally handicapped people in the USA.

There is still hope.

Last news!!!!

We have some good news on David's case

Judge Thompson entered an order on April 8, 2009 granting a new penalty phase based on ineffective assistance of counsel.

This means that the State will have to once again attempt to convince a new jury that David should be sentenced to death.

However, the judge denied the motion for a new trial on the guilt phase issues. Additionally, there may be further proceedings on the issue of mental retardation. If David is found to be mentally retarded, then the State cannot retry him at all.

The order is 85 pages long and fairly complicated. We are not sure how it will all play out in the end, nor do we know when David will be back in court. But, if there is any more significant news, we will be sure to let you know.

Last news again!!!!

16th august, 2009: mail from Annyck Guillard

Our friend David Lee Thomas will go back in front of the Court on August 31 to be re-sentenced.

His attorneys are hoping to have his death penalty sentence reviewed and instead will try to have a life sentence of 25 years.

It means that if the years spent already on death row are considered David could already be able for parole in 6 or 7 years.

But that is the best scenario.

Just hope that they do not consider his mental status. In that case he would be placed into an institution.

I will let you know as soon as I know more from his attorneys.

In the meantime you always can send him a card.

No idea when he will be sent back into the country jail in Fort-Myers.

1th September, 2009: new mail from Annyck Guillard

At least excellent news!!!!

I have been in contact with David's lawyer some minutes ago.

David has been re-sentenced to life - 25 years before parole (less the years already done on death row).

He will be transferred back to Raiford until they decide where he will do his time (probably

next to Fort Meyers).

Hope you will send him a card to wish him good luck.

All the best!

Annyck

David is out of Death Row on August 31, 2009