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William Thomas Zeigler, Jr. v. State of Florida

SC05-1333

OKAY.THE NEXT CASE ON OUR CALENDAR THIS MORNING IS ZIEGLER, VERSUS STATE OF FLORIDA.HELLO, FOLKS.

MAY IT PLEASE THE COURT, THIS IS AN APPEAL FROM THE DENIAL OF A MOTION FOR POST-CONVICTION RELEASE BY DEATH ROW INMATE TOMMY ZIEGLER AND I REPRESENT HIM AS I DID IN THE COURT BELOW FOR THE LAST 16 YEARS AND THE COURT BELOW HELD AN EVIDENTIARY HEARING AND THE RESULT OF DNA TESTING WE PERFORMED ON CERTAIN PIECES OF EVIDENCE, CLOTHING, EVIDENCE IN THE CASE. AT THE STATE'S REQUEST THE COURT BELOW ENTERED AN ORDER THAT LIMITED THE SCOPE OF THE HEARING TO ONLY THOSE DNA RESULTS AND THE TESTIMONY DIRECTLY RELATED TO IT.

LET ME ASK YOU ABOUT THE DNA TESTING THAT YOU DID. WAS THE SCOPE OF THAT DIRECTED BY YOU OR BY THE STATE OR BY THE COURT OR...

IT -- IT WAS A COMBINED EFFORT, AND WE GOT THE ORIGINAL ORDER FROM THE COURT, TO SEEK THE EVIDENCE FOR TESTING AND THE STATE BARGAINED FOR AND RECEIVED THE RIGHT TO DESIGNATE ANY ADDITIONAL ITEMS IT WANTED FOR TESTING. THE DECISION AS TO WHAT PARTS OF THE CLOTHING TO TEST WERE DONE IN A JOINT TELEPHONE CONFERENCE BETWEEN THE STATE DEFENSE AND LAB CORP TECHNICIAN WHO WAS SUGGESTING AREAS ON WHICH HE BELIEVED WE'D BE PROVIDED WITH THE BEST RESULTS.

BUT THERE WERE NO AREAS THAT YOU WANTED TO TEST THAT WERE NOT TESTED OR WERE THERE?

WE BELIEVE WE WERE TESTING ALL THE AREAS WE NEEDED TO TEST, JUSTICE QUINCE. THERE WAS SOME QUESTION WHEN IT CAME BACK WITH REGARD TO WHETHER WE GOT AS FAR INTO THE HEAVY STAINED AREA AS WE WOULD HAVE LIKED TO HAVE GOTTEN. WE WERE BELIEVED WHEN WE DEALT WITH LAB CORPS WE WERE GOING TO GET DIRECTLY INTO THE MOST HEAVILY STAINED PARTS OF THE UNDER ARM OF THE OUTER SHIRT. THE STATE CRITICIZED US AND BELIEVES WE DID NOT GO DEEP ENOUGH INTO THAT AREA. THAT WAS WHAT WE BELIEVED WE WERE ARRANGING WITH LAB CORPS AT THE TIME.

NOW THE ORIGINAL PURPOSE FOR THIS REQUEST AND THE GRANT, WAS IT FOR CLEMENCY PURPOSES.

IT WAS, YOUR HONOR AND WE DID NOT HAVE A RULE IN PLACE IN THE STATE OF FLORIDA THAT PERMITTED IT TO BE DONE FOR JUDICIAL PURPOSES AND WE WERE NOT IN A POSITION TO BE ABLE TO BRING IN A COURT OF LAW. THE PREVIOUS COURT IN 1995, HAD PRECLUDED US FROM DOING IT FOR THE COURTS AND WE WERE AT THAT TIME IN A SITUATION WE WERE AWAITING THE 11th CIRCUIT'S DECISION ON WHETHER OR NOT WE WOULD GET A CERTIFICATE OF APPEALABILITY FROM HAVING LOST IN THE FEDERAL DISTRICT COURT AND BELIEVED CLEMENCY PROCEEDINGS COULD BE IMMINENT AND WE THOUGHT IT ONLY PRUDENT TO GET OUR DUCKS IN A ROW, SO TO SPEAK AND BE READY TO PRESENT THE GOVERNOR IN WE WERE IN THAT SITUATION. OF COURSE, SUBSEQUENT TO THAT THE STATE LEGISLATURE AND THE COURT BOTH PROMULGATED PROCEEDINGS BY WHICH THE EVIDENCE COULD BE BROUGHT IN A COURT OF LAW AND AS RESPONSIBLE ADVOCATES WE BELIEVE THAT IT WAS OUR OBLIGATION TO DO THAT FOR OUR CLIENT, FOR JUDICIAL DETERMINATION. WE HAVE TWO FORMS OF RELIEF WE'VE REQUESTED, THE FIRST IS OUTRIGHT REVERSAL OF THE CIRCUIT COURT'S DECISION AND AS DEFINED BY THE COURT BELOW ERRED IN NOT GRANTING OUR MOTION FOR NEW TRIAL AND TO GRANT THAT RELIEF BY THE BOARD AND THE SECOND AN ALTERNATE RELIEF IS WE'D ASK FOR A REMAND FOR FURTHER PROCEEDINGS AND ASK THAT THE COURT FIND THAT THE COURT BELOW ERRED IN

LIMITING THE SCOPE OF THE EVIDENTIARY HEARING AND BASED THIS ON THE FACT THAT THE COURT REVERSED THE SAME JUDGE ENTERING THE SAME ORDER OF HITCHCOCK IN AN UNPUBLISHED ORDER AND BELIEVE IT FOR THE SAME REASONS MR. ZIEGLER IS ENTITLED TO AN EXPANSIVE HEARING AS MR. HITCHCOCK WAS AND SECONDLY WE'D SUGGEST GIVEN SOME OF THE ISSUES THAT WERE RAISED THE TESTING OF THE EVIDENCE WOULD BE APPROPRIATE AND PARTICULARLY TESTING WITH REGARD TO THE OUTER SHIRT AND CERTAIN SPOTS THE STATE TRIED TO CLAIM AT THE EVIDENTIARY HEARING WHICH THE JUDGE ACCEPTED, AS A CONSEQUENCE OF THE EVIDENTIARY HEARING, HAD SIGNIFICANCE TO THE CASE WHICH HAD NEVER BEEN TESTED AND, IN FACT, UNTIL YOU ACTUALLY TEST THEM, THEY CANNOT TAKE ON THE SIGNIFICANCE THE COURT CONFERRED ON THEM.

LET ME ASK YOU ON THIS ISSUE, WE HAD SAID IN THE ZIEGLER OPINION FROM -- '95.

'95. RIGHT. THAT EVEN IF WE FIND -- EVEN IF THE DNA RESULTS COMPORTED WITH THE SCENARIO MOST FAVORABLE TO ZIEGLER HE WOULD NOT HAVE BEEN ABLE TO SHOW THE EVIDENCE WOULD HAVE PROBABLY PRODUCED AN ACQUITTAL. WHAT DO WE DO WITH THAT STATEMENT AND HOW IS IT THAT YOU HAVE NOW SHOWN SUCH COMPELLING DNA RESULTS THAT WOULD CAUSE US TO RECEIVE FROM THAT STATEMENT THAT I GUESS IS PART OF THE LAW OF THE CASE?

WELL, YOUR HONOR I'M NOT SURE REALLY -- I THINK IT WOULD BE BEST CHARACTERIZED IN A MANNER THAT WENT ALONG WITH THE RULING BASED ON PRO SEARED DO YOU RECALL BARS -- AND FOR THAT REASON AS WELL AND IT WAS ALSO MADE WITHOUT A FACTUAL RECORD. AND IT WAS BASED ON SUPPOSITIONS THAT WERE CURRENT AT THE TIME.

LET'S GO AND -- YOU KNOW, I'M TRYING TO UNDERSTAND WHERE -- WHICH DNA IS WHERE. BUT I DON'T REALLY -- I'M HAVING A HARD TIME -- AND MAYBE YOU CAN TELL US, WHAT WOULD YOU SAY IS THE MOST COMPELLING ASPECT OF THE DNA EVIDENCE THAT REALLY, IF THE JURY HEARS THIS, HAS A SIGNIFICANT QUESTION AS TO WHETHER HE IS THE PERPETRATOR OF -- DO YOU HAVE TO SHOW ALL OF THE MURDER -- IN OTHER WORDS, ARE YOU TRYING TO SAY HE WASN'T THE MURDERER OF ANY OF THESE VICTIMS AND SO IF YOU COULD CLARIFY THAT.

THE MOST COMPELLING EVIDENCE AND, YOU KNOW, AS FAR AS WITH ALL THE DIFFERENT VICTIMS WHICH -- DOES IT AFFECT ALL OF THOSE CONVICTIONS.

WELL, YOUR HONOR THIS IS TRULY IN FOR A PENNY AND FOR A POUND TYPE OF CASE, WHICH IS IF YOU BELIEVE THAT THE -- BELIEVE ZIEGLER COMMITTED ANY OF THE MURDERS, IF YOU BELIEVE HE COMMITTED NOT ANY PARTICULAR ONE OF THEM, THEN YOU BELIEVE HE DIDN'T COMMIT ANY OF THEM, BECAUSE IF YOU DON'T BUY THE ELABORATE THEORY THIS STATE PUT TOGETHER THAT THE MURDERS ARE ALL CONNECTED AND HAVE THIS RELATIONSHIP, THEN ARE NOT GOING TO BUY THAT ZIEGLER, WHO HAD NO REASON WHATSOEVER TO COMMIT THESE CRIMES AND HAS BEEN AN INCREDIBLE CASE TO BEGIN WITH, COMMITTED ANY OF THEM. THE MOST COMPELLING EVIDENCE IN THIS CASE IS THE BLOOD ON CHARLIE MAYS' PANTS AND IS COMPELLING FOR SEVERAL REASONS AND THE FIRST, THE PLACEMENT OF THAT BLOOD. PERRY EDWARDS' BLOOD APPEARS ON CHARLIE MAYS' PANTS IN THE KNEE AREA UPWARD INTO THE THIGH AND IS NOT SOMETHING PRODUCED BY CASUAL CONTACT, THAT WAS NOT PRODUCED BY SOMETHING ON THE FLOOR. THAT WAS A SATURATION STAIN AND A SUBSTANTIAL, LARGE STAIN.

WASN'T THE EVIDENCE THAT THE TWO WERE IN CLOSE PROXIMITY.

ONLY YOUR HONOR IF YOU THINK 15 FEET IS CLOSE AND THE OBSTACLES IN BETWEEN IT DON'T POSE A SIGNIFICANT BARRIER TO THE FACT THAT THE BLOOD MAY BE BETWEEN THEM. THERE ARE WRAPS AND OTHER ITEMS IN THE FURNITURE STORE AND IF YOU LOOK THROUGH THE PHOTOS WHICH ARE PART OF THE RECORD YOU WILL SEE THERE IS NOT A PHOTO THAT SHOWS YOU CHARLIE MAYS AND PERRY EDWARDS TOGETHER, NOT A NICE CLEAN PHOTO YOU CAN SEE BOTH BODIES AND THERE IS NOT A GOOD ANGLE IN THE CRIME SCENE TO ALLOW YOU TO PUT THE TWO TOGETHER IN A PHOTO. THERE ARE OBSTACLES ON THE FURNITURE FLOOR AND SUBSTANTIAL DISTANCE BETWEEN THEM. THERE'S ALSO THE TESTIMONY OF THE EXPERT, PROFESSOR MCDONALD WHO SAYS IF THE BLOOD PERRY EDWARDS, SPRAYS OUTWARD, IS DRY BY THE TIME CHARLIE MAYS IS KILLED, NOW THAT IS A SUBSTANTIAL -- SUBSTANTIALLY IMPORTANT FOR MAKING THE TIMING OF THE VARIOUS MURDERS, BECAUSE MAYS' BLOOD SPATTERS OVER THE TOP OF THOSE DRIED SPATTERS FROM PERRY NEEDS WHAT WAS THE TRIAL TESTIMONY ABOUT THE

BLOOD? WAS ANY OF THE BLOOD -- TESTIMONY ABOUT THE BLOODSPLATTER, WAS ANY OF IT IDENTIFIED TO PARTICULAR INDIVIDUALS, BACK IN -- WHEN WAS IT, 1976. 1976, YOUR HONOR. THE TESTIMONY WAS WITH REGARD TO THE -- THESE FOUR MAJOR BLOOD GROUPS. IT WAS AT THAT LEVEL. ALTHOUGH, SUBTYPING WOULD HAVE BEEN A POSSIBLE TECHNOLOGY AT THAT TIME THAT WOULD HAVE ALLOWED YOU TO VERY SPECIFICALLY DISTINGUISH BETWEEN THE BLOOD, ALL THE INDIVIDUALS WHO BLED IN THAT STORE, THE STATE, SHERIFFS DEPARTMENT DID NOT CONDUCT THAT SUBTYPING AND DID NOT REQUEST IT TO BE DONE BY THE FBI WHICH WAS RATHER SHOCKING AND LET THE CRIME SCENE GO TOO LONG FOR THE DEFENSE TO BE ABLE TO DO IT AND HELD THE CRIME SCENE TOO LONG A PERIOD OF TIME AND DIDN'T HAVE THE EVIDENCE IN 1976 AND HAD IT DOWN TO TWO ITEMS OF DIFFERENTIATION AND YOU KNEW WHERE TYPE A BLOOD HAD BEEN SPILLED AND WHERE TYPE O BLOOD HAD BEEN SPILLED AND NOW THE PROBLEM WITH THAT IS THAT, YOU KNOW, FIRST THERE IS ONLY TWO AND SECONDLY, BOTH PERRY EDWARDS AND CHARLIE MAYS HAD TYPE A AND YOU DIDN'T KNOW AT THE TECHNOLOGY AVAILABLE AT THE TRIAL WHETHER IN FACT THE BLOOD ON CHARLIE MACE WHICH WAS A CAME FROM HIM, OR CAME FROM PERRY EDWARDS. AND THE STATE OF COURSE WAS NOT GOING TO CONCEDE BY ANY MEANS THAT THIS WAS PERRY EDWARDS' BLOOD. IT WAS ARGUED BY THE DEFENSE WITHOUT THE ABILITY AS WE'D HAVE TODAY TO SAY THAT REALLY IS PERRY EDWARDS' BLOOD AND WE KNOW THAT AND THERE IS NOT ANY DOUBT WHATSOEVER, THE LEVEL OF THE DNA MATCH IS SO HIGH AS TO DEFY THE IDEA THAT IT COULD BE ANYONE ELSE. WHAT WAS THE ARGUMENT AT THE TRIAL AS TO THE SIGNIFICANCE OF IT BEING PERRY EDWARDS' BLOOD ON MACE?

WELL, IF PERRY EDWARDS' BLOOD IS ON MAYS WHERE IT IS LOCATED, THE BEST EXPLANATION FOR HOW IT GETS THERE, THAT THE DEFENSE PUTS FORWARD AND I THINK IS A VERY CONVINCING ONE, IS THAT IT HAPPENS WHEN CHARLIE MAYS, KNEELS DOWN ON PERRY EDWARDS' CHEST WHILE PERRY EDWARDS IS SUFFERING FROM A -- A GUNSHOT WOUND THAT CREATED A LARGE AMOUNT OF BLOOD IN HIS CHEST AREA, AND BEATS PERRY EDWARDS ON THE HEAD TO FINISH HIM OFF AND THAT IS IMPORTANT, BECAUSE HOW ELSE WOULD YOU COME UP WITH A BLOOD-STAIN THAT SIGNIFICANT AND SATURATED IN THE AREA OF THE KNEE AND UPWARD ON THE THIGH -- TELL ME THEN, THIS ONE, YOU HAVE LIMITED TIME AND YOU ARE FAR MORE FAMILIAR WITH DETAILS OF THE DNA. WHO -- MAYBE YOU DON'T HAVE TO COME UP WITH THIS THEORY. BUT, WHO KILLED CHARLIE MAYS?

HIS CONFEDERATES.

UNIDENTIFIED.

WE CANNOT IDENTIFY EXCEPT FOR THE TESTIMONY OF MR. ZIEGLER WHO BELIEVES THERE WAS MORE THAN ONE PERSON IN THE STORE.

AND YOU SAID EARLIER THERE WAS NO MOTIVATION FOR ZIEGLER. I THOUGHT THAT -- HAVE YOU EVER -- THE FACT THAT HE HAD INCREASED HIS -- THE LIFE INSURANCE ON HIS WIFE AND THAT HE HAD MADE ATTEMPTS TO ACQUIRE WEAPONS, HAS THAT EVER BEEN DISPUTED OR UNDERMINED BY POST CONVICTION PROCEEDINGS?

WELL, YOUR HONOR, WE HAD CONSIDERABLE TESTIMONY ABOUT WHY THAT WAS REASONABLE AND PRUDENT OR OFFERED TESTIMONY, WHY WAS REASONABLE AND PRUDENT FOR ZIEGLER TO INCREASE THE LIFE INSURANCE THAT HE DID BECAUSE IT HAD TO DO WITH BUSINESS DECISIONS AND THAT WAS PROPER AT THE RESENTENCING, I BELIEVE THERE WAS ALSO SOMETHAT WAS -- A MOTIVE WHERE THERE WAS AN EXPLANATION FOR IT, IT DOES OFFER A MOTIVE, YOU SAY THAT THERE WAS NO REASON --

WELL, IN THE ABSTRACT, IT DOES, IF YOU WANT TO SAY JUST BECAUSE YOU HAVE LIFE INSURANCE ON YOUR LIFE THERE IS A MOTIVE IN WHICH CASE, I'M IN DANGER AS MANY OF YOU MAYBE THAT YOU HAVE LIFE ON YOUR SPOUSE OR BENEFICIARY AND THAT IS NOT A MOTIVE, TO HAVE A MOTIVE YOU NEED A FINANCIAL REWARD AND A REASON TO SEEK THAT FINANCIAL REWARD. THAT PART OF IT IS WHAT IS MISSING AND IS -- NO SIGN THAT MR. ZIEGLER HAD ANY FINANCIAL DIFFICULTIES, ANY REASON TO NEED THE MONEY, ANY REASON WHATSOEVER THAT HE WOULD WANT TO COLLECT ON THAT INSURANCE POLICY.

WAS THE GUN EVER FOUND.

THERE WAS ONE OF THE GUNS THAT WAS INVOLVED IN THE MURDERS AND THERE ARE

SEVERAL GUNS INVOLVED IN THE MURDER AND ONE IS FOUND IN POSSESSION OF EDWARD WILLIAMS, WHICH I THINK -- OUGHT TO BE POINTING A FINGER RIGHT AWAY AT EDWARD WILLIAMS AND ONE PIECE OF EVIDENCE WE WANTED TO BRING TO THE HEARING BELOW WAS THE TESTING THAT HIS PANTS TURNED OVER TO POLICE WHICH SHOULD HAVE SHOWN THE PRESENCE, IF HE WAS TELLING THE TRUTH, OF GUNSHOT RESIDUE AND OTHER HEAVY METALS IN POCKET, AND RECENTLY FIRED GUN, STUCK IT INTO HIS POCKET AND TOOK IT FOR MR. ZIEGLER AND RAN FROM THE CRIME SCENE, SUPPOSEDLY FOR HIS LIFE BECAUSE HE FEARED MR. ZIEGLER AND HIS PANTS WERE CLEAN, YOUR HONOR AND THAT SUGGESTS MR. WILLIAMS TURNED OVER HIM WITH THE INTENTION OF MISLEADING THE POLICE WHICH SUGGESTS THAT HE WAS CULPABLE, HAD SOME SORT OF CULPABILITY AND THAT IS WHAT HE WAS TRYING TO HIDE. WHAT WAS THE EVIDENCE AGAINST MR. ZIEGLER?

IS THE EVIDENCE AGAINST -- YOUR HONOR, THERE IS AN -- THIS IS A SIGNIFICANT RECORD. THERE IS AN ASSORTMENT OF MISCELLANEOUS WITNESSES WHO SAY THEY SAW HIM HERE OR THERE AND OTHER PEOPLE WHO CONTRADICT IT. THIS IS A CIRCUMSTANTIAL CASE, IN THE SENSE THAT YOU BOIL IT -- EVERYTHING IS CIRCUMSTANCE, BUT FOR THE TESTIMONY OF BELTON THOMAS, EDWARD WILLIAMS AND THE INDIVIDUAL WHO -- JUSTICE PARIENTE, WHO WAS -- MENTIONS ABOUT BUYING A GUN.

THOSE ARE PRETTY -- THOSE ARE PRETTY SIGNIFICANT WITNESSES.

AND I'LL WALK THROUGH THEM ALL, YOUR HONOR. MR. SMITH, WHO WAS A PERSON WHO TESTIFIED WITH REGARD TO THE GUN TESTIFIES SPEAKING TO SOMEBODY OVER THE PHONE, WHICH -- YOU KNOW, COULD OR COULD NOT BE RELIABLE AND IS ALSO CLOSELY CONNECTED TO MARY STEWART, WHO IS ANOTHER WITNESS IN THE CASE, WHO IS A FRIEND OF EDWARD WILLIAMS, AS IDENTIFIED IN THE CASE. EXCEPT THAT IT TURNS OUT SHE WASN'T A FRIEND, SHE IS AN EX-WIFE TO WHOM MR. WILLIAM TRANSFERRED SUBSTANTIAL ASSETS IN A VERY SHORT PERIOD OF TIME AROUND THE TIME OF THE KILLING. SO, MR. SMITH, THE SON-IN-LAW OF MS. STEWART IS SUSPECT IN THAT CONNECTION. MR. THOMAS, WHO IS SUPPOSED TO BE AN IMPORTANT WITNESS HERE, IS TIED VERY CLOSELY TO CHARLIE MAYS, AND EVERYTHING HE TESTIFIED TO IS I WAS DOING IT FOR CHARLIE MACE, I WAS DOING IT FOR CHARLIE MAYS AND IF YOU BELIEVE AS I BELIEVE -- OR IF THE JURY HEARS -- I BELIEVE THE JURY SHOULD HEAR ABOUT THE BLOOD TEST RESULTS ON CHARLIE MAYS' PANTS AND YOU LOOK AT IT AND YOU SAY, HMM... CHARLIE MAYS LOOKS TO BE A PERPETRATOR AND LOOK AT BELTON THOMAS IN A NEW LIGHT BECAUSE HE WAS THOROUGHLY IMPEACHED AND THE COURT SAID AS MUCH AND THAT IS A REASON WHY THE COURT WAS NOT PARTICULARLY PERSUADED BY THE BRADY ARGUMENT WE BROUGHT A FEW YEARS AGO ABOUT ADDITIONAL STATEMENTS. HE WAS AN IFfy WITNESS AND AS WAS MR. EDWARDS AND THEY WERE ALL HEAVILY IMPEACHED AND THERE WAS OTHER EVIDENCE TO CORROBORATE THEM ACCORDING TO THE COURT AND THAT EVIDENCE IS FALLING APART. THAT IS WHAT THE DNA TESTING TELLS YOU. AND THE EVIDENCE THEY WERE HANGING ON IT FALLS APART AND POINTS STRONGLY AT CHARLIE MAYS, AS THE PERP -- PERPETRATOR HERE AND WOULD REASONABLY MAKE A DIFFERENT DECISION AND YOU KNOW THIS JURY THAT HAD THE CASE HAD A 6-6 VOTE ITS FIRST TIME BACK IN THE JURY ROOM AND YOU KNOW THEY SPLIT THE VERDICT BETWEEN FIRST AND SECOND DEGREE MURDERS IN A CASE WHICH, IF THEY BELIEVED THE STATE CATEGORICALLY, REALLY BOUGHT IN THE STATE'S CASE, FOUR FIRST DEGREE MURDER CONVICTIONS HERE AND WITH THOSE CONVICTIONS THE JURY RECOMMENDED LIFE AND IN THIS CASE, THIS COURT HAS SAID TWICE -- TWICE IT HAS SAID, YOU CANNOT EXPLAIN THAT LIFE VERDICT BY REASONABLE MEANS, EXCEPT ONE CRITERIA THIS COURT DOESN'T RECOGNIZE WHICH IS THAT RESIDUAL ABOUT JURIES OFTEN HAVE IN DEATH PENALTY CASES, SOMETHING IS NAGGING AT THEM. AND THINK OF THIS IN TERMS OF -- WHAT IF YOU COULD SCORE REASONABLE DOUBT AND I KNOW WE HAVE ALL SEEN THE DEBATES, ACADEMICS HAVE AND IF YOU -- WHAT IF YOU SCORE REASONABLE DOUBT AND HAVE THE SCORE OUT OF 100 AND GOT RID OF REASONABLE DOUBT AND THIS IS THE KIND OF CASE THAT CAME IN 1986-8 UP AND CHARLIE MAYS AND THE OTHER DNA TEST RESULTS, KNOCKED IT DOWN EMPLOYEE 85 AND THE 70s AND 60s, DEPENDING ON HOW YOU LOOK AT THIS AND THAT IS WHAT IS IMPORTANT ABOUT THE EVIDENCE, FOR PURPOSES OF DECIDING WHETHER OR NOT THERE SHOULD BE A NEW TRIAL AND LOOKING AT EVIDENCE THAT FOX YOU DOWN BELOW THE STANDARD AND JUST LAST --

YOU ARE INTO YOUR REBUTTAL NOW.

I WILL TIE IT UP QUICKLY, THIS LAST WEEK AND I KNOW MR. NUNNELLEY NOTED FOR YOU THE CHERRY CASES, SUPPLEMENTAL AUTHORITY, AND AN INTERESTING CASE DECIDED BY THE COURT WAS REICHMAN VERSUS STATE, DECIDED ON THURSDAY WHEN IT TALKS ABOUT WHAT YOU HAVE TO DO TO DEMONSTRATE NEW EVIDENCE IT TALKS ABOUT WEAKENING THE CASE AGAINST THE DEFENDANT, GIVING RISE TO REASONABLE DOUBT REGARDING THE CULL -- CULPABILITY AND THAT IS WHAT THE DNA EVIDENCE BRINGS TO YOU, AND WEAKENS THE CASE AGAINST THE DEFENDANT, AND RISE TO REASONABLE DOUBT AND THAT IS WHY HE SHOULD HAVE A NEW TRIAL.

WILL YOU REST ON THESE OR THE ITEMS THAT NEED TO BE TESTED.

I'LL LEAVE IT TO THE BRIEF, YOUR HONOR.

MAY IT PLEASE THE COURT, I REPRESENT THE STATE OF FLORIDA IN THIS PROCEEDING. LET'S TALK ABOUT THE DNA EVIDENCE THAT MR. ZIEGLER FORGOT TO MENTION AND THAT IS THE BLOOD ON TOMMY ZIEGLER'S SHIRT THAT CAME FROM CHARLIE MAYS. WE GOT -- LET ME -- WITH THAT SAID, LET ME BACK UP TO THE 1995 DECISION, THAT MY OPPONENT CHARACTERIZES -- I'LL LEAVE IT TO THE COURT'S DETERMINATION AS TO WHETHER THE FINDINGS ARE -- [INAUDIBLE] I BELIEVE YOU SAID, YOU SAID AGAIN, IT BEARS REITERATING. WE FIND -- AND THAT DOESN'T SOUND LIKE DICTA TO ME EVEN IF THE DNA RESULTS COMPORTED WITH THE SCENARIO, MOST FAVORABLE TO ZIEGLER, HE STILL WOULD NOT HAVE BEEN ABLE TO SHOW THAT THE EVIDENCE WOULD HAVE PROBABLY PRODUCED AN ACQUITTAL. THAT IS STRAIGHT OUT OF JONES AND THAT IS STRAIGHT UP WITH ALL THIS CASE.

THE -- JUST EXPLAIN IT, BECAUSE AGAIN, YOU ARE ALSO MUCH MORE FAMILIAR WITH HOW THIS DNA EVIDENCE PLAYS OUT. THE BLOOD ON ZIEGLER COMING FROM MAYS IS THAT -- COULD THAT BE CONSISTENT WITH THE SCENARIO THAT MACE IS THE PERPETRATOR? IN OTHER WORDS, THE FACT THAT THERE WOULD BE BLOOD ON ONE OR THE OTHER, I MEAN, IF MAYS IS KILLING ZIEGLER AND HE'S ALREADY BEEN -- BEEN WOUNDED, I DON'T KNOW WHAT THE SCENARIO IS, BUT IS THERE A SCENARIO THAT COULD BE -- COULD STILL PUT MACE AS A PERPETRATOR.

LET ME ANSWER THAT IN TWO WAYS, IT IS A TWO PART ANSWER. I'M NOT TRYING TO EVADE THE QUESTION BUT WE HAVE TO LOOK AT WHAT WE HAVE FROM 1975 AS FAR AS THE EVIDENCE GOES. THIS IS ZIEGLER'S SHIRT OR SPORTS SHIRT OR WHATEVER YOU WANT TO CALL IT AND A T-SHIRT OR OTHER SHIRTS. BLOOD ON BOTH IS THE SAME AND PRETTY MUCH MATCHES UP, BEST WE CAN TELL. BUT, TOMMY ZIEGLER CALLED HIS LAWYER

VANDEVENTER, LAW ENFORCEMENT

SHOWS UP, ONE OF THE TWO CHIEF

LAW ENFORCEMENT OFFICERS

TURNED UP, I BELIEVE IT WAS

THE WINTER GARDEN CHIEF OF

POLICE LOADED HIM INTO THE CAR

AND TOOK HIM TO THE HOSPITAL.

REMEMBER, THIS IS 32 YEARS

AGO.

WHEN THEY GET ZEIGLER TO THE

HOSPITAL, HE GOES INTO A

TRAUMA ROOM.

HIS CLOTHES ARE REMOVED FROM

HIM, PROBABLY BY BEING CUT OFF

OF HIM.

THEY ARE PITCHED ON THE FLOOR.

>> BEFORE YOU CONTINUE ON WITH

THIS SCENARIO, WHAT EVIDENCE

DO WE HAVE THAT THIS WAS SELF-

INFLICTED WOUND?

>> THAT IS INFERENCE, JUSTICE

QUINCE, THERE WAS NO EVIDENCE

THAT THAT WOUND WAS INFLICTED

BY ANYONE OTHER THAN

MR. ZEIGLER.

THAT IS WHERE IT STANDS.

THAT IS HOW THE EVIDENCE

PLAYED OUT.

>> HOW SERIOUS OF A WOUND WAS

IT?

>> WELL, MR. ZEIGLER WAS SHOT

IN THE STOMACH, AS I

UNDERSTAND IT, THE READING OF

THE TESTIMONY, THE MEDICAL

TESTIMONY, WENT IN HERE, CAME
OUT HERE, MANAGED TO MISS
ANYTHING IMPORTANT.

WHILE IT IS TRUE THAT HE WENT
INTO SURGERY,

IT IS TRUE THAT HIS DOCTOR DID
EXPLORATORY ON HIM TO SEE
EXTENT OF HIS INJURY?

HIS INJURIES TURNED OUT TO BE
VERY MILD.

IN FACT, THE INJURIES THAT
MR. ZEIGLER WAS COMPLAINING
ABOUT WERE INJURIES TO HIS
FINGERS.

>> WHY, MAYBE AGAIN, YOU KNOW,
THIS IS UNUSUAL CASE, AND I
THINK, PART OF THE THING THAT
IS JUST, IS SORT OF BEEN

NAGGING MY CONCERN ABOUT THIS
JURY RECOMMENDATION OF LIFE
WITH THIS MULTIPLE HEINOUS
MURDERS SEEMS, YOU KNOW, JUST
INCOMPREHENSIBLE UNLESS YOU
PUT IT ON THAT THERE WAS, SOME
DOUBT AS TO WHETHER HE WAS THE
PERPETRATOR OF KILLING ALL OF

THESE PEOPLE.

WHY?

WHAT WAS THE STATE'S

EXPLANATION AS TO WHY HE

DIDN'T LEAVE?

YOU KNOW, IF HE KILLED

EVERYBODY, WHY HE DIDN'T LEAVE

THE SCENE?

>> BECAUSE HE HAD TRIED TO

KILL EDWARD WILLIAMS

UNSUCCESSFULLY.

IF HE HAD KILLED EDWARD

WILLIAMS, OKAY?

THIS IS THE GUY WHO HE

CONFRONTED IN THE BACK HALL OF

THE STORE, AIMED A PISTOL AT

HIM, PULLED THE TRIGGER THREE

TIMES, ITS WITH AN EMPTY

WEAPON.

>> WHAT WAS THE STATE'S REASON

FOR WHY HE WOULD HAVE KILLED

ALL OF THE OTHER PEOPLE OTHER

THAN HIS WIFE?

>> LET ME BACK UP JUSTICE

PARIENTE, THIS IS A LONG

ANSWER, I AM SORRY.

>> WE GOT TO GET BACK TO HOW

THE BLOOD COULD HAVE BEEN ON
ZEIGLER FROM MAYS.

WELL, LET ME ANSWER THAT ONE
FIRST.

MAY HAVE TO REMIND ME OF WHAT
THE OTHER QUESTION IS.

IT HAS BEEN KIND OF A LONG
MORNING.

ZEIGLER'S CLOTHES WERE
RELEASED IN A PLASTIC BAG TO
ONE OF HIS RELATIVES.

THOSE ARE WADED UP IN THERE.

THE RELATIVE DOESN'T OPEN THE
BAG.

LAW ENFORCEMENT CALLS HIM AND
TELLS HIM TO BRING THE STUFF
BACK TO THE HOSPITAL AND TAKES

IT FROM HIM THEN.

ANYWAY, THAT IS WHAT IS GOING
ON HERE WITH THAT.

WHAT YOU HAVE HERE, YOU HAVE
EVIDENCE OF ZEIGLER AND THE
LIFE INSURE, YOU HAVE EVIDENCE
BACK IN THE SUMMER.

I THINK WE BETTER ANSWER --
BECAUSE YOU WHAT POINTED OUT

IS YOU SAID WHAT THEY DIDN'T
MENTION ABOUT THE DNA EVIDENCE
WAS THAT THERE WAS BLOOD ON
ZEIGLER THAT CAME FROM MAYS.

MY QUESTION WAS TO YOU SEEMED
LIKE SIMPLE QUESTION:

WHY COULDN'T HAVE THAT OCCURED
MAYS WAS THE PERPETRATOR.

I THINK YOU WERE TRYING TO
EXPLAIN THAT TO ME.

I HAVEN'T HEARD THE ANSWER TO
THAT.

>> SORRY.

IT IS CONVOLUTED.

A LOT OF THIS IS DIFFICULT TO
MAKE SENSE OUT OF.

WE CAN'T DRAW TOO MUCH FROM

THE STAINING PATTERNS OF THIS
BLOOD ON ZEIGLER'S SHIRT.

BECAUSE OF THE CONDITION OF
THAT SHIRT WHEN IT WAS
OBTAINED BY LAW ENFORCEMENT.

WHAT WE CAN DRAW FROM THIS IS
THAT YOU HAVE FOUR PEOPLE
KILLED IN A FURNITURE STORE.

YOU LOOK AT THE PICTURES OF
BACK THERE WHERE CHARLIE MAYS

AN HARRY EDWARDS WERE FOUND.

YOU GOT BLOOD ALL OVER THE
PLACE.

WHAT YOU HAVE IS ZEIGLER WITH
ONE OF HIS MURDER VICTIMS ON
HIS CLOTHING AN THERE IS NO
WAY CAN EXPLAIN THAT BLOOD
AWAY.

THAT IS WHAT YOU HAVE.

NOW I AM SURE MY OPPONENT IS
GOING TO GET UP AND TELL YOU
THAT MR. ZEIGLER CRAWLED OVER
CHARLIE MAYS DEAD BODY GET TO
A TELEPHONE TO CALL FOR HELP.
THE FACT OF THE MATTER, THAT
IS NOT A LEGITIMATE

EXPLANATION.

>> IS IT?

>> NO, MA'AM.

THE EVIDENCE AT TRIAL REBUTS
THAT INFORMATION.

>> WHAT ABOUT THIS FIRST --

WHEN I {SQHAD} WAS THE MOST
COMPELLING NEW EVIDENCE.

THE SATURATION STAIN OF
EDWARDS ON MAYS.

IS THAT, DOES THAT EXPLAIN
SOME OTHER INNOCENT WAY?
THAT IS HOW DID THIS HAPPEN?

>> I WOULD INVITE THE COURT
LOOK AT THE PICTURES.

PIT LOOKS LIKE A
SLAUGHTERHOUSE.

THAT IS WHAT IT LOOKS LIKE
BACK WHERE THE TWO MEN ARE
FOUND.

THERE IS BLOOD ALL OVER THE
PLACE.

THERE IS EVIDENCE OF A
STRUGGLE BETWEEN MAYS AND
ZEIGLER AND EDWARDS AN
ZEIGLER.

>> HOW CLOSE ARE EDWARDS AND
MAYS TOGETHER?

>> THEIR BODIES ARE 15 FEET
APART.

>> THIS WAS FURNITURE STORE?

>> YES, YOUR HONOR.

>> AND A RATHER LARGE
FURNITURE STORE RELATIVELY
SORT OF A WAREHOUSE TYPE OF A
STORE?

>> THAT IS MY UNDERSTANDING,

JUSTICE WELLS, I DON'T KNOW
WHAT IT LOOKS LIKE EXACTLY.
IT IS RATHER BIG BUILDING.

>> OKAY.

WHERE THESE BODIES LOCATED IN
RELATION TO EACH OTHER?

THEY WERE BOTH TOWARD THE BACK
OF THE STORE ON A FLOOR BACK
TOWARD THE BACK OFFICE AREA OF
THE STORE.

>> AND WHEN, WHEN -- DO THE
PHOTOGRAPHS SHOW THE BLOOD AND
THE RELATIONSHIP OF THE BODIES
TO EACH OTHER?

>> THE PHOTOGRAPHS SHOW THE

BLOOD.

YOU HAVE TO USE -- BECAUSE
THESE ARE RELATIVELY
TIGHT-ANGLE PHOTOGRAPHS, AND
YOU HAVE TO PUT TWO OF THEM
TOGETHER TO GET A PICTURE OF
WHERE THE TWO BODIES ARE IN
RELATIONSHIP.

THE PHOTOGRAPHS OVERLAP, IN
OTHER WORDS, THE PHOTOGRAPH OF
CHARLIE MAYS'S BODY OVERLAPS

WHERE PERRY EDWARDS BODIES,
BUT THEY DO NOT SHOW BOTH
BODIES TOGETHER.

I DON'T KNOW WHY THEY
PHOTOGRAPHED THEM IN THAT
FASHION.

I WOULD NOT VENTURE
EXPLANATION, BUT THERE'S
SEVERAL GUNS LAYING YOU AT
OVER THE PLACE.

>> WAS TOMMY ZEIGLER
IMMEDIATELY ARRESTED?

WAS IT SOME TIME LATER?

>> I THINK TWO LAYS LATER,
JUSTICE WELLS.

REMEMBER THE EXACT DATE.

>> THE HOSPITAL WAS THAT
NIGHT.

>> I BELIEVE SO.

I DON'T KNOW WHERE THAT IS.
IT HAS CHANGED A LOT DOWN
THERE SINCE ALL OF THIS
HAPPENED.

I DON'T KNOW THE LANDMARKS
THAT THEY REFER TO ALL THAT
WELL.

BUY GOT THE IDEA OR HAD THE
IDEA THE HOSPITAL WAS NOT
TERRIBLY FAR AWAY FROM THE
FURNITURE STORE.

>> ON THIS BLOOD ISSUE.

THE TRIAL JUDGE MADE A FINDING
THESE FIGS DO NOT SHOW AS THE
DEFENDANT IS SEARCHED THAT
MAYS IS THE PERPETRATOR RATHER
THAN A VICTIM OF THE CRIMES.

IF MAYS WERE INVOLVED IN A
STRUGGLE WHILE IN CLOSE
PROXIMITY WITH PERRY'S BLOODY
BODY, IT WOULD NOT BE

SURPRISING THAT PERRY'S BLOOD
ENDED UP ON MAYS SHOES AN
PANTS DURING THE ALTERCATION.

SUBSTANTIAL EVIDENCE IN THE
RECORD TO SUPPORT THAT
FINDING? YES, IS THERE.

>> WHAT IS IT?

>> BASED UPON THE EVIDENCE,
THE PHYSICAL EVIDENCE FROM
TRIAL, THE PHOTOGRAPHS WHICH
ARE UNDISPUTED.

THERE IS EVIDENCE THAT THERE

WAS A STRUGGLE BETWEEN BOTH
EDWARDS AN ZEIGLER AN MAYS AN
ZEIGLER AND THERE IS NO
QUESTION THAT MAYS BODY WAS
MOVED A COUPLE OF TIMES.
WE DO NOT KNOW EXACTLY BY
WHOM.

WE DO KNOW THAT AT SOME POINT
AND TIME, MR. MAYS UNDERWEAR
AND TROUSERS WERE IN A
DIFFERENT POSITION FROM THAT
IN WHICH THEY WERE FOUND
BECAUSE OF THE LOCATION OF THE
BLOODSTAINS ON THOSE ARTICLES

OF CLOTHING.

THAT BLOOD BEING MR. MAYS OWN
BLOOD.

I DO NOT HAVE AN EXPLANATION
FOR THAT.

I NEVER HEARD THE DEFENSE
OFFER EXPLANATION FOR THAT
EVEN THOUGH THE REBUTTAL MAY
BE THE TIME WE HEAR IT.

AGAIN, I DO NOT HAVE TO
EXPLAIN THOSE ISSUES.

>> WELL, HELP ME UNDERSTAND

THAT TESTIMONY ABOUT THE BLOOD

SPATER ON THE BACK OF THE

EFFICIENT DID HE'S SHIRT.

THERE WAS BLOODSTAIN ON THE

BACK OF ZEIGLER'S SHIRT

CONSISTENT WITH BEATING

SOMEBODY?

>> THAT -- YES AND NO.

THE REASON I SAY NO IS BECAUSE

THAT, THAT BLOOD SPATTER WAS

NOT TESTED.

OKAY.

IT WAS VERY CLEAR AT THE

HEARING THAT, THAT WAS NOT

BEING, THAT WAS NOT WHAT WAS

BEING SAID.

NO ONE WAS CLAIMING OR AT

LEAST THE STATE WAS NOT

CLAIMING THAT THAT WAS BLOOD

SPATTER; HOWEVER, THE EXPERT

WHO WAS DEFENSE EXPERT BY THE

WAY WAS VERY CLEAR IN SAYING

THAT IF ONE ASSUMES THAT IS

BLOOD SPLATTER, THAT THAT IS

BLOOD, FIRST ASSUMPTION, THE

SECOND ASSUMPTION, THAT IS

CHARLIE MAYS BLOOD, THEN THE

OM WAY IT GOT THERE WAS
BECAUSE OF A BEATING.
AND AS JUSTICE DEMONSTRATED.
THAT WOULD BE PASSED OFF BLOOD
FROM A BLUNT-FORCE OBJECT.
IT WAS NOT TESTED.
THE DEFENDANT DID NOT ASK TO
HAVE IT TESTED.
WHICH UNTIL NOW, AFTER IT IS
ALL OVER WITH, NOW HE
COMPLAINS IT WAS NOT TESTED.
HE ASKED TO HAVE IT TESTED
AFTER HE FILED HIS MOTION FOR

REHEARING AFTER HE HAD ALREADY
LOST.

THE TRIAL COURT DENIED THE
MOTION FOR REHEARING.

THE DEFENDANT NEVER SOUGHT A
RULING ON HIS MOTION FOR
ADDITIONAL TESTING BUT INSTEAD
FILED NOTICE OF APPEAL.

THAT IS A WAIVER ON
ABANDONMENT, WHICHEVER WAY
WANT YOU TO PUT IT.

HE SHOULD HAVE GOT A RULING IF
HE WANTED TO TAKE IT UP.

HE DIDN'T DO THAT.

NOW I AM SURE HE IS ALSO GOING
TO SUGGEST THAT THIS SHOULD
REMAIN ON THE CASE FOR FURTHER
TESTING AND I WOULD SUGGEST
THAT THE DEFENDANT IS THE
MASTER OF HIS CASE.

IF HE HAD WANTED THE BLOOD ON
THE BACK OF ZEIGLER'S SHIRT
TESTED.

HE SHOULD HAVE DONE IT THEN.
NOT NOW.

THE TIME FOR THAT IS PAST.

I REPORT ALSO JUSTICE PARRY
ENTER, I AM COMING BACK TO
YOUR QUESTION ABOUT WHY HE
WOULD KILL ALL OF THESE PEOPLE
AND THIS AND THAT.

THERE IS EVIDENCE IN THE
RECORD OF SOME MARITAL DISCORD
BETWEEN MR. ZEIGLER AND HIS
WIFE.

THE TWO OF THE VICTIMS,
MRS. AND MRS. EDWARDS WERE,
IF, MR. ZEIGLER'S IN-LAWS THEY
WERE FROM GEORGIA DOWN
VISITING FOR CHRISTMAS.

THERE IS SOME EVIDENCE IN THE
RECORD THAT MRS. ZEIGLER,
EUNICE ZEIGLER WAS ATTENDING
TO GO BACK TO GEORGIA WITH HER
PARENTS WHEN THEY WENT BACK
AFTER CHRISTMAS.

I WOULD SUGGEST THAT THAT
PROVIDES THE REASON FOR
KILLING THE IN-LAWS.

BECAUSE IF HE HAS RAISED
INSURANCE ON HIS WIFE, AND HIS
WIFE COMES UP DEAD AND HIS

IN-LAWS KNOW OR RATH REMEMBER
STILL ALIVE TO SAY THERE WAS
SOME MARITAL DIFFICULTY.

MR. ZEIGLER'S WIFE WAS GOING
TO LEAVE HIM, THAT POINTS THE
DAGGER AT MR. ZEIGLER'S HEART.

>> THERE IS SOME INDICATION IN
OUR STATEMENT OF THE FACTS
THAT MR. ZEIGLER SOMEHOW GOT
THEM TO DOM THE FURNITURE
STORE AT NIGHT.

>> YES, MA'AM.

>> WHAT DOES VERY THAT
SUPPORTS THAT STATEMENT.

>> MR. ZEIGLER OWN AS

FURNITURE STORE.

MY UNDERSTANDING OF THE
EVIDENCE IS THAT -- WELL, LET
ME BACK IT UP.

I AM TRYING TO DIFFERENTIATE
BETWEEN TWO SETS OF PARENTS
HERE.

MR. ZEIGLER'S PARENTS -- WELL,
ZEIGLER'S PARENTS CAN LIVE
NEXT DOOR TO HIM, HIS WIFE'S
PARENTS VISITING FROM GEORGIA,

BOTH OF THEM HAD A CHRISTMAS
PRESENT AT THE STORE.

THAT IS WHY THEY WINT TO THE
STORE, WAS TO PICK UP THE
CHRISTMAS PRESENT.

I THINK WHAT WAS GOING ON, I
THINK THE REASON THAT WAS
GIVEN WITH RESPECT TO THE
EDWARDS WAS TO PICK OUT SA
LAZY BOY RECLINER THAT WAS
GOING TO BE THEIR CHRISTMAS
GIFT, IF IT WASN'T THIS LAZY
BOY, IT WAS THE CHARCOAL
GRILL, I CAN'T REMEMBER WHICH
PARENT WAS GETTING WHICH

PRESENT.

THAT WAS THE REASON THEY WENT
TO THE STORE.

IT WAS NOT SOME FLAKY WHACK CO
REASON, LET'S TAKE RIDE ON
CHRISTMAS EVE.

THERE WAS REASON TO PICK UP
THE PRESENT OR PICK OUT THE
PRESENT.

I CAN'T REMEMBER.

>> WHAT WAS EXPLANATION FOR

MAYS AND MAYBE MAYS WIFE
HAVING AN APPOINTMENT TO GO TO
THE STORE THAT EVENING?
HOW DID MAYS AT END UP AT THE
STORE?

>> MAYS END UP AT THE STORE
BECAUSE HE WAS PICKING UP A
CHRISTMAS PRESENT ALSO, A
TELEVISION SET.

>> SO THE IDEA IS THAT HE
WANTS TO KILL HIS WIFE, KILL
HER IN THE STORE, BUT ARRANGES
TO HAVE MAYS COME AN HOUR
LATER TO ALSO PICK OUT A
PRESENT SO HE COULD SHOOT MAYS
AND HIS WIFE AND MAYBE WHO IS

THE OTHER PERSON THAT HE

DOESN'T KILL?

HOW DID THE STATE DEAL WITH

THAT?

>> BECAUSE CHARLIE MAYS IS

TOLD TO COME TO THE STORE TO

COLLECT A TELEVISION SET THAT

HE HAD PREVIOUSLY BOUGHT.

>> WHAT IS EXPLANATION FOR WHY

HE WOULD HAVE HE KNEW HE WAS

GOING TO KILL HIS WIFE THAT

NIGHT, WHY HE IS GOING TO HAVE

MAYS COME TO THE STORE AND

THEN?

>> BECAUSE HE WANTS A DEAD

AFRICAN-AMERICAN TO BLAME FOR

THE MURDERS.

THAT IS WHY CHARLIE MAYS IS

THERE.

CHARLIE MAYS IS BROUGHT, IS

INVITED OR ARRANGED TO BE AT

THAT STORE SOLELY TO BE DEAD

BODY.

EDWARD WILLIAMS WAS GOING TO

BE THE SECOND DEAD BODY AND

WHEN THE GUN DIDN'T FIRE AND

KILL EDWARD WILLIAMS,
MR. ZEIGLER HAD TO DO
SOMETHING OTHER THAN GO TO TED
VANDEVENTER'S BODY, LOOK AT
HIS WATCH, MY WIFE SHOULD HAVE
BEEN HERE BY NOW, WHEN THEY
GET DOWN TO THE STORE, YOU GOT
FIVE DEAD BODIES.

MR. ZEIGLER GETS INSURANCE.
AND HAS PULLED OFF PRETTY NEAR

CLOSE TO PERFECT CRIME BUT IT
DIDN'T WORK.

THE DNA EVIDENCE DID NOT PULL
INTO THAT INTO QUESTION.

I PROVES THAT THE STATE WAS
RIGHT WHEN IT SAID IN CLOSING
ARGUMENT WHOSE BLEEDING TYPE A
BLOOD?

PERRY EDWARDS, EUNICE ZEIGLER,
CHARLIE MAYS, I WILL COMMEND
THAT TO THE COURT ALSO 250 OF
THE RECORD, THE OPENING
STATEMENT.

ONE QUESTION, ONE ARGUMENT IN
THIS RECORD THAT IS OVER 3,000
PAGES WHERE YOU CAN EVEN
ARGUABLE MAKE A SUGGESTION

THAT THE STATE SAID OH THAT IS
PERRY EDWARD'S PLUG ON
ZEIGLER'S SHIRT.

WHEN THE STATE ATTORNEY ASKED
HIM, CUE EXPLAIN HOW
MR. EDWARDS GOT ON THE SHIRT.

NO, I DIDN'T.

I DIDN'T DO IT.

THAT IS IT.

I WOULD INVITE MY OPPONENT TO
FIND ANYTHING ELSE IN HERE.

AND WITH THAT SAID, I AGAIN
COME BACK TO THIS COURT'S 1995
OPINION.

AND IN THAT OPINION THIS COURT
ASSUMED FAR, FAR MORE THAN
MR. ZEIGLER HAS SHOWN YOU
TODAY.

IN '95, THIS COURT ASSUMED, IT
WAS GOING TO SHOW THAT ZEIGLER
SHOWED SOME ONE ELSE'S BLOOD.

I WOULD SUGGEST THERE IS NO
BASIS FOR REVERSAL, NO BASIS
FOR ANY FURTHER PROCEEDING.

THANK YOU.

>> TO CORRECT ONE, I THINK,

MISIMPRESSION THAT MAY HAVE
COME OUT OF MR. NUNNELLEY'S
PRESENTATION, THERE WAS NO
EVIDENCE BEFORE THE JURY ON
THIS MARITAL DISCORD
APARTMENT.

THE JUDGE RIGHTLY REJECTED
HEARSAY TESTIMONY OF EN
ENTIRELY UNRELIABLE NATURE.

THERE WAS NEVER TESTIMONY OF
THE MAR MARITAL DISORDER.
IT WAS TRIED ON INSURANCE
THEORY.

>> WHAT EXACTLY DID HE SEE
THAT HE TESTIFIED TO?

>> WILLIAMS?

>> YES, WILLIAMS TESTIFIED AS
WITNESS.

>> WHAT EXACTLY DID HE SAY AS
FAR AS HIS TESTIMONY?

DID HE SEE ALL OF THE MURDERS?

>> WILLIAMS IS NOT PRESENT FOR
ANY OF THE KILLINGS.

HE CLAIMS THAT HE CAME TO THE
STORE SUBSEQUENTLY.

HE CLAIMS THAT MR. ZEIGLER
TRIED TO GET HIM TO SHOOT HIM,

THE GUN WENT OUT THREE TIMES
WITHOUT DISCHARGE, MR. ZEIGLER
HANDED HIM THE GUN, HE RAN
FROM THE STORE WITH THAT GUN.
IS A SAID, THE CLOSING DOESN'T
SUPPORT THE CLAIM THAT HE TOOK
AND RECENTLY DISCHARGED
FIREARM AND PUT IT IN THE

PANT'S POCKET, THAT IS
SOMETHING WE WANTED TO EXPAND
THE PRECEDING BELOW TO SHOW,
BUT THE JUDGE WOULD NOT LET US
DO.

>> LET ME MAKE ONE OTHER
POINT, THIS GOES TO JUSTICE
BELL'S QUESTION ABOUT
SUBSTANTIAL COMPETENT EVIDENCE
TO SUPPORT THE JUDGE'S FINDING
AS YOU PUT IT.

FIRST, I DON'T THINK IT IS NOT
SURPRISE.

THAT IS NOT A FINDING, THAT IS
OBSERVATION.

THERE IS NOT SUBSTANTIAL
EVIDENCE TO SUPPORT IT.

WE HAVE THE EXPERT TESTIMONY

OF PROFESSOR MCDONALD AT THE
TRIAL IN WHICH HE SAYS THE
BLOOD FROM PERRY EDWARDS IS
TRY ON THE AREA THAT MAYS
WENT DOWN BEFORE MAYS IS
KILLED THERE SO WE DON'T HAVE
ANY SOURCE.

WE DON'T HAVE ANY SIGN OF ANY

BLOODY FOOTPRINTS FROM CHARLIE
MAYS BE EXPECTED IF HE STEPPED
INTO THE BLOOD.

THERE IS ENORMOUS AMOUNT OF
BLOOD AROUND PERRY EDWARDS
HEAD WHICH IS 15 FEET AWAY
FROM WHERE CHARLIE MAYS ENDS
UP IF THE FIGHT WENT INTO THAT
AREA, IT WHEN CHARLIE MAYS
STEPPED NIGHT, HE WOULD TRACK
BLOOD ACROSS THE FLOOR FROM
THE FEET.

IT IS VERY SPECIFIC TESTIMONY
BY THE PROFESSOR.

NO BLOODY FOOTPRINTS FROM
CHARLIE MAYS.

HOW DID THIS BLOOD GET ON
CHARLIE MAYS?

WE PUT TOGETHER SOMETHING IN

THE BRIEF.

CHARLIE MAYS BEATS PERRY
EDWARDS, HE IS GOES ON TO
CARPETING PART OF THE STORE,
THERE IS CARPETING PART TO
PURSUE VIRGINIA EDWARDS, HE
PICKS UP CARPET FIBERS AND HE

PICKS UP CAT HAIRS IN HIS
SHOES BECAUSE HIS SHOES DO
HAVE A GREAT DEAL OF BLOOD ON
THE BOTTOM OF IT.

I WILL TELL YOU WHY BECAUSE HE
WALKED ON THE CARPET.
IT TOOK MOST OF THE BLOOD THAT
WOULD BE LEAVING THE FOOTPRINT
OFF OF HIS FEET.

THAT IS WHY YOU DON'T SEE
BLOODY FOOTPRINTS BUT YOU SEE
BLOOD, YOU SEE CARPET FIBER,
YOU SEE CAT HAIRS.

THE BOTTOM LINE OF ALL OF
THIS, IF CAN I GO FOR A COUPLE
SECONDS MORE, YOUR HONOR, THE
BOTTOM LINE OF THIS, WE ARE
TALKING ABOUT WHAT A
REASONABLE JUROR WOULD DO WITH

THIS EVIDENCE.

ASK YOURSELF THIS, IN A CASE

WHICH AS JUSTICE PARIENTE

POINTS OUT.

YOU CAN'T EXPLAIN TO THE CASE

IN WHICH THE JURY CLEARLY HAD

A LOT OF NARROWED DOUBTS ABOUT

THIS CASE, AT THIS KIND INTO

THE MIX, DON'T YOU HAVE A

PROBABILITY OF ACQUITTAL? I

THAT I IS THERE.

I THINK SHOULD RULE IN FAVOR

OF MR. ZEIGLER'S RELEASE THAT

IS REQUESTED.

>> THANKS VERY MUCH.

WE APPRECIATE THE ARGUMENTS.

THE COURT WILL TAKE THE MATTER

UNDER ADVISEMENT.

>>> THE NEXT CASE ON THE CALL

WILLING LENDER IS -- CALENDAR

IS INSKO VERSUS THE STATE OF

FLORIDA.