

WORLD & NATION

Cardinal joins efforts to oppose convict's execution

By Julie Sly
Catholic News Service

SACRAMENTO, Calif. — The U.S. Supreme Court agreed to delay the execution of convicted murderer Thomas Martin Thompson, who was scheduled to die by lethal injection Aug. 5 at San Quentin.

The high court acted after California Attorney General Dan Lungren petitioned it to overrule an Aug. 3 decision by the 9th U.S. Circuit Court of Appeals in San Francisco to block the execution.

The circuit court ruled that Thompson's trial attorney had failed to adequately challenge evidence that Thompson had raped a 20-year old Laguna Beach woman before killing her in 1981.

Without the rape charge, there would be no circumstance to qualify Thompson, 42, for the death penalty in the case.

Thompson's case has attracted the attention of death penalty opponents, in-

cluding religious leaders, prosecutors and legal experts, as well as a cadre of capital punishment supporters who believe there may be evidence that another man actually stabbed to death 20-year-old Ginger Fleischli in 1981.

Among those calling for clemency was Cardinal Roger M. Mahony of Los Angeles.

Thompson's supporters staged rallies and sent letters and faxes, trying to persuade Gov. Pete Wilson to grant clemency in the case. Wilson refused July 31.

The 9th Circuit Court voted 7-4 that the execution should be set aside because Thompson's trial attorney failed to challenge the credibility of jailhouse informants or introduce testimony from a pathologist that conflicted with evidence suggesting that Fleischli was raped.

In dismissing Thompson's bid for clemency, Wilson turned back arguments from seven former prosecutors, including

the man who wrote California's death penalty law, two death-row prison guards and two jurors who originally supported Thompson's death sentence.

Thompson supporters and lawyers have argued that Fleischli was more likely killed by David Leitch, a former boyfriend who was reported to have threatened her and whose shoe print was found near her grave. Leitch was convicted of second-degree murder for helping Thompson dispose of the body.

Fleischli's body was found stabbed to death, wrapped in a sleeping bag and towels, and buried in a shallow grave in Orange County, two days after she went out for dinner and dancing with three people, including Leitch and Thompson.

In challenging the rape conviction before the 9th Circuit Court, lawyers cited recent claims by Leitch that he walked in as Fleischli and Thompson were having what appeared to be consensual sex.

In a letter to the governor released July 24, Cardinal Mahony wrote that he shared questions raised by Thompson's attorneys and by friend-of-the-court briefs "about the circumstances which made this case eligible for the death penalty and other substantial questions regarding (Thompson's) role in the crime for which he was convicted."

Cardinal Mahony said, "Society will certainly not benefit by the execution of Mr. Thompson under the circumstances and questions raised now regarding his case when the possibility of a life sentence without the possibility of parole is a viable option."

He also cited the consistent stance of the U.S. Catholic bishops against the use of capital punishment, but said such a position "in no way seeks to minimize the tremendous pain and loss suffered by the victims of violent crimes and by family and friends."

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