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IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

STATE OF FLORIDA, v. WILLIAM THOMAS ZEIGLER, JR.	**Case Nos.** **1988-CF-5355** **1988-CF-5356**

NOTICE OF APPEAL
(Capital Case)

NOTICE IS GIVEN that Defendant/Appellant William Thomas Zeigler, Jr. appeals to the Supreme Court of Florida the Order of this Court rendered on March 6, 2026 and made final on April 17, 2026.

The nature of the Order is a final order DENYING Defendant's Motion to Set Aside Convictions Based on Newly Discovered Evidence, made pursuant to Florida Rule of Criminal Procedure 3.851, seeking to vacate and set aside the judgments of convictions and sentences of death imposed upon him by this Court. This Order was made final on April 17, 2026 by this Court's denial of Defendant's Motion for Rehearing, made pursuant to Florida Rule of Criminal Procedure 3.851(f)(7).

Dated: April 20, 2026

Respectfully Submitted,

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Attorneys for Defendant,
William Thomas Zeigler, Jr.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 20, 2026 the foregoing document was electronically filed using Florida Courts E-filing Portal which will send the foregoing document by email to all counsel of record.

/s/ Ralph V. Hadley
Ralph V. Hadley III
Florida Bar No.: 108033
Benjamin C. Iseman
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IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

STATE OF FLORIDA

Plaintiff,

v.

WILLIAM THOMAS ZEIGLER, JR.,

Defendant.
_____/

CASE NOs.: 1988-CF-005355-A-O
1988-CF-005356-A-O

DIVISION: 19

ORDER DENYING DEFENDANT'S MOTION FOR REHEARING

THIS MATTER came before the Court on "Defendant's Motion for Rehearing," filed on March 23, 2026. The State of Florida filed its response on March 31, 2026. The Court, having considered the motion and response, and being otherwise duly advised in the premises, finds as follows:

On March 6, 2026, this Court entered its Order Denying Defendant's Postconviction Motion. The procedural history and case facts may be found in that order, and the Court incorporates them by reference here. Defendant seeks rehearing of the denial, and such motions are governed by Florida Rule of Criminal Procedure 3.851(f)(7). He alleges the Court overlooked certain facts or law that he contends require that his motion for postconviction relief be granted.

He argues the Court overlooked three main facts: (1) that multiple perpetrators committed the murders is supported by the DNA evidence; (2) the Defendant did not shoot himself; and (3) the Court relied on facts not supported by the record. But this Court previously considered each of Defendant's points raised in this motion. It did not overlook them, but found that the weight attributable to those points did not tip the scales to make it probable that Defendant would be acquitted on retrial. While the Court agrees that there are enough evidentiary issues in this case

that a jury *might* acquit the Defendant, there is also sufficient evidence and credibility issues to support a jury convicting the Defendant, such that the Court cannot conclude his acquittal is *probable.* In this Court's opinion, he has not met the high standard necessary for a new trial to be granted.

Accordingly, it is hereby **ORDERED AND ADJUDGED** that "Defendant's Motion for Rehearing," filed on March 23, 2026, is **DENIED**.

DONE AND ORDERED in Chambers, at Orlando, Orange County, Florida, on the date of the electronic signature.

04/17/2026 13:36:37

eSigned by Leticia Marques 04/17/2026 13:36:37 ydL7rkFM

LETICIA MARQUES
Circuit Court Judge

CERTIFICATE OF SERVICE

The foregoing was filed with the Clerk of Court by using the Florida Courts E-filing Portal System. Accordingly, a copy of the foregoing is being serviced on this day to all attorneys/interested parties identified on the ePortal Electronic Service List, via transmission of Notices of Electronic Filing generated by the ePortal System.

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

STATE OF FLORIDA

Plaintiff,

v.

WILLIAM THOMAS ZEIGLER, JR.,

Defendant.
_____/

CASE NOs.: 1988-CF-005355-A-O
1988-CF-005356-A-O
DIVISION: 19

DIRECTIONS TO CLERK ON PG 43

ORDER DENYING DEFENDANT'S POSTCONVICTION MOTION

THIS MATTER came before the Court on Defendant William Thomas Zeigler, Jr.'s Motion to Set Aside Convictions Based on Newly Discovered Evidence filed on March 21, 2025. The State of Florida filed its Answer to Defendant's Motion for Post-Conviction Relief on July 14, 2025. The Court held a *Huff*[1] hearing on August 7, 2025. At the *Huff* hearing, Dennis H. Tracey III, Esq., David R. Michaeli, Esq., Ralph V. Haldey III, Esq., and John H. Pope, Esq. appeared on behalf of Defendant. Defendant Zeigler chose to waive his presence. Jacqueline N. Brown, Esq., Ralph V. Seegobin, Jr., Esq., and Patrick A. Bobek, Esq. appeared on behalf of the State of Florida. Joshua E. Schow, Esq., appeared on behalf of the Attorney General's Office.

The Court held an evidentiary hearing from December 1, 2025, to December 5, 2025. At the evidentiary hearing, attorneys Tracey, Michaeli, Hadley, and Pope again appeared on behalf of Defendant Zeigler. Mr. Zeigler was present. Attorneys Seegobin, Brown, and Bobek appeared

[1] *Huff v. State*, 622 So. 2d 982 (Fla. 1993); *see also* Fla. R. Crim. P. 3.851(f)(5)(B).

on behalf of the State of Florida. Attorney Schow appeared on behalf of the Attorney General's Office.[2]

The Court, having considered the motion, answer, and record, having considered the testimony and evidence presented, the argument of counsel, and being otherwise duly advised in the premises, finds as follows:

PROCEDURAL HISTORY

On March 26, 1976, the State of Florida charged Defendant by Indictment with the first-degree murders of Eunice Zeigler, Virginia Edwards, and Perry Edwards, in violation of Florida Statute Section 782.04. (*See* Indictment No. 75-3564, attached as Composite Attachment 1). The same day, but by separate Indictment, the State also charged Defendant with the first-degree murder of Charles Mays, in violation of Florida Statute Section 782.04. (*See* Indictment No. 76-776, attached as Composite Attachment 1). The trial court consolidated the Indictments for trial. (*See* Order of Consolidation, attached as Composite Attachment 1).

On July 2, 1976, following a jury trial, a jury found Defendant guilty of the first-degree murders of Eunice Zeigler and Charles Mays. (*See* Verdicts, attached as Composite Attachment 1). The jury found Defendant guilty of the second-degree murders of Virginia Edwards and Perry Edwards. (*See* Verdicts, attached as Composite Attachment 1). On July 16, 1976, the jury rendered an advisory sentence to the court, recommending that Defendant be sentenced to life imprisonment. (*See* 7/16/76 Advisory Sentence, attached as Composite Attachment 1).

The trial judge sentenced Defendant to death for the first-degree murders of Eunice and Charles. (*See* Judgments and Sentences, attached as Composite Attachment 1). The court

[2] Throughout this order, the Court will cite the trial transcript as "TT," the State's trial exhibits as "State's Exhibit #," Defendant's trial exhibits as "Defendant's Exhibit #," the December 1, 2025, evidentiary hearing transcript as "EHT," the State's exhibits from that evidentiary hearing as "State's EH Exhibit #," and Defendant's exhibits from that evidentiary hearing as "Defendant's EH Exhibit #."

sentenced Defendant to consecutive terms of life imprisonment for the second-degree murders of Perry and Virginia Edwards. (*See* Judgments and Sentences, attached as Composite Attachment 1). Defendant appealed, and the Florida Supreme Court affirmed the judgments and sentences. *Zeigler v. State*, 402 So. 2d 365 (Fla. 1981), *cert. denied*, 455 U.S. 1035 (1982).

Defendant has filed several post-conviction challenges to his judgments and sentences. The Florida Supreme Court denied Defendant's first petition for writ of habeas corpus. *Zeigler v. Wainwright*, 421 So. 2d 1 (Fla. 1982). It affirmed the summary denial of all but one of the nineteen[3] grounds raised in Defendant's first post-conviction motion. *Zeigler v. State*, 452 So. 2d 537 (Fla. 1984). It reversed the denial and remanded for an evidentiary hearing only on Defendant's second ground, "that his right to due process was violated when an actually or potentially biased trial judge

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[3] The nineteen grounds were:

1. That the trial court violated [Defendant's] rights to due process and equal protection when it refused to admit evidence showing the results of a sodium butathol examination conducted on him;
2. That [Defendant's] right to due process was violated when an actually or potentially biased trial judge presided over his trial;
3. That the grand jury indictment of [Defendant] was invalid;
4. That the investigating agency and the state attorney exhibited a pattern of obstruction and delay, and actual destruction and suppression of evidence;
5. That [Defendant's] conviction and sentence were obtained by the presentation of evidence seized in violation of his Fourth Amendment rights;
6. That the prosecutor improperly commented to the jury on evidence;
7. That the jury deliberations were tainted by undue pressure from the trial judge and by the use of intoxicants;
8. That the trial judge improperly imposed the death penalty after the jury had recommended life;
9. That [Defendant] was denied effective assistance of counsel at the guilt and penalty phases of his trial;
10. That the death penalty is imposed in Florida in an arbitrary, capricious, and irrational manner;
11. That the trial court failed to define the burden of proof to the jury;
12. That the trial court's construction of the aggravating circumstance of "heinous, atrocious and cruel" was unconstitutionally broad and vague;
13. That the trial court failed to adequately guide and channel the jury's discretion;
14. That the trial court improperly found and weighed certain aggravating circumstances;
15. That the trial judge improperly limited consideration of mitigating circumstances to those enumerated in the statute;
16. That the instructions to the jury in the penalty phase improperly shifted the burden of proof;
17. That the Florida death penalty statute is unconstitutional as applied;
18. That because of an ambiguity in the scope of mitigating circumstances, persons sentenced prior to July 3, 1978, were deprived of a fully individualized sentence determination;
19. That [Defendant] was deprived of due process when the state failed to provide notice of the aggravating circumstances upon which it would rely.

Zeigler v. State, 452 So. 2d 537, 538–39 (Fla. 1984).

presided over his trial." *Id.* at 538. The trial court then denied the motion on this ground after an evidentiary hearing, and the Florida Supreme Court affirmed the denial. *Zeigler v. State*, 473 So. 2d 203 (Fla. 1985).

Defendant filed a second motion for post-conviction relief. He raised five[4] grounds for relief. *State v. Zeigler*, 494 So. 2d 957, 958 (Fla. 1986). The trial court summarily denied grounds two through five, but granted an evidentiary hearing on the first. *Id.* The trial court stayed the scheduled execution pending the hearing. *Id.* at 957. The Florida Supreme Court reversed the trial court's order granting an evidentiary hearing, denied all relief, and vacated the stay. *Id.*

Defendant next filed another petition for writ of habeas corpus. He claimed entitlement to relief under *Hitchcock v. Dugger*, 481 U.S. 393 (1987), in which the United States Supreme Court found reversible error where the jury was instructed to consider only statutorily enumerated mitigating circumstances and where the trial judge declined to consider nonstatutory mitigating circumstances. *Zeigler v. Dugger*, 524 So. 2d 419, 420 (Fla. 1988). The Florida Supreme Court vacated Defendant's sentences of death because it could not determine if the sentencing judge considered non-statutory mitigating evidence in his decision. *Id.* at 421. As a result, the Florida Supreme Court ordered that a new sentencing proceeding be conducted. *Id.*

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[4] Those five grounds were:

1. The sentencing decision violated the Eighth Amendment as construed in *Lockett v. Ohio*, 438 U.S. 586 (1978), *Eddings v. Oklahoma*, 455 U.S. 104 (1982), and subsequent rulings;
2. As a result of serious prejudicial jury misconduct involving racial bias and coercion, [Defendant] was denied the right to a fair trial by an impartial jury as guaranteed by the Sixth and Fourteenth amendments;
3. The death sentences imposed upon [Defendant] were based upon unconstitutional aggravating circumstances which fundamentally distorted the sentencing process in violation of the Eighth and Fourteenth amendments;
4. The state suppressed exculpatory evidence in violation of the Eighth and Fourteenth amendments;
5. The trial court imposed a sentence of death notwithstanding the jury's recommendation on the basis of a "presumption" that death was appropriate if one aggravating circumstance was approved, in violation of *Tedder v. State*, 322 So. 2d 908 (Fla. 1975); article I, sections 16 and 22, of the Florida Constitution; and the Eighth and Fourteenth amendments to the United States Constitution.

Zeigler, 494 So. 2d at 958.

Judge Formet presided over the resentencing. On August 17, 1989, Defendant was again sentenced to death for the first-degree murders of Eunice Zeigler and Charles Mays. (*See* 8/17/89 Sentencing Order; CR 88-5355 Sentence, & CR 88-5356 Sentence, attached as Composite Attachment 2). Judge Formet found the following aggravating circumstances:

1. Defendant had been previously convicted of another capital felony or felony involving the use of violence;
2. Defendant's murder of Charles Mays was for the purpose of avoiding lawful arrest;
3. Both murders were committed for pecuniary gain, and
4. The murder of Charles Mays was especially heinous, atrocious, or cruel.

(*See* 8/17/76 Sentencing Order, attached as Composite Attachment 2). He found one statutory mitigating circumstance: Defendant has no significant history of prior criminal activity. (*Id.*). As to non-statutory mitigating circumstances, Judge Formet found that Defendant's character was no more good or compassionate than society expects of the average individual; and that the testimony presented did not establish unusual participation in church and community activities. He further found that Defendant had a good prison record, adapted well to prison life, and is an asset as an inmate. And, finally, that testimony revealed no propensity for "spontaneous" violent conduct; however, there was also no evidence that Defendant would not engage in the cold and calculated violent conduct evidenced by the murders for which he stands convicted. (*See id.* (underlining of "spontaneous" in original)). Defendant appealed, and the Florida Supreme Court affirmed. *Zeigler v. State*, 580 So. 2d 127 (Fla. 1991) *cert. denied* 502 U.S. 946 (1991).

Defendant then filed his third motion for post-conviction relief. He raised five[5] claims. *Zeigler v. State*, 632 So. 2d 48, 50–51 (Fla. 1993) *cert. denied* 513 U.S. 830 (1994). The trial court summarily denied claims 1, 2, 4, and 5, and denied claim 3 after an evidentiary hearing. *Id.* The Florida Supreme Court affirmed. *Id.* at 52. Defendant's petition for writ of habeas corpus was denied. *Zeigler v. Singletary*, 650 So. 2d 992 (Fla. 1994).

Defendant's fourth post-conviction motion followed shortly after. That motion raised eleven[6] grounds for relief. *Zeigler v. State*, 654 So. 2d 1162, 1163 (Fla. 1995). At the hearing on that motion, Defendant also made his first motion for the release of evidence for DNA testing. The trial court denied both motions, and the Florida Supreme Court affirmed. *Id.* at 1165. As to the motion for DNA testing, the court held the claim to be procedurally barred, and that even if it was not, his "request for DNA typing is based on mere speculation and he has failed to present a

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[5] They were:

1. The State failed to disclose the identity of known guilt phase witnesses whose testimony did not fit the State's theory of the case;
2. The State withheld prior inconsistent statements by three witnesses who testified during the guilt phase of the trial;
3. The State fabricated evidence that was presented at trial, specifically a bullet discovered in an orange grove;
4. Various allegations that demonstrated a pattern of misconduct by the State;
5. That the jury's verdict of guilt was tainted by judicial intervention into its deliberations, tantamount to coercion.

Zeigler, 632 So. 2d at 50–51.

[6] The eleven grounds were:

1. Defendant was improperly precluded at the resentencing hearing from introducing evidence that was relevant to the mitigating and aggravating factors;
2. The Florida Supreme Court failed to consider residual doubt;
3. The resentencing court's override of the jury recommendation of life was unconstitutional;
4. The Florida Supreme Court failed to conduct a meaningful appellate review of the jury override;
5. The Florida Supreme Court failed to conduct a proportionality review;
6. The "previous conviction of a violent felony" aggravator is vague and was inconsistently applied;
7. There was insufficient evidence to support the "avoiding lawful arrest" aggravator;
8. The "pecuniary gain" aggravator unconstitutionally doubles the factor "avoiding arrest";
9. The "heinous, atrocious, and cruel" aggravator was not limited and was applied inconsistently and arbitrarily;
10. Actual innocence; and
11. Florida's system of capital punishment is unconstitutional.

Zeigler, 654 So. 2d at 1163.

reasonable hypothesis for how the new evidence would have probably resulted in a finding of innocence." *Id.* at 1164.

In 2001, Defendant again requested that evidence be released for DNA testing to support his clemency proceedings. *Zeigler v. State*, 967 So. 2d 125, 127 (Fla. 2007). The trial court granted the motion and released the evidence for DNA testing. (*See* 11/19/01 Order Releasing Evidence for Testing, attached as Composite Attachment 3). In 2003, after the testing was complete, Defendant filed his motion to authorize (nunc pro tunc) DNA testing and his fifth post-conviction motion. *Zeigler*, 967 So. 2d at 127; (*see also* Def.'s 2003 Mot. To Vacate Convictions Based Upon Newly Available Evidence, attached as Composite Attachment 3). He argued that the DNA testing corroborated his theory that Charles Mays and two others committed the murders, and that the results rebutted the State's theory that he struggled with Perry Edwards. *Id.* at 129. The trial court denied the motion, and the Florida Supreme Court affirmed. *Id.* at 131. Defendant's subsequent requests for additional DNA testing were denied. *Zeigler v. State*, 116 So. 3d 255 (Fla. 2013) *cert. denied* 571 U.S. 1114 (2013); *Zeigler v. State*, No. SC16-1498, 2017 WL 1422666 (Fla. Apr. 21, 2017) *cert. denied* 583 U.S. 974 (2017).

In 2013, Defendant filed his sixth post-conviction motion. He raised four[7] claims. *Zeigler v. State*, 130 So. 3d 694 (Fla. 2013) *cert. denied* 572 U.S. 1129 (2014). The trial court summarily denied each claim, and the Florida Supreme Court affirmed. *Id.*

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[7] They were:

1. That the State violated *Brady v. Maryland,* 373 U.S. 83 (1963), by withholding information concerning a material witness, Robert Foster, and information regarding an attempted armed robbery near [Defendant's] furniture store on the night of the murders;
2. That the State violated *Giglio v. United States,* 405 U.S. 150 (1972), by presenting and allowing the false or misleading testimony of Detective Frye and Chief Thompson to go uncorrected;
3. That [Defendant] is entitled to a new trial based on the allegedly newly discovered evidence concerning Robert Foster and the attempted armed robbery near his furniture store on the night of the murders; and
4. That [Defendant's] convictions should be vacated because he has established that he is actually innocent.

Zeigler, 130 So. 3d at 694.

On May 20, 2021, the State of Florida and Defendant filed their "Joint Motion and Stipulation Regarding the Release of Evidence for DNA Testing." (*See* Joint Motion, attached as Composite Attachment 4). Through this Joint Motion, the parties agreed to further DNA testing. Ultimately, the court granted the Joint Motion and entered its "Order Regarding the Release of Evidence for DNA Testing" on December 19, 2022. (*See* Order, attached as Composite Attachment 4). On May 19, 2023, the court entered its "Supplemental Order Regarding the Release of Evidence for DNA Testing," in which additional items of evidence were released. (*See* Supplemental Order, attached as Composite Attachment 4). Following the conclusion of said DNA testing, and on March 21, 2025, Defendant filed the instant motion.

Through this motion, Defendant raises two claims. In Claim I, he asserts he is entitled to a new trial because the newly discovered DNA evidence would probably produce an acquittal on retrial. In Claim II, he argues his convictions should be vacated because he is actually innocent.

FACTS OF THE CASE

Defendant was convicted of the first-degree murders of Eunice Zeigler and Charles Mays, and the second-degree murders of Perry Edwards and Virginia Edwards. The murders occurred on December 24, 1975. First, the Court details the facts as shown by the evidence at trial. In this section, the Court will describe the events as the State argued they occurred and the evidence supporting them. Then, the Court will describe the events of that night as Defendant argued, and his evidence in support. Second, the Court will detail the newly discovered evidence and all other evidence that would be admissible in a new trial.

I. Facts in Evidence at Trial

A. The State's rendition of events.

The State asserts that Defendant planned to murder his wife to collect life insurance proceeds and then blame the crime on others.

Eyewitness Testimony and Corroborating Evidence

In April or May of 1975, Defendant questioned Mary Stewart about acquiring illegal guns. (TT[8] 1395:16–1396:10). He asked her about a man named "Smitty," who might be able to obtain those guns. (TT 1396:14–21). Around June of 1975, Defendant also asked Edward Williams—a long-time acquaintance and handyman for Defendant—to acquire "hot" guns for him. (TT 1228:10–1229:15; 1262:1–1263:25; 1264:9–22; 1368:14–21). In the past, Defendant had asked Mr. Williams to obtain a gun for him to give to Mrs. Beaufort. (TT 2340:21–2341:10). Mr. Williams contacted a man named Frank Smith, called "Smitty," to see about obtaining those "hot" guns. (TT: 1261:14–25; 1264:21–25). From Mr. Smith's home, Mr. Williams called Defendant by telephone. (TT 1265:5–13; 1365:5–12). Mr. Smith was present with Mr. Williams during the call. (TT 1265:19–21; 1365:5–7).

Mr. Williams recognized the voice on the other end of the line as Defendant's. (TT 1265:22–1266:1). Defendant requested to speak to Mr. Smith, and did so. (TT 1266:12–18; 1365:13–17). Defendant identified himself over the phone while speaking with Mr. Smith. (TT 1365:25–1366:14). Defendant again requested that any guns obtained be "untraceable." (TT 1367:4–7). Defendant provided Mr. Smith with a telephone number to call. (1367:11–12).

Rather than buying "hot," "untraceable" guns, Mr. Smith purchased two .38 caliber R. G. Model 31 Revolvers from a pawn shop. (TT 1370:12–1371:12; 1389:10–1390:7; 504:18–508:25;

[8] The Court has attached the relevant portions of the trial transcript cited in this order as Composite Attachment 5.

see also State's Exhibits 113 & 114). Those sales were recorded on June 20, 1975. (TT 1390:8–9). After purchasing those guns, Mr. Smith used a pay phone to call the previously provided telephone number. (TT 1369:8–11). He recognized the voice on the other end as the same voice from the prior call. (TT 1369:2–5). Defendant identified himself on this call as well. (TT 1369:12–17; 1380:18–1382:21). The next day, Defendant gave Mr. Williams a sealed envelope containing money to take to Mr. Smith. (TT 1267:3–12; 1369:24–1370:10). Mr. Williams exchanged the envelope for a bag containing the guns. (TT 1267:11–18; 1370:11–16). He then brought the bag to Defendant's house and gave it to Eunice Zeigler to give to Defendant. (TT 1267:22–1268:4). Mr. Smith never disclosed that the guns were, in fact, not "hot" or "untraceable." (TT: 1387:10–12).

Later still, Defendant obtained two separate $250,000 life insurance policies on Eunice's life, one issued by Gulf Life Insurance Company and the other by Life and Casualty Company of Tennessee. (TT 1700:1–10; 1789:17–18; 1791:21–1792:3; *see also* State's Exhibits 152 & 169). Ultimately, Eunice's life was insured for at least $500,000. (*Id.*; TT 2352:10–19).

The remainder of the evidence relevant for purposes of this motion centered around the events of December 24, 1975. Curtis Dunaway was an employee of Zeigler Furniture Store and arrived at work a bit after 7:00 a.m. (TT 138:1–12). He left work that day around 6:20 p.m. (TT 143:14–18; 144:25–145:3).

When closing the store that evening, Mr. Dunaway removed the cash from the register and secured it in a safe. (TT: 144:2–10). Typically, the flood lights across the front of the store were left on, and perhaps some hanging lamps as well, even when the store was closed. (TT 1976:1–9). While Mr. Dunaway attempted to turn on the typical lights, Defendant instructed him not to do so. (TT 144:8–10; 1977:5–12; 2381:8–14). Unusually, the only lights left on in the store that night

were a Christmas wreath and a tree lamp with two lights. (TT 1976:10–1977:19). The store also had additional automatic lighting across the front, which usually turns on at 6:00 p.m. (TT 1978:7–11; 1979:7–15). They did not turn on that night. (*Id.*). The controls for the automatic lights were in Defendant's office. (TT 1979:16–22). Mr. Dunaway does not recall any other time that the store was closed with every light off in this manner. (TT 1977:20–24). Once the store was closed, around 6:20 p.m., Mr. Dunaway left and drove to Defendant's house. (TT 143:14–18; 145:9–13).

At the house, and because Mr. Dunaway's car was acting up, Defendant and Mr. Dunaway swapped cars. (TT 147:9–148:9). Mr. Dunaway left his 1972 Oldsmobile with Defendant. (TT 148:10–14; 165:18–166:4; *see also* State's Exhibit 15). Mr. Dunaway owned no pistols, and there were no pistols in his car when he left it with Defendant. (TT 148:15–20). However, on the morning of December 25, 1975, a Smith & Wesson .38 caliber revolver was recovered from the backseat of the car, which was parked at Defendant's residence. (TT 554:5–9; 599:1–600:8; *see also* State's Exhibit 108). Defendant had purchased that gun earlier in the year from a gun store owned by Raymond Ussery. (TT 1352:1–1353:17).

Mr. Dunaway usually kept a blue towel in the back seat of his car, and it was there when he left the car with Defendant. (TT 1652; *see also* State's Exhibit 92). After the murders, the blue towel was recovered from a cabinet in the back of the store. (TT 97:4–6; 737:17–19; *see also* State's Exhibits 9, 10, & 11). Group A human blood was also found on the blue towel. (TT 1435:16–24).

At approximately 7:05 p.m., Thomas Hale observed Defendant and Eunice driving together, with Eunice in the passenger seat. (TT 1107:9–19; 1108:14–18). Mr. Hale has known Defendant most of his life, and knew Eunice. (TT 1105:25–1106:14). Defendant and Eunice were headed in the direction of the Zeigler Furniture Store. (TT 1108:9–13). Defendant also testified

that he was driving around this time; however, Defendant testified he was alone. (TT 2393:7–2394:15).

Around 7:25 p.m., Barbara Tinsley heard what she thought were firecrackers or explosion sounds originating from the direction of the Zeigler Furniture Store. (TT: 632:1–11; 636:3–9). The clock recovered from the Zeigler Furniture Store corroborates[9] this time. (TT 643:1–14). Mrs. Tinsley was visiting her parents, and the Zeigler Furniture Store is almost directly behind her parents' house. (TT 626:25–628:6). Approximately 15 minutes later, around 7:40 p.m., Mrs. Tinsley heard a second set of explosions. (TT: 632:1–11; 636:11–22).

Also around 7:40 p.m., Barbara Woodard was leaving the shopping center across the street from the W. T. Zeigler Furniture Store. (TT 657:3–8; 659:5–25). Ms. Woodard testified that no lights were on at the furniture store, but she observed a white male standing inside by the door. (TT 659:19–21; 660:4–12; 661:1–3).

At 7:30 p.m., Defendant had arranged to meet two individuals. Defendant was to meet Charles Mays at the Zeigler Furniture Store, and Edward Williams at Defendant's home. (TT 1096:15–19; 1176:14–25; 1230:15–1231:7; 1306:17–1307:7).

Based on this arrangement, Mr. Mays left his home between 6:30 and 7:00 p.m., approximately 6:45 p.m. (TT 1096:20–23; 1099:3–9). On his way to meet Defendant, Mr. Mays picked up an acquaintance, Felton Thomas. (TT 1147:16–23). Mr. Mays and Mr. Thomas arrived at the Zeigler Furniture Store after dark, but Mr. Thomas could not state a specific time. (TT 1148:19–1149:4). About 5 minutes after they arrived, a white man approached them, whom Mr. Thomas identified, in court, as Defendant. (TT 1150:21–1151:20).

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[9] The same clock was in working condition when Mr. Dunaway left work that day. (TT 142:4–143:23). A bullet struck the clock, causing it to stop at 7:24 p.m. (643:1–645:22; 653:1–25; 823:2–18; 1004:5–1011:11; *see also* State's Exhibits 14 & 77). The bullet matched the class characteristics of the Security Industries .38 Special. (TT 1581:8–1582:5; *see also* State's Exhibits 107 & 120).

Defendant asked Mr. Mays and Mr. Thomas to come with him, and all three men got into Defendant's car. (TT 1151:24–1152:16). Defendant wanted Mr. Mays to test the accuracy of some guns, and he drove them to an orange grove to do so. (TT 1152:17–1153:2). Those guns were in a grocery bag in the car. (*Id.*). Mr. Mays fired one of the guns out of the car window a few times, and, at Defendant's request, Mr. Thomas also fired a single shot from one of the guns. (TT 1154:12–1155:13). A bullet was later recovered from the same orange grove. (TT 1319:3–20; *see also* State's Exhibit 121). That bullet matches the class characteristics of one of the guns recovered in this case, the Security Industries .38 Special. (TT 1578:1–1581:19; *see also* State's Exhibits 107 & 121). Notably, expert testimony shows that the rifling impressions made by that particular Security Industries gun were uncommon and matched the bullet recovered from the grove. (TT 1582:10–1583:5).

Defendant drove them all back to the furniture store. (TT 1155:20–25). Upon returning to the store, Defendant pulled up next to a box with a switch and instructed Mr. Thomas to pull it down. (*Id.*). Mr. Thomas hesitated, but ultimately did. (TT 1156:1–5). Defendant informed Mr. Mays and Mr. Thomas that the store was still locked, and that if Mr. Mays wanted his TV, they'd have to jump the fence and crank a window. (TT 1159:3–9). Defendant and Mr. Mays jumped the fence, but when Defendant picked up a pipe or rod and rammed it into the building, Mays objected and jumped back across the fence. (TT 1160:15–25). Defendant then decided to get a spare key at his home, and all three men returned to Defendant's car. (TT 1160:25–7). Defendant drove them to a home with a pickup truck and another vehicle out front. (TT 1162:2–10). Defendant "messed around" in the garage before coming back out. (TT 1162:20–25). He walked past the occupied car towards the pickup truck, and then returned to the car with a box. (TT 1162:24–1163:10). Defendant gave the box to Mr. Mays and told him to reload the gun. (TT 1163:10–12). Mr. Thomas

also described a bag into which Defendant placed guns; the bag was recovered in a cabinet in the store. The bag contained cartridge cases consistent with those fired from one of the guns, the palm print of the Defendant, and human blood. (TT 96:13–97:13; 730:19–733:16; 1130:3–1135:20; 1152:23–1155:16; 1184:8–20; 1186:3–1188:12; *see also* State's Exhibits 73 & 87).

Once again, all three returned to the store. (TT 1163:14). Defendant unlocked the store door and said that all three should bring the TV up front. (TT 1163:22–25). Mr. Mays went to bring his van closer, but Defendant insisted that the TV be brought up front first. (TT 1164:1–9). Mr. Mays entered the store. (TT 1164:6–7). Defendant asked Mr. Thomas to come inside as well, but Mr. Thomas declined and asked that some lights be turned on first. (TT 1164:11–18). Because Mr. Thomas got a bad feeling, he decided to leave. (TT 1165:1–3). He did not see Mr. Mays alive again. (TT 1164:22–25).

Edward Williams also met with Defendant that night. The morning of December 24th, Defendant reminded Mr. Williams to stop by Defendant's house at 7:30 p.m. (TT 1230:17–21). The indicated intent was for Mr. Williams to assist Defendant in moving Christmas presents for his father and father-in-law. (TT 1231:1–5). Mr. Williams drove his blue pickup truck to Defendant's home that night. (TT 1231:8–16). He arrived at 7:28 p.m., and Defendant's truck was parked outside the garage. (TT 1231:20–1232:7). Mr. Williams went to knock on the door, but found a note instead. (TT 1232:9–11; 2394:7–9). The note said, "Edward, I'll be back in ten minutes—T.Z." (TT 143:2–13; 2394:1–6; *see also* State's Exhibit 90).

Mr. Williams waited about 10 minutes, and, at approximately 7:38 p.m., Defendant returned to the home. (TT 1234:2–5). Defendant arrived with two other people in his car. (TT 1234:7–17). Defendant went inside, stayed a few minutes, and came back out. (TT 1234:20–23). He stopped by Mr. Williams' pickup truck and informed Mr. Williams that he'd be back in ten

minutes. (TT 1234:23–25). Another 25 to 30 minutes elapsed as Mr. Williams waited for Defendant to return. (TT 1235:21–1236:7). By then, it would have been between 8:00 and 8:10 p.m.

When Defendant returned, no one was with him. (TT 1236:8–9). He was driving "pretty fast," and when he pulled into the garage, he hit his brakes hard enough for the car to "bounce" as it suddenly stopped. (TT 1236:13–16). Defendant got out of his car with a little bag and ran over to a sink or washtub in the garage. (TT 1236:17–25). At the sink, Defendant wet a towel or rag and then used it to wipe down his car. (TT 1237:1–23). He went back to the sink, put the towel back, and headed towards Mr. Williams' pickup truck. (TT 1237:22–1238:3). At which point, Mr. Williams noticed dark staining on Defendant's pants. (TT 1238:3–5). Defendant got into Mr. Williams' truck with the little bag, and Mr. Williams drove them to the furniture store. (TT 1238:19–1239:1).

After arriving at the store, Mr. Williams let Defendant out at the front of the store so that Defendant could go through the store and open the back gate. (TT 1241:1–5). Defendant took the little bag with him. (TT 1241:1–15). Mr. Williams pulled around back and parked; Defendant had gone into the store and instructed Mr. Williams to come inside. (TT 1243:1–19). Mr. Williams went inside after Defendant. (TT 1244:8–20).

Defendant then pointed a gun at Mr. Williams' chest. (TT 1244:21–25). He pulled the trigger three times, but the gun did not fire. (TT 1245:1–2; 1248:3–7). Mr. Williams ran back outside, but found the back gate locked. (TT 1245:3–5; 1248:17–22). Defendant also testified that he locked the back gate. (TT 2400:4–7). Defendant followed Mr. Williams outside, claiming he didn't know it was Mr. Williams, and repeatedly asked Mr. Williams to go back inside the store. (TT 1248:22–1249:23). Defendant continued his efforts to get Mr. Williams back inside the store,

including handing Mr. Williams the gun, kneeling and stating, "Edward, if you don't go in there, you're going to frame me." (TT 1249:24–1251:14). At that point, Mr. Williams saw blood on Defendant's face. (TT 1251:17–20). He managed to convince Defendant that he'd go inside if Defendant opened the gate and moved his truck. (TT 1251:21–25). Defendant got into Mr. Williams' truck, allowing Mr. Williams to jump over the fence and flee. (TT 1252:1–13). Mr. Williams kept the gun that Defendant had handed him earlier. (TT 1252:9–11).

Defendant did not follow him. (TT 1252:24–1253:5). Mr. Williams ran to a nearby Kentucky Fried Chicken, went inside, and asked to use the phone. (TT 1252:9–1253:7). An employee of that Kentucky Fried Chicken confirmed that a black man entered the store that night, appeared scared, and asked to use the telephone. (TT: 1314:7–24). That employee provided Mr. Williams with the Winter Garden Police Department phone number, but when Mr. Williams called, he apparently had the wrong number. (TT 1253:19–1254:24; 1314:16–19).

Mr. Williams left the Kentucky Fried Chicken after he did not reach the police. (TT 1255:1–2). He encountered two women and asked them for a ride to Orlando, but ultimately asked that they drop him off at a Texaco station to pick up his other vehicle, a grey Camaro. (TT 1231:8–11; 1255:2–25). The women dropped Mr. Williams off at that Texaco. (TT 1256:1–18). He reclaimed his vehicle and continued to Orlando, intending to go to the Sheriff's Office. (*Id.*). The operator of that Texaco corroborates that Mr. Williams reclaimed his Camaro that night. (TT 1903:1–21).

On his way to the Sheriff's Office, Mr. Williams became nervous and feared an accident. (TT 1257:2–7). He stopped at his friend Mary Stewart's house. (*Id.*). Mr. Williams told Mrs. Stewart and others present at the house that "Tommy tried to kill me in the store." (TT 1257:12–17). Mary Stewart and her son-in-law drove Mr. Williams, in his Camaro, to the Sheriff's Office.

(TT 1258:1–14). Mrs. Stewart corroborates Mr. Williams' testimony, and she testified that he arrived at her home between 9:30 p.m. and 10:00 p.m. (TT 1398:1–1399:11; 1407:7–13). Once at the Sheriff's Office, Mr. Williams attempted to relay his report but was instructed to return to Winter Garden. (TT 1258:13–21). The deputy stationed at the Sheriff's Office information desk that night also corroborates Mr. Williams' story. (TT 1346:12–1347:25). That deputy testified that he encountered Mr. Williams at 10:47 p.m. (TT 1347:3–8).

Mr. Williams was then driven, still in his Camaro, back to Winter Garden. (TT 1258:22–1259:9). The gun that he received from Defendant was left on the front floorboard of his Camaro. (TT 1260:1–13). Officers recovered the weapon and identified it as a Security Industries .38 Special. (TT 556:9–25; 1556:10–13; *see also* State's Exhibit 107). Defendant purchased that gun earlier that year from Mr. Ussery. (TT 1352:16–1353:17; 1357:1–23).

Recovered Weapons

Eight guns were found to have been fired in the furniture store that night. The eight guns were:

1. Security Industries .38 Special revolver (*see* State's Exhibit 107);
2. Smith & Wesson .38 caliber revolver (*see* State's Exhibit 108);
3. Colt Lawman Mark III .357 magnum caliber revolver (*see* State's Exhibit 109);
4. Burgo .38 special caliber derringer pistol (*see* State's Exhibit 110);
5. Smith & Wesson Model 61-3 .22 caliber semi-automatic pistol (*see* State's Exhibit 111);
6. Baretta .22 short caliber pistol (*see* State's Exhibit 112);
7. R. G. Model 31 .38 caliber revolver (*see* State's Exhibit 113);
8. R. G. Model 31 .38 caliber revolver (*see* State's Exhibit 114).

(TT 1556:6–1558:23). There are no indications that other guns were used that night. (TT 1572:1–15; 1638:12–1639:8). But, the state's expert conceded that he could not eliminate the possibility of another gun being involved. (TT 1640:23–1641:4).

Defendant purchased the Security Industries .38 Special revolver (State's Exhibit 107), the Smith & Wesson .38 caliber revolver (State's Exhibit 108), and the Colt Lawman Mark III .357 magnum caliber revolver (State's Exhibit 109) from Raymond Ussery. (TT 1351:19–1353:23; *see also* 2437:7–9). He admitted to owning the Burgo .38 special caliber derringer pistol (State's Exhibit 110). (TT 1328:2–7; 2437:7–9; 2439:10–12). The Smith & Wesson Model 61-3 .22 caliber semi-automatic pistol (State's Exhibit 111) had been loaned to Defendant by Donald Fickey. (TT 2437:15–2438:15; *see also* 908:2–909:12). Defendant purchased the Baretta .22 short caliber pistol (State's Exhibit 112) from Fred Crawford. (TT 1326:16–1327:7; *see also* 2437:7–14). Defendant purchased, through Edward Williams and Frank Smith, both R. G. Model 31 .38 caliber revolvers (State's Exhibits 113 & 114). (TT 504:18–508:25; 1267:3–1268:4; 1369:24:11–1371:12; 1389:10–1390:7).

Each of the weapons appeared to have been wiped clean. (TT 1136:3–19). Except that the Colt Lawman Mark III .357 Magnum caliber revolver had what appeared to be visible fingerprints; however, there was not enough for identification. (TT 1136:9–12; 1139:20–1141:14).

The other recovered weapon was what has been described as a "crank." This crank is a roller for the rug rack at the store and was kept with the rolls of linoleum. (TT 161:12–22; 2427:10–13; *see also* State's Exhibit 94). The crank was found lying on Mr. Mays' right arm, just above the wrist. (TT 516:18–23; 607:24–608:8). This crank could cause the blunt force injuries suffered by Perry Edwards and Charles Mays. (TT 339:1–8). Blood Group A human blood was found on this

crank. (TT 1439:15–25). Eunice Zeigler, Charles Mays, and Perry Edwards were all Blood Group A. (TT 1424:1–12).

Victims' Injuries and Cause of Death

Of course, at some point that night, Eunice Zeigler, Virginia Edwards, Perry Edwards, and Charles Mays were killed. All four victims were killed sometime between 7:00 p.m. and 9:00 p.m. (TT 323:2–7).

Eunice Zeigler was found lying face up in a small kitchen near the back offices. (TT 264:13–17; 268:3–5; 287:14–17; *see also* Eikelenboom Report[10] p. 20, attached as Attachment 6). She died of a single gunshot wound to the left occipital area of her head. (TT 268:9–12; 287:17–288:6). Her left hand was in her coat pocket. (*Id.*). While no positive identification of the firing weapon could be made, the bullet recovered from Eunice Zeigler could have been fired by either of the .38 caliber R. G. Model 31 Revolvers. (TT 1570:1–1571:19; *see also* State's Exhibits 113, 114, & 119).

Virginia Edwards was found approximately 10 to 15 meters from the store's main entry/exit. (TT 263:18–20; *see also* Eikelenboom Report, p. 20). Virginia had two gunshot wounds. (TT 264:22–25). One bullet went through her arm, into the chest and lungs, through the liver and stomach, and came to rest on the left side of her abdomen. (TT 265:1–4; 273:6–12). The second bullet went through her finger and entered the cranial cavity. (TT 265:5–8; 271:16–23; 272:5–25). Gunpowder tattooing was present on her finger. (TT 275: 13–17; *see also* TT 240:22–241:1).

The second bullet was the cause of her death. (TT 265:7–8; 271:21–23; 272:10–273:1). Both bullets were recovered from Mrs. Edwards' body. (TT 298:23–299:2). The bullet recovered

[10] Richard Eikelenboom's Expert Report was attached to Defendant's Closing Argument as Exhibit H. The Court refers to it here as a visual aid for showing the approximate locations of the victims' bodies within the furniture store.

from Mrs. Edwards' abdomen was fired from the .38 caliber R. G. Model 31 Revolver. (TT 1566:3–13; see also State's Exhibits 114 & 115). The bullet recovered from Mrs. Edwards' head was fired from the Security Industries .38 Special. (TT 1566:14–1568:6; 1569:1–3; see also State's Exhibits 107 & 116).

Perry Edwards was found face down near the back of the store, by a door leading to the back storeroom. (TT 264:5–8; 266:1–7; 275:20–24; 392:6–11; see also Eikelenboom Report, p. 20). He was turned face up at some point. (TT 266:6–10). He had five gunshot wounds. (TT 266:16–267:4). Mr. Edwards was shot in both his left and right shoulders; the bullets passed through both. (TT 267:3–4; 276:5–16). He also received a gunshot wound to his right ear; it, too, went through and through. (TT 277:11–14). Finally, Mr. Edwards had two gunshot wounds to his head that ultimately caused his death. (TT 266:16–18; 277:15–19). He showed evidence of gunpowder tattooing. (TT 277:21–278:3). Both bullets recovered from Mr. Edwards were fired by the Security Industries .38 Special. (TT 1569:4–20; see also State's Exhibits 107, 117, and 118). In addition to the gunshot wounds, his head also had at least 14 lacerations or contusions caused by a blunt instrument. (TT 275:25–276:3; 276:22–277:5; 291:2–293:8).

Charles Mays was found approximately five meters from Perry Edwards, also near the back of the store. (TT 264: 5–12; 391:12–25; 513:25–514:4 *see also* Eikelenboom Report, p. 20). Mr. Mays was found lying face up, with his trousers slipped down. (TT 267:16–21; 279:12–15). He had suffered two gunshot wounds and multiple blunt force injuries. (TT 267:19–25). Mr. Mays was shot in the back, and the bullet went through and through. (TT 283:9–17). The other gunshot wound went in through Mr. Mays' lower chest and exited from the right lower back. (TT 283:21–284:5; 329:13–25). No bullets were recovered from Mr. Mays' body. (TT 300:10–12).

Unlike the other victims, Mr. Mays' cause of death was blunt force trauma. (TT 282:1–283:3). Mr. Mays' right hand showed swelling, abrasions on the dorsal surface, and knuckles caused by a blunt instrument. (TT 285:16–286:3). He suffered 8 head wounds caused by blunt force trauma. (TT 293:9–297:6). Some of those wounds caused fractures extending through the skull to the floor of the cranium. (TT 296:1–297:2). One of Mr. Mays' teeth was knocked from its socket. (TT 297:9–16). It was found inside his mouth. (TT 297:13–16).

Defendant's Injuries

Defendant also suffered injuries that night. Defendant had a single, through-and-through gunshot wound to the right side of his abdomen. (TT 443:13–19). The bullet passed through without striking any internal organs. (TT 443:25–444:25). Defendant had a contused area on the right occipital region of his head, but there were no lacerations or abrasions there. (TT 446:13–20). He had a small abrasion on the front part of his right leg, and a small area of ecchymosis—a black and blue area—over his left kneecap. (TT 446:22–447:1). There was also a superficial, non-bleeding abrasion on his left cheek. (TT 447:1–7). While at the hospital, Defendant complained of pain and soreness in both of his index fingers. (TT 447:10–11; 448:11–15). On the distal volar surface of the right index finger, the treating physician noted a contusion. (TT 447:10–448:10).

Blood Group Evidence

Each of the victims and Defendant had their blood group identified. Eunice Zeigler, Perry Edwards, and Charles Mays had Group A blood. (TT 1424:1–12). Virginia Edwards had Group O blood. (TT 1424:17–19). Defendant has Group O blood. (TT 1424:13–16). No sub-group typing was performed although it was available at the time.

Evidence from Defendant's Clothing

At trial, Professor Herbert MacDonnell testified about bloodstain patterns. Professor MacDonnell testified that the front of Defendant's outer shirt had "splatters" (sic) of blood, called medium-velocity impact spiders. (TT 1029:5–24). The right sleeve of that shirt also had stains consistent with medium-velocity impact spiders. (TT 1031:10–13). Such stains would be consistent with Defendant having used an object to beat someone. (TT 1030:1–16). The same shirt also had heavy stains on the back. (TT 1053:16–20). These stains were not transfer stains from the floor. (TT 1054:3–14). These stains would also be consistent with Defendant using a heavy, irregular object to beat someone, and blood flying off the object on the upswing and falling back onto the shirt. (TT 1054:15–1056:2; 1083:1–1084:16). Defendant's white shirt also had a large, soaked-through blood stain in the armpit area. (TT 1027:7–1029:4). These stains were identified as coming from someone with Group A human blood. (TT 1456:14–1461:2).

B. The Defendant's rendition of events.

Defendant asserts that he and his family were all victims of a robbery gone wrong.

Mr. Zeigler's Testimony Regarding Christmas Eve

About a week before Christmas Eve, Tommy Zeigler asked Mr. Williams to meet him at home at 7:00 p.m. on Christmas Eve to help move some presents for Mr. and Mrs. Edwards. (TT 2357:25–2358:14). That morning, Charles and Mattie Mays came by the furniture store and bought three pieces of linoleum. (TT 2376:15–22). Mr. Mays asked Mr. Zeigler if any secondhand television sets were available for purchase. (TT 2377:22–2378:1). As it happened, Mr. Zeigler was trying to sell a secondhand TV for someone else. (TT 2378:2–5). Mr. Zeigler informed Mr. Mays that the TV set would cost $350.00, cash only. (TT 2378:12–25). Around noon, Mr. Mays returned to the store to pick up his linoleum, but Mr. Zeigler never arranged for Mr. Mays to pick up the

TV at 7:30 p.m. (TT 2379:6–9). Later still, Mr. Zeigler stopped by Mr. Mays' home to drop off a box spring. (TT 2379:11–25). Mr. Zeigler, again, did not ask Mr. Mays to come to the store at 7:30 p.m. that night. (TT 2380:1–4). He did not believe Mr. Mays could pay for the TV. (TT 2380:8–21).

The store closed that night sometime between 6:30 p.m. and 6:40 p.m. (TT 2381:2–5). Before he left, Mr. Zeigler instructed his employee, Mr. Dunaway, not to turn on the overhead lights up front. (TT 2381:8–14). He did not believe there would be many people window-shopping on Christmas Eve. (TT 2381:15–18). He did leave a large Christmas wreath lit, some chain lamps, and a pole lamp. (TT 2381:22–2382:15). The store had some other lights set to turn on by timer. (TT 2382:12–15). The timer should have been functional that night. (TT 2382:19–23). With the store closed, Mr. Zeigler headed home in his truck. (TT 2383:20–23). When he parked at home, he locked the door on the left-hand side. (TT 2384:1–6). The right-hand side does not lock. (TT 2384:8–11). Mr. Zeigler kept his Security Industries .38 Special revolver in the front compartment of his truck desk. (TT 2355:25–2356:5). The last time he saw that gun was up to five weeks before Christmas, and he did not know if that gun was still in his truck that day. (TT 2356:22–2357:4).

At home, he met with Mr. Dunaway, and ultimately, they exchanged cars. (TT 2384:1–7; 2425:23–2426:9). Mr. Dunaway came inside and spoke with Eunice Zeigler and Virginia Edwards while Mr. Zeigler checked on his cats. (TT 2387:21–2389:7). Mr. Dunaway eventually left at approximately 7:00 p.m. (TT 2393:7–12). Sometime between Mr. Zeigler's arrival home and 7:00 p.m., Eunice, Virginia, and Perry left the home to go to the furniture store. (TT 2392:6–2393:13). Eunice and her parents were going to the store to pick out a Lazyboy recliner for her father, after which they planned to attend a candlelight service at the First Baptist Church. (TT 2389:14–

2390:6). While they attended church, Mr. Zeigler planned to pick up three gifts kept at the furniture store. (TT 2391:2–12).

Shortly after 7:00 p.m. Mr. Williams still had not arrived as planned. (TT 2393:1–15). Mr. Zeigler wrote Mr. Williams a note stating, "Edward, I'll be back in ten minutes—T.Z.," and stuck it on the door. (TT 2393:19–2394:13). Mr. Zeigler then left in Mr. Dunaway's car to go buy some liquor at the liquor store. (TT 2394:14–21). While driving to the store and in an agitated state, Mr. Zeigler decided to return home because he thought he would be late to the VanDeventer party. (TT 2394:22–2395:23). When he made it back home, Mr. Williams was parked behind Mr. Zeigler's truck. (TT 2396:11–15). The windows on Mr. Dunaway's car were up. (TT 2396:21–23). Mr. Zeigler went into the garage, left the keys to Mr. Dunaway's car therein, and got into Mr. William's truck. (TT 2396:24–2397:14). Mr. Zeigler was not carrying anything at this time. (TT 2397:15–18). Nor did he wipe down Mr. Dunaway's car. (TT 2397:19–21).

Mr. Williams drove them to the furniture store and pulled into the side drive. (TT 2398:2–14). Mr. Zeigler noticed that the Edwards' car was parked out front, but did not think much of it. (TT 2398:19–25). He was not paying attention to whether the store's lights were on. (TT 2399:6–9). Mr. Williams pulled around to the side, and Mr. Zeigler got out and unlocked the gate. (TT 2399:19–22). After Mr. Williams pulled through the gate, Mr. Zeigler locked it again as a routine precaution. (TT 2400:6–15). As Mr. Williams parked his truck, Mr. Zeigler unlocked the hall door, went inside, and flipped the light switch on. (TT 2402:21–2403:3). The lights did not turn on. (TT 2403:4–5). Mr. Zeigler attributed this to Mr. Dunaway having mistakenly thrown the wrong breaker. (TT 2403:6–25). He proceeded into the main body of the store and attempted to turn on more lights, but those did not turn on either. (TT 2404:4–15).

Mr. Zeigler was then hit over the right side of his head and fell to the floor. (TT 2404:16–25). He lost his glasses in the fall, and with them, his ability to see. (TT 2405:3–22). All he saw next were two blurs coming at him. (TT 2406:13–14). He drew his Smith & Wesson Model 61-3 .22 caliber semi-automatic pistol from the holster and attempted to fire it. (TT 2406:9–19). It jammed, he ejected the shell, tried to fire it again, and it jammed again. (TT 2406:17–21). He does not know if the gun actually fired anything. (TT 2406:22–24). Accordingly, he threw it. (TT 2406:21).

At this point, Mr. Zeigler started flying through the air, bouncing off the walls, refrigerators, and shelves in the back area. (TT 2407:3–6). He heard glass breaking. (TT 2407:7–9). He presumed one of the blurs was as tall, if not taller than him, but the other blur was shorter. (TT 2407:15–17). Mr. Zeigler was scared to death, fighting and being bounced off the northern wall of the store. (TT 2408:1–5). He was thrown into the hall, hit some chairs and a desk. (TT 2408:13–15). From the desk, Mr. Zeigler was able to retrieve his Colt Lawman Mark III .357 magnum caliber revolver. (TT 2408:19–25).

He was bounced back out into the main showroom, at which point he believes he fired the .357 magnum. (TT 2409:4–11). He could not tell whether he fired it, but it could have been several times. (TT 2409:5–11). He then started swinging the .357 magnum with everything he had. (TT 2409:12–14). He was swinging it at the top and bottom of his assailants as hard as he could, and he's sure he connected with something. (TT 2409:19–2410:2). Mr. Zeigler was then thrown against the linoleum racks and hit the floor; he lost the magnum somewhere here. (TT 2410:3–11). As he tried to get off the floor, he was shot. (TT 2410:12–18). Whoever shot him was further than six inches away. (TT 2410:17–21). After he was shot, he hit the floor again. (TT 2411:5–9). Time

became disjointed for him, and he was disoriented. (TT 2411:12–16). He heard someone say, "Mays has been hit. Kill him." (TT 2411:17–24). His assailants then left. (TT 2412:2–11).

Mr. Zeigler began crawling around looking for his glasses, and as he did, he kept finding Christmas bows that had been knocked to the floor. (TT 2412:12–23). He never found his glasses. (TT 2413:2–3). But during his search, he crawled over a body in the back area. (TT 2413:4–9). He could not identify who it was, but the body was in the back area near the linoleum racks. (TT 2413:10–14). Eventually, Mr. Zeigler is not sure how long, he was able to obtain a pair of glasses from his desk. (TT 2414:5–17). He was in significant pain at this point. (TT 2414:18–23).

After obtaining his glasses, Mr. Zeigler went to the service counter and picked up the telephone to call Ted VanDeventer's home. (TT 2415:1–5). Mr. VanDeventer answered, and Mr. Zeigler asked to speak to Don Fickey, the Chief of Police for Winter Garden. (TT 358:1–5; 359:7–25; 2391:13–15; 2415:18–24). That call was made around 9:15 p.m. (TT 359:11–13; 375:20–377:13). He informed Chief Fickey that he had been hurt at the store. (TT 2416:1–2). At some point, a stool Mr. Zeigler sat on or bumped into fell over, and he went to sit in a lawn chair up front to await assistance. (TT 2416:3–17).

The Chief of Police for Oakland, Robert Thompson, was also present at Mr. VanDeventer's home that night. (TT 373:6–374:11). Chief Fickey and Chief Thompson proceeded to the furniture store. (TT 377:10–18). When Chief Thompson arrived, Mr. Zeigler called out to him. (TT 380:7–14). Mr. Zeigler was bloody, holding a ring of keys. (TT 380:15–25). Blood was splattered across Mr. Zeigler's face. (TT 381:22–25). He had a large gunshot wound, and Chief Thompson drove him to West Orange Memorial Emergency Room. (TT 383:10–25). At the hospital, Mr. Zeigler told Chief Thompson that Charles Mays is the one who shot him. (TT 112:16–22; 384:19–23; 410:5–12). He also informed Chief Thompson that he shot Charles Mays as well. (TT 385:1–6).

Chief Thompson also remembers that Mr. Zeigler began "babbling" about Christmas presents. (TT 410:16–21; 411:1–17). Mr. Zeigler underwent a laparotomy to assess any internal damage from the gunshot wound. (TT 443:17–22). No major organs were damaged, and Mr. Zeigler recovered well from both the gunshot wound and the laparotomy. (TT 444;1–19; 445:1–446:6).

Mr. Zeigler states he did not shoot Eunice, Virginia, or Perry. (TT 2421:19–2422:5). Nor did he beat Charles Mays. (*Id.*). He denies attempting to shoot Edward Williams. (TT 2424:15–21).

Mr. Zeigler's Evidence Regarding Edward Williams

Boyd Holt runs a barber shop in Winter Garden. (TT 1837:22–23). Mr. Holt saw Mr. Williams in the afternoon on December 24th. (TT 1838:9–17). Mr. Williams came by for money, and Mr. Holt gave him $20.00. (TT 1838:18–21). Around 7:00 p.m., Mary Wallace saw Mr. Williams wearing khaki-colored pants and a khaki-colored jacket, and a flannel shirt with stripes and different color checks. (TT 1844:1–18). Mr. Williams' clothes in evidence do not match Ms. Wallace's testimony about khaki colors. (TT 2570:18–2571:7; *see also* Defense Exhibits 11 & 12). It takes about two minutes and forty-five seconds to drive from Mr. Williams' apartment to Mr. Zeigler's home. (TT 1849:3–6; 1850:6–7). Wyman Jones, Jr., saw two cars parked in front of the furniture store around 7:20 p.m. (TT 1852:17–18). He later assumed one was Edward Williams' car. (TT 1852:19–23).

Two witnesses testified that, sometime after 9:15 p.m., they were at the Kentucky Fried Chicken across the street from the furniture store. (TT 1883:12–13; 1885:22–1886:2); 1892:12–24). The Kentucky Fried Chicken was closed at this point. (TT 1893:3). Around that time, a 50–55-year-old black man approached, seeking to use a telephone to contact the Sheriff's Office. (1886:9–1887:1; 1893:13–1894:5).

II. The newly discovered evidence.

Here, the Court makes its findings of fact as to the newly discovered evidence based on the evidentiary hearing.

1. Multiple items of evidence were tested by the Forensic Analytical Crime Lab ("FACL").
2. The testing conducted on the submitted evidence was comprehensive, sensitive, and capable of separating profiles from mixed DNA samples. (EHT 170:1–8; 173:7–17).[11]
3. The analysts collected 232 samples from 43 items of evidence. (EHT 173:18–23).
4. The testing was collaborative. Defendant's team and the State of Florida were involved in regular communications with FACL, and both could request testing on any of the submitted items. (EHT 101:10–20; 169:1–15; 174:4–175:10; 177:25–178:7; 235:1–20; 238:7–239:3; 272:16–25).
5. Ms. Kristen Harty-Connell is the FACL analyst who performed the DNA testing in this case. (EHT 167:22–168:22). She testified at the evidentiary hearing, and the Court finds her to be credible.
6. Mr. Kenton Wong is a FACL forensic scientist who performed bloodstain analysis on the items of evidence to suggest, in collaboration with Ms. Harty-Connell, which samples should be subject to DNA testing. (EHT 98:22–99:21). He testified at the evidentiary hearing, and the Court finds him to be credible.
7. Mr. Richard Eikelenboom is a self-employed forensic scientist who reviewed the DNA reports of FACL and performed his own bloodstain pattern analysis. (EHT 364:9–366:1). He testified at the evidentiary hearing, and the Court finds him to be credible.

[11] The relevant portions of the EHT have been attached as Composite Attachment 7.

8. Ms. Anna Cox owns a private forensic consulting business, and she conducted her own bloodstain pattern analysis. (EHT 751:25–758:22). She testified at the evidentiary hearing, and the Court finds her to be highly credible.
9. The samples chosen for DNA testing were representative of the associated bloodstaining. (EHT 174:9–16; 198:2–5; 199:21–24; 206:14–17; 992:3–14).
10. The attack on Perry Edwards would have produced blood spatter. (EHT 411:10–412:18).
11. Perry Edwards' attacker would be expected to have accompanying blood spatter on their clothing. (EHT: 412:25–414:2; 424:21–23; 531:10–13; 532:15–534:5). Both the defense and state experts agreed on this point.
12. The results for the samples taken from **Defendant's <u>outer shirt</u>** show the presence of the DNA of two individuals: Defendant and Charles Mays. (EHT 197:12–198:1). From all but one[12] of the samples, Perry Edwards, Virginia Edwards, and Eunice Zeigler are excluded as contributors. (Defendant's EH Exhibit 5, pp. 19–21; see also State's EH Exhibit 2, pp. 18–20).
13. The results for the samples taken from **Defendant's <u>pants</u>** show the presence of the DNA of two individuals: Defendant and Charles Mays. (EHT 199:6–20). From all but one[13] of the samples, Perry Edwards, Virginia Edwards, and Eunice Zeigler are excluded as contributors. (Defendant's EH Exhibit 6, pp. 36–40; see also State's EH Exhibit 1, pp. 35–39).

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[12] While not "excluded" as contributors in Sample 30D, Perry Edwards, Virginia Edwards, and Eunice Zeigler each showed limited support for the proposition that they are not a contributor to the result. (Defendant's EH Exhibit 5, p. 19; *see also* State's EH Exhibit 2, p. 18).

[13] While not "excluded" as contributors in Sample 31-1K, Perry Edwards, Virginia Edwards, and Eunice Zeigler each had limited support for the proposition that they are not a contributor to the result. (Defendant's EH Exhibit 6 at p. 39; *see also* State's EH Exhibit 1 at p. 38).

14. The results from the samples taken from **Defendant's <u>socks</u>** indicate the presence of DNA from two individuals: Defendant and Charles Mays. (EHT 206:4–13; Defendant's EH Exhibit 6, pp. 33–35; see also State's EH Exhibit 1, pp. 32–34). Perry Edwards, Virginia Edwards, and Eunice Zeigler were excluded as contributors in all but one[14] result. (Defendant's EH Exhibit 6, pp. 33–35; see also State's EH Exhibit 1, pp. 32–34).

15. The results for the samples taken from **Defendant's <u>shoes</u>** show the presence of the DNA of three individuals: Defendant, Charles Mays, and Perry Edwards. (EHT 200:2–205:5; Defendant's EH Exhibit 6, pp 41–43; *see also* State's EH Exhibit 1, pp 40–42).

    a. Perry Edwards was a contributor of DNA in two of the three samples processed from **Defendant's <u>shoes</u>.** His DNA was detected in samples 34-1D and 34-2A. (Defendant's EH Exhibit 6, pp 42–43; *see also* State's EH Exhibit 1, pp. 41–42).

    b. Sample 34-1D only demonstrated limited support that Perry Edwards was a contributor, but Sample 34-2A showed strong support[15] for that proposition. (Defendant's EH Exhibit 6, p. 43).

    c. Defendant's expert, Mr. Eikelenboom, does not characterize the staining for Sample 34-2A as blood spatter. (EHT 423:14–15). He made that determination based on the irregularity in the stain's size and shape. (EHT 424:1–12; 597:1–598:4).

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[14] Initially, Perry Edwards, Virginia Edwards, and Eunice Zeigler were excluded as contributors to Sample 29B. (State's EH Exhibit 1, p. 32). Defendant filed an Amended Report dated July 25, 2025, in which Perry Edwards, Virginia Edwards, and Eunice Zeigler were no longer excluded, but, instead, each now showed limited support for the proposition that they were not contributors to Sample 29B. (Defendant's EH Exhibit 6, p. 33).

[15] In the May 8, 2024, Report, Sample 34-2A showed very strong support for the proposition that Perry Edwards contributed to the sample. (State's EH Exhibit 1, p. 42).

d. The State's expert, Ms. Cox, examined not just the photographs but the shoes themselves. (EHT 752:20–754:6; 830:7–831:15; 832:1–14). Ms. Cox demonstrated that the "irregularity" of the stain can be attributed to the flattening of the shoe, and if corrected, as if worn, those irregularities disappear. (EHT 832:1–833:7).

16. Charles Mays' blood was identified in numerous blood spatter stains on Defendant's clothing.

17. The defense's expert testified that the staining on Defendant's outer shirt is consistent with Defendant shooting and beating Charles Mays. (EHT 605:16–607:16).

18. The results for the samples taken from **Charles Mays' sweatshirt, T-shirt, and underwear** show the presence of the DNA of one individual: Charles Mays. (EHT 224:3–11; 264:1–265:9; 601:21–602:7; *see also* Defendant's EH Exhibit 6, pp. 44–47, 50–51). Perry Edwards, Virginia Edwards, and Eunice Zeigler were excluded as contributors. (EHT 263:8–265:9; 602:4–7; Defendant's EH Exhibit 6, pp. 44–47, 50–51).

19. The results for the samples taken from **Charles Mays' pants** show the presence of the DNA of two individuals: Charles Mays and Perry Edwards. (EHT 224:1–23; 265:18–266:12; *see also* Defendant's EH Exhibit 6, pp. 48–49). Virginia Edwards and Eunice Zeigler were excluded as contributors or had limited support for not being contributors. (Defendant's EH Exhibit 6, pp. 48–49).

    a. The blood stains evidencing Perry Edwards' DNA on **Charles Mays' pants** were saturation stains, not spatter stains. (EHT 418:3–13; 558:19–559:1; 602:14–19; 817:14–818:2; 835:13–15; 864:15–24).

20. None of Perry Edwards' DNA was found on the upper half of Charles Mays' body. (EHT 266:8–12; 558:23–559:1; 602:4–16).

21. No DNA from Virginia Edwards or Eunice Zeigler was detected on Charles Mays' clothes. (EHT 263:18–21; 264:24–265:2; *see also* Defendant's EH Exhibit 6, pp. 44–51).

22. There is very limited support that Felton Thomas contributed DNA to **Virginia Edwards' jacket.** (EHT 220:22–221:9; 267:5–268:21; 607:22–608:17). The Y-Chromosomal DNA test for this sample did not match Felton Thomas. (EHT 608:16–17).

23. There is limited support that Charles Mays touched **Eunice Zeigler's coat.** (EHT 213:7–216:21; 396:20–398:) Y-STR testing cannot exclude Charles Mays as the contributor. (EHT 217:7–219:4). The number of different alleles detected further supports, that is, makes it more likely, that Charles Mays was the contributor. (EHT 398:7–401:20).

24. The State's expert could not assign a sequence to the murders. (EHT: 874:24–875:8).

ANALYSIS AND RULING

I. Standard of Review

Both claims raised by Defendant depend on alleged newly discovered evidence. In Claim I, Defendant asserts he is entitled to a new trial because newly discovered DNA evidence would likely result in an acquittal on retrial. In Claim II, Defendant asserts his convictions should be vacated because the newly discovered DNA evidence shows he is actually innocent.

Newly discovered evidence claims seeking to vacate a conviction follow the standard announced in *Jones v. State*, 709 So. 2d 512 (Fla. 1998). First, the alleged newly discovered

evidence must have been unknown to the trial court, to the party, or to counsel at the time of trial, and it must appear that the defendant or his counsel could not have known of it by the use of diligence. *Jones*, 709 So. 2d at 521. Second, the newly discovered evidence must be of such a nature that it would probably produce an acquittal on retrial. *Id.* Newly discovered evidence satisfies the second part if it "weakens the case against the defendant so as to give rise to a reasonable doubt as to his culpability." *Swafford v. State*, 125 So. 3d 760, 767 (Fla. 2013).

When considering the second prong, the Court must conduct a full and cumulative analysis of the evidence. Initially, the Court must consider whether the newly discovered evidence is admissible at trial and whether any evidentiary bars apply. *Jones*, 709 So. 2d at 521. If admissible, the Court must evaluate the weight of the evidence, including whether it speaks to the merits of the case, constitutes impeachment evidence, or is cumulative to other evidence. *Id.*

The Court does not review the newly discovered evidence in isolation. Instead, the Court considers the admissible newly discovered evidence against the backdrop of the evidence introduced at trial and previous testimony held to be procedurally barred, or presented in another postconviction proceeding. *Lightbourne v. State*, 742 So. 2d 238, 247–8 (Fla. 1999); *Hildwin v. State*, 141 So. 3d 1178, 1184 (Fla. 2014); *Swafford*, 125 So. 3d at 775–6. In obtaining the "total picture" of the case, the Court must consider all admissible evidence that could be introduced at a new trial. *Swafford*, 125 So. 3d at 775.

Claims asserting actual innocence follow an even more exacting standard. Indeed, Florida does not recognize a freestanding claim of actual innocence. *Tompkins v. State*, 994 So. 2d 1072, 1089 (Fla. 2008); *Dailey v. State*, 283 So. 3d 782, 787 (Fla. 2019). This is because Florida's standard for presenting newly discovered evidence claims is more liberal than the federal standard for actual innocence claims. *Tompkins*, 994 So. 2d at 1089. To be sure, in federal courts, the newly

discovered evidence for such claims must show that "it is more likely than not that **no reasonable juror** would have found [the defendant] guilty beyond a reasonable doubt" when compared against all other available evidence. *Id.* (emphasis added) (quoting *Schlup v. Delo*, 513 U.S. 298, 327 (1995)).

II. Defendant has failed to show the new DNA evidence would probably result in acquittal on retrial, and Claim I must be denied.

For Defendant to succeed on his first claim, he must show that the newly discovered evidence weakens the State's case against him to give rise to a reasonable doubt as to his culpability. Or, in other words, that he would probably be acquitted on retrial of the murders of Eunice Zeigler, Perry Edwards, Virginia Edwards, and Charles Mays.

A. Defendant's DNA evidence qualifies as newly discovered.

The Court begins with the first prong of the *Jones* test. The Court finds that the DNA evidence presented for purposes of this motion constitutes newly discovered evidence. Defendant has, notably, a long procedural history related to obtaining DNA testing of this nature. He was only able to conduct the current testing through the commendable stipulation of the State of Florida. In 2001, Defendant conducted a prior round of DNA testing on a limited number of evidentiary items. *Zeigler v. State*, 967 So. 2d 125 (Fla. 2007); (*see also* 11/19/01 Order Releasing Evidence for Testing pp. 2–3). The testing appears to be limited to polymerase chain reaction ("PCR") characterization. (*See* Def.'s 2003 Mot. To Vacate Convictions Based Upon Newly Available Evidence, pp. 11–13).

The current testing consisted of both autosomal STR[16] and Y-STR testing. (EHT 159:24–160:8). Autosomal STR testing appears to have been available since approximately 2001. *Lemour v. State*, 802 So. 2d 402, 405 (Fla. 3d DCA 2001) (noting the availability of STR testing); *Yisrael*

[16] "STR" stands for "short tandem repeat." *Overton v. State*, 976 So. 2d 536, 544 (Fla. 2007).

v. State, 827 So. 2d 1113, 1114 (Fla. 4th DCA 2002) (noting same). It may even have been used in Defendant's prior round of testing; the report is unclear. Y-STR testing has been available since 2007. *Bogle v. State*, 213 So. 3d 833, 850 (Fla. 2017) ("In 2007, the underside of [the defendant's] fingernail clippings from both hands were swabbed for Y–STR testing."). However, Defendant's current testing further analyzed the results using the STRmix statistical software tool. (EHT 164:5–18). The software has been available since around 2015. (EHT 164:14–18). Evidence from a comparable software program, TrueAllele, was first held admissible in 2021. *Daniels v. State*, 312 So. 3d 926 (Fla. 4th DCA 2021) (comparing TrueAllele and STRmix).

While STR and Y-STR have been available for years, the development of statistical software, such as STRmix, for analyzing mixed DNA samples is relatively new. Furthermore, unlike the prior round of DNA testing, the current round provided much more "exclusionary" data, allowing analysts to exclude people as contributors to a sample. The Court finds it to be based on sufficient advancements in DNA technology that were unavailable to the trial court, to Defendant, or to his counsel at the time of trial. The Court also finds that Defendant was diligent in his attempts to obtain such testing, but his motions thereon were denied by the court. Thus, the Court finds this to be newly discovered evidence that satisfies the first prong of *Jones*.

B. Nevertheless, it does not rise to the level of demonstrating a probability of acquittal on retrial.

In reaching a determination on the second prong of the *Jones* test, this Court has carefully read the trial transcript, the resentencing transcript, and the evidentiary hearing transcript. It has reviewed all evidence that would be admissible at retrial.

The Court begins this section with a finding that colors all subsequent findings. At any retrial, Defendant's credibility would be subject to substantial and weighty attack. Not only does

the trial evidence refute Defendant's testimony, but the newly discovered evidence further impeaches him.

The evidence the State introduced at trial is still admissible. At trial, the State argued or, at least, inferred, that Defendant held Perry Edwards under his arm and beat or, otherwise, struggled with him. The Court agrees that the new DNA evidence clearly refutes this, and it could not be argued at any retrial. But the new DNA evidence instead reflects a struggle between Defendant and Charles Mays. Indeed, the Defense's expert concedes the new DNA evidence provides "strong support" for the hypothesis that Defendant shot, beat, and ultimately killed Charles Mays. At trial, Defendant unconditionally denied killing Charles Mays.

As a possible explanation for some of the blunt force injuries Charles Mays received, Defendant testified that he was "wildly swinging a gun." But that would not produce the severe and deep skull fractures sustained by Charles Mays. Nor does it refute his own expert's testimony that the new DNA analysis indicates he is the one who beat and killed Charles Mays.

Defendant argued at trial that Charles Mays' death was in self-defense, because Charles Mays was one of the perpetrators of the murders of Eunice, Perry, and Virginia. Both parties have exhaustively argued that the killer of Perry, Virginia, and Eunice would almost certainly be covered in the back spatter attributable to the gunshot wounds they all suffered. Defendant's strongest contention for his motion is that the DNA analysis does, in fact, show the lack of Perry, Virginia, and Eunice's DNA in the blood spatter on his clothes. The short of it being: if Defendant's clothes lack blood spatter from those victims, he could not have killed them.

But Charles Mays' clothes also lacked such spatter. Perry Edwards' blood was only found saturated in Charles Mays' pants. That fact is readily explainable:

> While the blood found on Mays' shoes and the stains on his pants leg and cuff areas revealed a genetic profile consistent with Perry, these findings are

> consistent with Mays standing next to Perry, or being in close proximity to his body, after Perry was killed. These findings do not show, as Defendant asserts, that Mays was the perpetrator, rather than a victim of the crimes. Instead, if Mays were involved in a struggle with Defendant while in close proximity with Perry's bloodied body, it would not be surprising that Perry's blood ended up on Mays' shoes and pants during the altercation.

Zeigler v. State, 967 So. 2d 125, 130 (Fla. 2007). Neither Virginia's nor Eunice's DNA was detected on Charles Mays. No blood spatter from Perry, Virginia, or Eunice is present on Charles Mays. Following the logic of Defendant's own argument, Charles Mays did not kill Perry, Virginia, or Eunice. If Charles Mays did not kill Perry, Virginia, or Eunice, Defendant's beating Charles Mays to death would not have been in self-defense.

Defendant points to the fact that the new DNA results provide limited support for the proposition that Charles Mays' DNA could be found on Eunice Zeigler's coat. Defendant argues that this touch DNA is found on places one would expect to find it if Charles Mays had rearranged her clothing. But even if the Court were to accept that as true, it does not prove, or even tend to show, that he killed her or the others. As previously noted, Charles Mays lacks any blood stain evidence expected on the assailant of Perry, Virginia, and Eunice.

Furthermore, while Defendant minimizes it, Perry Edwards' DNA *was* found on Defendant's shoe. Perry's blood was not found in the expected quantities, but it was nonetheless present in a spatter stain on Defendant's shoe. Even giving Defendant the benefit of the doubt and accepting the total absence of Perry's blood on Defendant, the Florida Supreme Court has already rejected this argument. *Zeigler v. State*, 116 So. 3d 255, 258 (Fla. 2013) ("The absence of Perry's and the presence of Mays' blood on Zeigler's clothing did not establish that Zeigler was not the perpetrator."); *Zeigler v. State*, No. SC16-1498, 2017 WL 1422666, at *1 (Fla. Apr. 21, 2017) ("It does not change that this Court has already concluded that the absence of Perry's DNA on Zeigler's clothing is not exculpatory."); *see also Zeigler v. State*, 967 So. 2d 125, 130 (Fla. 2007).

Defendant's argument as to Charles Mays and Perry Edwards is not the only place his testimony appears to lack credibility based on the physical evidence. According to Defendant, he was violently battered throughout numerous different locations of the store; indeed, he was thrown against the walls and furniture, like chairs and a desk. Yet, as the treating hospital physician testified, other than the single gunshot wound, Defendant suffered few other injuries. Defendant's other injuries were a single head contusion, two small abrasions—one of which was described as "superficial"—and a small bruise. He later complained of pain in the fingers one would use to pull the trigger of a gun. These injuries fall far from supporting that Defendant was subject to a violent and lengthy battery by at least two unknown individuals.

He also testified he was shot, and shortly **after** he was shot, he began crawling around the store, and over a body near the linoleum racks. The fact that Defendant's own blood was found on his clothes indicates, unsurprisingly, that his gunshot wound was bleeding. The two bodies near the linoleum racks were those of Perry Edwards and Charles Mays. Perry Edwards' clothes showed no evidence of Defendant's DNA; indeed, Defendant was excluded as a contributor in all but one[17] sample. The same is true of Charles Mays' clothes. The Court finds it improbable that Defendant, after receiving a gunshot wound, was able to crawl over either Perry Edwards or Charles Mays[18] without leaving a whisper of his DNA.

Now the Court discusses the evidence and testimony presented at the 1989 resentencing before Judge Formet. The Court finds the testimony of Mr. Odom and Defendant would be admissible at retrial. In that hearing, the State introduced evidence of Defendant providing an inmate with the details of the murders to prepare yet another inmate to convincingly, but falsely,

[17] That one sample still showed support that he was **not** a contributor.
[18] To any extent Defendant might try to say he was mistaken about the location of the body, he is excluded as a DNA contributor to Virginia Edwards' and Eunice Zeigler's clothes as well.

confess to the murders. While not a confession by Defendant, this evidence could certainly be viewed as incriminating. Furthermore, this plot involved attempting to pin the murders on the "ski mask bandits." Indeed, at trial, he also attempted to point the finger at these "ski mask bandits." Yet, in postconviction proceedings, his argument has been that Charles Mays was the perpetrator. *Zeigler v. State*, 654 So. 2d 1162, 1163 (Fla. 1995) ("Zeigler argued that DNA testing methods currently available may establish that the bloodstains on May's clothing were from Eunice Zeigler or Edwards."); *Zeigler v. State*, 116 So. 3d 255, 257 (Fla. 2013) (arguing "that Perry's blood is on Mays' clothing, [] demonstrates that Mays was the perpetrator."). He points in one direction at the "ski mask bandits," and in the other direction at Charles Mays. The original jury rejected both arguments, and the new evidence does not provide any additional support for either.

To be sure, at that same hearing, Defendant himself testified that the *only* reason he did not go through with the plan was that it would be too expensive. It suggests to this Court that, so long as "the price is right,"[19] he has no qualms about presenting false testimony. Thus, the Court reiterates, Defendant's credibility would undeniably be a major question in any retrial. A question a jury already resolved against him, without the additional impeachment of the DNA evidence and testimony that Defendant is willing to pay others to present false testimony.

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[19] As Defendant testified at the resentencing hearing:

> **Defense Counsel:** Did you ever pay one red cent to Eddie Odum for entering into a plot with you to have Danny Thomas take a fall for the crime for which you were convicted?
>
> **Defendant:** No, sir.
>
> **Defense Counsel:** But you are telling us, I think, that if the price had been right back then, that you would have probably done it?
>
> **Defendant:** Yes, sir.

(*See* State's EH Exhibit 8, 458:14–21).

The Court now turns to the other incriminating evidence presented at trial. Incriminating evidence the new DNA results do not rebut. Witnesses at trial testified that Defendant was seen around 7:00 p.m. driving Eunice Zeigler toward the store. Multiple others testified to Defendant's buying or owning the guns used in the murders. A loaded pistol was found in the car[20] Defendant was using that night, a loaded pistol owned by Defendant, and that was not present in the car when initially left with Defendant. That same car had a blue towel in the backseat when left with Defendant. That blue towel was recovered inside a cabinet in the back of the store, with Group A human blood detectable on it. That same cabinet also held a grocery bag containing cartridge cases consistent with those fired from one of the guns, the palm print of Defendant, and human blood. Felton Thomas testified that Defendant drove Thomas and Mays to an orange grove to fire guns that were carried in just such a grocery bag.

Indeed, Felton Thomas's testimony remains untouched by the DNA results. Defendant contends that Felton Thomas has since recanted his testimony. The Court finds otherwise. The only change to Felton Thomas's testimony is that, now, Felton Thomas alleges he personally did not fire a gun while at the orange grove. Of course, at trial, he testified that he fired the gun once. But whether, while at the orange grove, Felton Thomas fired the gun once or not at all, he still places Defendant as driving him and Charles Mays to the orange grove. The orange grove from which a bullet was recovered that matched the class characteristics of the gun that killed both Perry and Virginia. A jury already found Felton Thomas more credible than Defendant and the new DNA evidence is silent on this point.

A jury also previously found Edward Williams credible. In fact, multiple other witnesses corroborate different aspects of his testimony, including Mary Stewart, Frank Smith, John

[20] Curtis Dunaway had loaned Defendant his car that night. He did not own any guns.

Grimes,[21] Stoney Holon,[22] Deputy Minor,[23] and Deputy Park. The new DNA evidence changes nothing about any of those witnesses' testimony. A jury found all their testimony to be more credible than Defendant's once already. The Court does not find that the new DNA evidence would make it probable that a jury would alter that determination on retrial.

Finally, the Court wishes to address the problems Defendant identifies with the first trial. Over the years, Defendant has raised issues of judicial bias, juror misconduct, and State misconduct. Those issues may contribute to public perception of the judicial system, but those issues have long been decided against Defendant and are procedurally barred. *Zeigler v. State*, 452 So. 2d 537, 538–39 (Fla. 1984); *Zeigler v. State*, 473 So. 2d 203 (Fla. 1985); *State v. Zeigler*, 494 So. 2d 957, 958 (Fla. 1986); *Zeigler v. State*, 632 So. 2d 48, 50–51 (Fla. 1993); *Zeigler v. State*, 654 So. 2d 1162, 1163 (Fla. 1995). On this motion, the Court must consider only the testimony and evidence admissible at a new trial. *Jones*, 709 So. 2d at 512; *Swafford*, 125 So. 3d at 760; *Lightbourne*, 742 So. 2d at 247; *Hildwin*, 141 So. 3d at 1184. Defendant's allegations of judicial bias, juror misconduct, State misconduct, the length of the prior jury's deliberations, and comments afterward are all inadmissible evidence on retrial.

A great deal of the evidence in this case was circumstantial, but even at trial, much of it was not. This new DNA evidence *may* indicate the involvement of another actor, though this Court is making no finding in this Order that it does or does not. Even if it does show such involvement, it would still not show that the actor was not part of Defendant's plot to murder his wife. Nor does the involvement of another actor, alone, exclude Defendant's participation in the murders of Eunice, Virginia, Perry, and Charles. To quote from the State's closing argument at trial, "Mr.

[21] The employee of the Kentucky Fried Chicken.
[22] Operator of the Texaco where Edward William's car was located.
[23] The Sheriff's Deputy to whom Edward Williams spoke in Orlando.

Zeigler has hit us head-on. Mr. Zeigler has made the issue, 'They are all lies, and I'm telling the truth.'" (TT 2562:13–15).

The evidence in this case, including the new DNA evidence, is strong evidence that Defendant is at best, telling partial truths. His own expert concedes the new DNA evidence is "strong support" that Defendant killed Charles Mays. Something Defendant expressly denied under oath. That same DNA evidence offers little to establish that Charles Mays was a perpetrator of the crime, and not another victim. At trial, defense counsel stated, "We have had other evidence such as the FBI testimony, laboratory people, basically mountains of technical evidence which all cumulatively raises a suspicion or the possibility or maybe even by stretching it the **probability** that the defendant might have done it." (TT 1815:22–1816:4) (emphasis added).

Of course, at trial, a probability of guilt is far from sufficient to convict Defendant. But a jury found Defendant guilty beyond a reasonable doubt. To vacate those convictions, this Court must find that on retrial, Defendant would **probably** be acquitted. *Jones*, 709 So. 2d at 521. Having considered all the testimony and evidence of the trial, all admissible evidence that could be introduced at a retrial, including the newly discovered evidence, and considering the "total picture," this Court cannot find that Defendant would probably be acquitted on retrial. The Court finds that Defendant has not met his burden and that Claim I of his motion must be denied.

III. Because Claim I fails, by necessity so does Claim II.

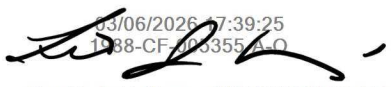
Florida does not recognize a freestanding claim of actual innocence. *Tompkins*, 994 So. 2d at 1089; *Dailey*, 283 So. 3d at 787. Even if it did, in failing to meet his burden under Claim I, he cannot show entitlement to relief under Claim II. As previously noted, in federal courts, the newly discovered evidence for such claims must show that "it is more likely than not that **no reasonable juror** would have found [the defendant] guilty beyond a reasonable doubt" when compared against

all other available evidence. *Tompkins*, 994 So. 2d at 1089 (quoting *Schlup*, 513 U.S. at 327). Defendant falls far short of this burden.

Accordingly, it is hereby **ORDERED and ADJUDGED** that:

1. Defendant William Thomas Zeigler, Jr.'s "Motion to Set Aside Convictions Based on Newly Discovered Evidence," filed on March 21, 2025, is **DENIED.**
2. Attached to this Order, and incorporated by reference, are the applicable portions of the record.
3. Defendant has **thirty (30) days** from the date of this Order in which to file an appeal.
4. **The Clerk of Court** shall promptly serve a copy of this Order and its attachments upon all parties, Defendant, and the Attorney General, along with an applicable certificate of service. The Clerk is directed to serve a copy of this Order upon the Defendant, William Zeigler, DC# 053948, Union Correctional, P.O. Box 1000, Raiford, Florida 32803 and shall file an appropriate certificate of service in the file.

DONE AND ORDERED in Chambers, at Orlando, Orange County, Florida, on the date of the electronic signature.



eSigned by Leticia Marques 03/06/2026 17:39:25 wbiSEXCV

LETICIA MARQUES
Circuit Court Judge

CERTIFICATE OF SERVICE

The foregoing was filed with the Clerk of Court by using the Florida Courts E-filing Portal System. Accordingly, a copy of the foregoing is being serviced on this day to all attorneys/interested parties identified on the ePortal Electronic Service List, via transmission of Notices of Electronic Filing generated by the ePortal System.