

Parish accompanies a dying prisoner in spirit

Editor's note: This is second in a series on the corporal and spiritual works of mercy.

GLENDA MEEKINS
of the Florida Catholic staff

RAIFORD | At 5:45 p.m. Feb. 23, 15 minutes prior to the time Donald David Dillbeck would die via lethal injection at Florida State Prison, a crowd began to sing.

"When the way grows drear, Precious Lord, linger near. When my life is almost gone," those gathered sang. "Take my hand, precious Lord, lead me home."

Among those in the crowd — close to 60 were parishioners of Our Lady of Lourdes Parish in Daytona Beach. Some were veteran opponents of the death penalty who have been to Raiford before. Others members were young middle school students from Lourdes Academy, coming for the first time. They stood side-by-side with other advocates, some who were victims who lost relatives at the hands of violent criminals.

It was a long bus ride to get to Raiford, but it did not sway their resolve — to arrive outside the prison walls to sing and raise their voices in prayer in hopes death row inmate Donald David Dillbeck would understand he was cherished, even as the state of Florida administered a lethal injection into his veins.

When the pilgrims arrived in Raiford, they were ushered to the "opponents" side where they joined members of Floridians for Alternatives to the Death Penalty, three death row exonerees and other defenders of life. While roughly 75 stood watch and held signs in support of life, four people stood silently on the "proponents" side. Both sides stared at the massive set of cement buildings across the street.

Father Phil Egitto, pastor of Our Lady of Lourdes Parish, led his contingent in this spiritual work of mercy — praying for the dead, dying, and those afflicted by acts of violence, especially the victims of criminals. This is a sad pilgrimage he has made for decades.

"We have gathered here tonight in prayerful response to acts of hatred and violence in our society. We gather not just as a Christian group, but in union with many groups throughout the state and country who are also holding prayer vigils on this day and time. We are all gathered in the name of God, who is love, here with us," Father Egitto prayed. "We strive to be instruments of healing and love ... instruments of true justice. Let us respond in prayer and in deed." Again, in the prayers of the faithful, he asked for intercessions for Dillbeck's victims and all those of other crimes - that the Lord might provide healing for their wounds.

"Our church is very much pro-



The sun sets on the Florida State Prison as the state of Florida administers a lethal injection for Donald David Dillbeck, Feb. 23, 2023. (PHOTOS BY GLENDA MEEKINS | FC).

life," he continued. "Very often people don't focus on all life. I think it's really important to provide the balance — that people need to understand that all life is sacred from conception to natural death." He noted many Catholics understand that abortion is wrong, but some "think it's okay to kill people for killing people. And it's not okay."

Reinforcing this belief is the Catechism of the Catholic Church, 2267 which states, "the death penalty is inadmissible because it is an attack on the inviolability and dignity of the person..."

Among the opponents was 13-year-old Nashalie, an eighth-grader at Lourdes Academy. She said her faith brought her here.

"I'm here standing up for what I believe in, even if it's just in this little way with my family, friends and teachers around me. In another way, it's kind of frightening. It's kind of nerve-racking," she said. "Killing is killing. I carry that with me no matter what happens."

Since 1973, there have been 30 individuals exonerated of the death penalty, more than in any other state. One of the exonerees was Herman Lindsey, who spent three years on death row before a unanimous jury declared there was never enough evidence to convict him, let alone put him to death. Released in 2009, Lindsey speaks annually to Our Lady of Lourdes students.

"He may not realize it, but he's made a difference," said religion teacher Nancy Sturm. Her grandson and others who heard Lindsey speak years ago are still passionate anti-execution advocates.

"The youth is our future," said Lindsey. "That is why I find it important to speak out."

Another opponent was Karen Delisle whose sister, Patty Ann, was murdered. "A day like this just makes you think — No. 6 — 'Thou shalt not kill.' So, we're going to kill somebody because they killed somebody. Where is the wisdom

in that? And for the families of the murder victim, this is all just re-igniting their trauma," she said, recalling her experience in a courtroom 41 years ago when facing a final verdict on her sister's case. "We need to be life giving, not life taking."

Along with time in song and time in prayer for Dillbeck, his victims and their families, members are invited to ring a large bell brought to the event. It is a symbol of solidarity in the stance against the death penalty. When it is rung, witnesses have testified they can hear the sound within the death chamber. Delisle took her turn and rung the bell hard.

While speaking at the Cities for Life event at the end of November, Delisle said, "If I chose not to forgive, I would not be living up to my Catholic faith. I would've remained a prisoner to hate and rage. My family deserved better, and so did I."

After Dillbeck is pronounced dead at 6:13 p.m., the group grows silent, many staring at the exit where witnesses to the execution are collected into vans to return to the parking lot. Among those with eyes peeled on the exit doors of the chamber is Father Fred Ruse, a retired diocesan priest. He is shocked by the speed of the process — 11 minutes.

"What does that say about us? We have perfected death," he noted.

Father Ruse spent five years visiting "Ricky" Sanchez-Velasco on death row and accompanied him to his death in 2002, singing hymns and praising God for His great love and mercy in his cell. Then in the death chamber, he said, "the two of us fixed our sight on each other during that moment, not to be distracted from what is and always will be of the Kingdom of God."

"Every time I arrive at (Florida State Prison) for an execution, I am transported back to my time with Ricky," he told a friend days later. "It is uncomfortable, but also very rich.



An Our Lady of Lourdes, Daytona Beach, parishioner prays at the execution of Donald David Dillbeck, Feb. 23, 2023.



Opponents of the death penalty toll bells that can be heard within the prison's death chamber. The bells symbolize their determination to abolish the death penalty and be in solidarity with prisoners.

That was a gift to serve that way and come to know him and witness who he was and what was going on deep within him."

He shared his feelings at the time of Dillbeck's death. "Sad. Infuriating. More of the same. The story of our broken and self-preferential/self-serving way of operating. Shallow. Serious injustice. An outcry to God," he told the Florida Catholic in an email.

"We throw no one away," he said. "Not because of that 'one' (we will never be deserving nor those with some sort of 'right'), rather, because of the one to whom we all belong — who looks upon us all with equal love and care — our God. And in that gaze, there is both the truth and the mystery that we just don't know the entire story, which is our healing and our hope. We can't. And in that, there is the measurement of our authenticity and honesty in being a community."

On Feb. 22, 2023, there were 300 people listed on death row in Flor-



A Lourdes Academy Catholic School student from Daytona Beach stands for life in front of Florida State Prison minutes prior to Donald David Dillbeck's execution, Feb. 23, 2023.

ida, including 297 men and three women. At 6:13 p.m. Feb. 23, that number reduced to 299. ■

A quest for innocence, a race against time

The case of William Thomas Zeigler Jr. moves forward with DNA testing of almost 150 pieces of evidence

Editor's note: The Florida Catholic first began investigating the case of William Thomas Zeigler Jr. in 1999 through the series, "Trail of blood to death row." Since that time, the Florida Catholic has traveled to Union Correctional in Starke several times to interview Zeigler, who has maintained his innocence since his arrest for the murders of his wife, in-laws and a handyman Christmas Eve 1975. The publication has spoken with lawyers, advocates, investigators and former jurors, and attended hearings in the Orange County courthouse in Orlando as appeals have been processed and heard. While the case has hit judicial hurdle after judicial hurdle, it has moved in a positive direction in the past two years. In the report below and videos offered online, the Florida Catholic once again traveled to Starke to visit the 77-year-old inmate. While he continues to maintain his innocence and is rejuvenated by court-granted DNA testing, time has taken a toll on Zeigler. He hopes this time the testing will give him back his "good name" and get him out of a prison cell, the place he has called home since 1976.

JEAN GONZALEZ

of the Florida Catholic staff

STARKE | The noise on death row can be constant. Alarms ringing. Commands over loudspeakers. Squawking from walkie-talkies. A grinding sound as heavy, steel prison doors roll open and shut.

Guards watch as they pass prisoners who work different tasks in the area — mopping floors, bringing in large meal carts or laundry carts.

The sounds all add to the regimented, claustrophobic atmosphere of death row.

After visitors check in with personnel behind bullet-proof glass, they enter a holding area where death row inmates and their lawyers can chat privately, and where journalists can conduct interviews.

William Thomas Zeigler Jr. is familiar with the area because death row has been his home since 1976. He's had his share of conversations with lawyers there and his share of media interviews. That would include interviews with the Florida Catholic.

Despite having roots in sleepy Winter Garden in the mid-1970s, his case has drawn national and international attention. Journalists of major news outlets, private investigators and documentarians have researched the original trial case for decades. The case and trial are fraught with questionable witness accounts, hidden evidence never brought to light, jury and judicial misconduct, set in a small southern town with a history of the Ku Klux Klan and racial injustice. A few months before the murders, Zeigler was supporting a black store owner who had to go to court to obtain a liquor license. On the opposite side of that case was the man who would sentence Zeigler to death.

Appeal after appeal on the case has also drawn attention. With the advent of DNA testing, Zeigler's appeals attorneys — who are based out of New York City and offer services pro bono — have fought the courts tooth and nail to have evidence tested for proof of innocence.

They were successful in 2001, when one judge granted limited testing on an area of a blood-soaked shirt that original trial prosecutors said should be the blood of victim Perry Edwards.

In 2004, DNA testing deemed the blood on the shirt was not that of Edwards — which discounted the entire original prosecution theory. Yet, the judge who looked at those findings (a different judge than the one who ordered the testing) said those findings were not enough for a new trial. So, Zeigler's attorneys pressed over and over for more testing using more advanced DNA techniques — always on the defense's dime and not to be paid by the state. But in 2016 the same judge who rejected the first set of testing results said no amount of DNA testing would warrant a new trial.

Still, the lawyers never stopped, and Zeigler never lost faith. In 2021 came a major break. Ninth Judicial State Attorney Monique H. Worrell, who represents Orange and Osceola counties, agreed to support further DNA testing. In recent months, the DNA testing news has gotten better. Testing won't just be on a few pieces of clothing, but on all evidence from the crime scene, including some never seen before.

As he sat behind a table, his handcuffed hands in his lap, as instructed by guards, Zeigler flashed a smile when asked about testing. Evidence was sent to the labs and results should be ready this summer. His mood, as it has been with each stage of testing, is positive. He was asked how he has stayed on death row for so long and not succumbed to negative thoughts.

"To tell you the truth, you don't have to think. The truth is there. You just have to tell it," he said. "The issues we have brought before the court are issues that are sound. I always thought I was going to win. The lawyers I got are solid lawyers."

While upbeat, honest and friendly, there is no disguising that 46 years on death row have taken a toll. Health problems, including heart issues and a battle with COVID-19,



William Thomas Zeigler Jr. is seen during an interview with the Florida Catholic March 6, 2023, at Union Correctional in Starke. The inmate discussed his life on death row, where he has called home for 46 years, and the positive developments in his case. (JEAN GONZALEZ | FC)

have left Zeigler thin and gaunt. Those are issues that could sideline any 77-year-old, even more a man who spends the majority of his life in a 6 x 9 x 9.5-foot cell.

No doubt his lawyers and supporters across the globe are on Zeigler's side. But time is not. Unlike CSI the television show, testing takes months and, sometimes years. The same is true when pursuing justice.

But Zeigler's resolve doesn't waiver. He believes he will become a free man.

WHAT HAPPENED

Zeigler's world turned upside down on Christmas Eve 1975. He went to his family's furniture store that evening to meet up with his wife, Eunice. She went to the store earlier that evening with her parents, Virginia and Perry Edwards, to help the older couple pick out a chair as a Christmas gift.

In his own words, he went into the store from the hallway near the back parking lot. The lights were off and didn't turn on, but that didn't surprise him because there was a worker — Curtis Dunaway — who would often hit a breaker by accident when turning the lights off.

He walked towards the back showroom and, as he puts it, that's when "all thunder and hell broke loose."

"I was hit over the back of the head and knocked down, and I was picked up and thrown around like a rubber ball," he said in his southern drawl. "Back in those days I was 165 pounds. It was a big man who was throwing me around."

Then he was shot, and he let out a laugh when he was asked if he remembers what it felt like. "It felt like a hot poker was jabbed through my stomach."

When he regained consciousness, he searched for his glasses,

crawled to find a phone and called a friend for help. Police arrived before the ambulance and the seriously injured man was sent to the hospital.

Zeigler never saw the dead bodies of his loved ones and acquaintance. He was unaware of what happened to them until he was arrested for their murders as he lay on his hospital bed days later.

He was resolute on his innocence and had no doubt the trial would cement it.

"I hadn't done anything, and I had always been taught that the police were correct, the courts were correct, and I wouldn't have any problem that things would work out," Zeigler said. "(The verdict) was a shock of a lifetime."

During the trial, his jurors were deadlocked six to six, innocent versus guilty, for days. In the years following the trial, jurors have spoken with journalists about the tense and at times abusive atmosphere in the jury room. The judge, Maurice Paul, ordered Valium [ARS2] for jurors who did not side with a guilty verdict. In a news report by the Tampa Bay Times, one juror recounted how at that moment he was sure there would be a mistrial.

But there was no mistrial. There was a guilty verdict and a recommendation of life in prison which was later overturned by Judge Paul to a sentence of death.

AN APPEAL FOR DNA

Zeigler has been in the death house — the area where prisoners stay before being executed — twice. He was scheduled to be executed in October 1982, but the U.S. District Court in Jacksonville stayed the execution due to new evidence. The next date was May 1986, but the 11th Circuit Court of Appeal stayed that execution.

No execution order has been

signed since then, and his case continues through the appeals process, which first began with his trial lawyers. But for more than two decades, Dennis Tracey, an attorney from a law firm based in New York City, heads a legal team that has navigated every which way to convince the courts that Zeigler deserves a new trial where he can present both DNA findings and evidence that has emerged after the original trial.

Terry Hadley served as one of Zeigler's trial attorneys. He was the first person the Florida Catholic interviewed about the case in 1999. He recalled the trial with clarity then, and still does 24 years later. He has never given up on the case, and he works with Tracey when needed.

More importantly, he is a stalwart and vocal supporter of Zeigler who has spoken with members of the legal teams of some of Florida's governors.

Locally, he has continually advocated for DNA testing of evidence with each lead prosecutor at the Orange-Osceola State Attorney's office. Most state attorneys fought hard against testing, such as Lawson Lamar and Jeff Ashton.

But Hadley thought there might be a sliver of hope when Aramis Ayala was elected to the position. Ayala tapped one of her attorneys — Monique H. Worrell — to create the office's first conviction integrity unit. After researching the Zeigler case, Worrell drafted a nine-page report that stated Zeigler's case warrants DNA testing. But Ayala rejected the recommendation.

Flash forward to 2020, when Worrell won the election as the Ninth District State Attorney. Zeigler's lawyers, Hadley and Tracey, wasted no time soliciting Worrell to that execution.

PLEASE SEE **ZEIGLER, 6**

New bill 'imposes lowest standard in the nation' in death penalty cases

STAFF REPORT

ORLANDO | On April 20, Gov. Ron DeSantis signed the non-unanimity death penalty sentencing bill into law. SB 450 eliminates the requirement that a jury unanimously decide to sentence someone to death. The legislation allows a jury, by a vote of 8-4, to recommend a death sentence. This law goes into immediate effect.

"If one of the primary justifications for the death penalty is to provide solace and finality to victims, instituting this new unconstitution-

al statute almost certainly does the opposite," said Maria DeLiberato, director of Floridians for Alternatives to the Death Penalty. "This change is a return to Florida's prior scheme — which the U.S. Supreme Court has already found unconstitutional — and which required nearly 100 new penalty phase trials. Many of those are still pending. This new law will be immediately challenged."

The organization went on to argue that allowing non-unanimous juries "further exacerbates the racial disparity in the death penalty"

and increases the risk of wrongful convictions.

During a March 2023 interview with the *Florida Catholic*, William Thomas Zeigler Jr., who is a death row inmate who has been on the row for 46 years, spoke out against the death penalty.

"The way I was raised and the life I had I didn't pay too much attention to the prison system or to the court system, and as far as the death penalty went, I didn't think about it much," he said. "Now, I can tell you straight up it is wrong. And not just because I'm here. It's straight up

wrong. Just in Florida alone, if you look at the number of people exonerated by the courts, it tells you that mistakes are made. And the death penalty is political. Very political."

Herman Lindsey, Florida's 23rd death row exoneree, was sentenced to death by an 8-4 vote for a crime he did not commit.

"My jury got it wrong then, and allowing non-unanimity in the penalty phase diminished the jury's responsibility and deliberative process," Lindsey said. "We need to find a way to fix our system, not continue to break it." ■



Visit <https://www.youtube.com/@floridacatholicmedia> to view videos of William Thomas Zeigler Jr.

ZEIGLER

FROM 5

consider testing, all of which would be paid for by Zeigler's New York law firm.

Worrell agreed.

"When she was elected, we had faith. Unlike her predecessor she wanted to get to the truth. ... She took the leap of faith for the truth side, and I have tremendous respect for her for that," Hadley said of Worrell. "I always said I don't understand the state fighting on DNA testing at all. A comprehensive look at evidence through DNA would

truly show if Tommy were guilty or innocent. And at no cost to the state. It's a win-win for the state."

Hadley added that tens of thousands of dollars have already been spent by the appeals lawyers to prove Zeigler's innocence. Why? Because they, like he, believe he is innocent.

"Dennis Tracey and his team are wonderful lawyers and human beings who care deeply about this case. They are the ones getting this all to happen and writing the checks. They are top-notch professionals who are a credit to the legal profession and to the human race," Hadley said. "We are trying to keep the state from executing

an innocent man, and at this point, time is our enemy. The dream is to see Tommy walk out of that prison. Tommy deserves free air and free time out of that hellhole."

But getting the go-ahead from Worrell was not the end of the saga. At that point, Florida Attorney General Ashley Moody wanted to block the testing. She challenged the agreement in court, but finally dropped it in early February.

So, for now, the evidence is being tested at Forensic Analytical Crime Laboratory in Hayward, California, a lab certified by the American Society of Crime Laboratory Directors.

This round of DNA testing is not a Hail Mary at the end of a game. Zeigler has been fighting for testing since 1994. A portion of a shirt he wore that Christmas Eve and a portion of the pant legs of trousers worn by victim Charley Mays were cleared by the courts for DNA testing in 2000. The items were tested in 2002 and showed that Perry Edwards' blood was not present on Zeigler's shirt (which completely discounted the prosecution theory of Zeigler having Edwards in a choke hold and beating him to death), and the pant legs did not have Zeigler's DNA (which again discounts the prosecutorial theory that he fought with Mays and killed him).

Yet, in a hearing in 2004, the prosecution discarded the finding, instead changing original trial theory. Since then, the courts have not been kind in appeals. It would seem no amount of logical testing

could convince the court that Zeigler deserved another trial.

It was deny, deny, deny, until Worrell came into the picture.

"(This is) about somebody that believes in truth. Somebody who's looking for truth. And that is Mrs. Worrell. I realize there is a lot of people thinks she shouldn't be doing that. But if you're going to be a prosecutor, and you're going to go out and take people's lives in your hands, you should be looking for the truth," Zeigler said. "I thank God for her."

MOVING FORWARD

In recent months, the case has generated two updates. One concerns evidence that the defense never knew existed. After being granted access to DNA testing, Zeigler's lawyers requested all the evidence be available for testing. To their surprise, the clerk of the courts who pulled the evidence found boxes of materials that the defense had never seen before. As a result, more than 150 pieces of evidence — pieces of clothing, fingernail clippings, bone matter, guns, among other items — will be tested.

The second update involves Worrell's decision to examine decades-old fingerprint evidence in Zeigler's case. Both Hadley and Zeigler welcomed the analysis.

Hadley is still upset at the "botched" analysis done by original crime investigators, who stated not enough fingerprint evidence had been recovered from the guns used in the murders. But Hadley said while a partial print might not be able to point the finger at the suspect who held the gun, analysis of a partial print could be used to exclude suspects, such as Zeigler.

"Instead Don Frye (the lead detective on the case) ordered the destruction of the prints," Hadley said. "Who does that in an investigation? That is evidence we could have used to help Tommy and it was destroyed."

For Zeigler, any movement forward in his case is welcome. When asked what piece of evidence he is especially interested in seeing tested, without pause he stated, "All of it."

"I think the DNA testing is going to clear me and I hope that it will give us another individual (who committed the crimes)," Zeigler said. "I've got the finest lawyers that anybody can ever have. There is no prisoner on death row in any state that have the lawyers I have."

He said he's blessed to have Tracey and the New York team on his side. And when he speaks about Hadley, he describes the 80-year-old as "family." Zeigler stayed in touch with his other trial attorney, Vernon Davids, until he passed away.

"Towards the end, he would take one of his letters and write 'Hi' and sign it 'V.D.' to let me know he was still there and still working," Zeigler said.

Since being incarcerated, Zeigler has lost his share of loved ones and friends. He was asked how he copes with grief while behind bars.

"The grieving process is the same as with you or anyone on the outside," he said. "Being in here doesn't stop your feelings, the only thing it changes is that you're in a cage and not walking outside."

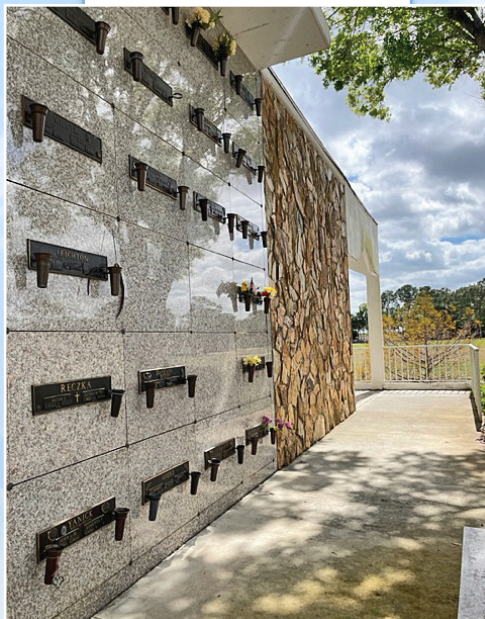
Despite his confidence and positivity, Zeigler cannot escape the reality that his health is precarious and time is his foe. But that will not stop his quest to prove his innocence. He has his share of cheerleaders across the globe, and he spends a lot of his days corresponding with supporters through a jail email system.

But he believes he also has a heavenly supporter — his wife Eunice. They had known each other for about a year and a half before they were married. They were husband and wife for nine years before she was murdered.

When asked whether he believes Eunice would be proud of the way he is fighting, Zeigler nodded his head slowly, softly. His voice came out lower and even slower than before.

"I know she would be proud of me fighting the way we are fighting. She and I had a very loving and open relationship," he said. "We had a lot in common from the very beginning. I miss everything about her." ■

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Florida to execute an inmate Oct. 3, the 6th in 222 days

JEAN GONZALEZ
of the Florida Catholic staff

ORLANDO | Before the end of the 10th month of 2023, Florida might put to death the sixth person of the year; a person who has suffered from intellectual disabilities and carries a deep sense of remorse.

This year, Florida's Gov. Ron DeSantis, on behalf of Florida's citizens, has signed six warrants for execution since Jan. 24. Five men have died at the hands of the state since then. Michael Duane Zack is scheduled for execution Oct. 3.

But even with less than two weeks before his execution, Zack's appeals lawyers have asked a federal appeals court for a stay of execution because they say he was "shut out" of a clemency process that could help spare him. According to News Service of Florida, Zack's attorneys filed a 26-page emergency motion Sept. 19, at the 11th U.S. Circuit Court of Appeals, after federal district Judge Robert Hinkle last week rejected the clemency arguments.

That decision stemmed from federal-court documents filed by Zack's attorneys that listed while the inmate had received a clemency interview in 2014, he and lawyers did not hear from the state until Aug. 17, 2023, when the governor issued his death warrant and clemency was denied.

That is when State Attorney General Ashley Moody's office urged the Florida Supreme Court to reject arguments that the execution be blocked because Zack's attorneys contend the inmate suffered Fetal Alcohol Syndrome when his pregnant mother drank alcohol and that putting him to death would violate a constitutional ban on executing people who are intellectually disabled, through the 2002 decision of *Atkins v. Virginia*.

Moody's office disputed Zack's arguments saying that his intellectual-disability claim has been rejected in past appeals. Judge Hinkle agreed.

This last appeals push might be the Zack's last chance through the courts. There is no doubt two women — Ravonne Smith and Laura Rosillo — lost their lives at the hands of Zack. He was convicted for the murder of Rosillo and sentenced for life. He was also convicted of murder in the death of Smith and was subsequently sentenced to death.

In a Sept. 11, 2023, letter to DeSantis on behalf of the bishops of Florida, Michael Sheedy, executive director of the Florida Conference of Catholic Bishops, recognized that Zack's "heinous and horrific crimes against these women have caused untold suffering to their families, friends, and communities." The conference is urging the governor's

office to commute his sentence to life without parole.

"Yet, in taking the life of Mr. Zack, the state will do nothing to restore the victims' lives," Sheedy continued. "Rather, state-sanctioned killing will only further fuel the growing societal disrespect for the dignity of human life. The death penalty merely perpetuates the cycles of violence and vengeance that permeate our culture."

While not dismissing the violence Zack inflicted, the conference recognized the violence that had been inflicted on Zack throughout his life.

"In his youth, he endured an extremely abusive home environment, undergoing severe physical and sexual abuse at the hands of his stepfather. Neuroscientific research shows that such traumatic experiences can have lasting effects on a child's developing brain, which can profoundly affect behavior," the conference stated. "His defense team presented expert testimony that Mr. Zack suffers from organic brain damage, fetal alcohol syndrome, and post-traumatic stress disorder. The mitigating circumstances found in his case make it clear that he was suffering from an extreme mental or emotional disturbance at the time of his crimes and was acting under extreme duress."

Zack's history of trauma and abuse is stunning enough for even seasoned veterans who deal with the death penalty to stop and take notice. Maria DeLiberato had served as an assistant state attorney in Miami-Dade County and then 13 years at Capital Collateral Regional Counsel, representing individuals on Florida's death row in their post-conviction appeals. Now she serves as executive director of Floridians for Alternatives to the Death Penalty (FADP). She had read his story and found it "horrifying." As she wrote to supporters of FADP, Zack grew in the womb of an alcoholic mother who went into labor prematurely following a car accident. His stepfather was "sadistically" abusive towards Zack and his sisters.

"(Zack) suffers from post-traumatic stress disorder, chronic depression, fetal alcohol syndrome, and organic brain damage. Mental health experts opined that he had the mental and emotional age of a 10- or 11-year-old child," DeLiberato wrote to supporters. "(He) is remorseful, has been peaceful on death row, and with his limited intellectual functioning, has learned to read and write. He has tried to make sense of how his traumatic upbringing impacted the choices he made as an adult. He can and should remain in prison for the remainder of his natural life."

But those realities, thus far, have been ignored by the governor's office who signed the warrants, the state attorney general who has

fought appeals, and the courts that have rejected the appeals.

And this leaves the citizenry of Florida desensitized from a tangible reality — the state is committing murder on its behalf. Although shrouded in a law-and-order, tough-on-crime cloak, it is manipulative rhetoric to state the death penalty is a "popular" law that keeps society safe.

"We don't need the death penalty to be safer," DeLiberato said. "Murder rates are not impacted by the use of the death penalty. Over and over, it has been shown to be wasteful (financially) as it costs more money than life in prison without parole. And it is harmful to society. To say it is a deterrent is just nonsense."

Is the death penalty used as a political tool? DeLiberato would say, "yes." Politicians and elected officials have used emotional appeals to uphold the death penalty and even change legislation that had previously been voted into effect by Florida voters.

In October 2022, when a jury voted in favor of a life in prison sentence for Parkland school shooter Nikolas Cruz, Desantis utilized that emotional appeal and crusaded Florida's legislature to forgo the unanimous jury recommendation to impose the death penalty. He did so despite unanimous jury recommendations were supported by Florida voters and that the Florida statute was amended in March 2016 in light of the U.S. Supreme Court decision of *Hurst v. Florida*.

Legislators complied and unanimous juries are no longer needed in capital cases. DeLiberato said the outcome was a "perfect storm" of a governor running for president who wished to make national news, a tragic, high-publicity case of a school shooting and a change in members of the Florida Supreme Court.

"All that got the ball rolling" to use the death penalty in the political arena and change legislation, DeLiberato explained. But lost in those debates is a key fact of the case. A month after the Feb. 14, 2018, shooting spree that left 17 dead, lawyers for Cruz wanted to forgo a trial for 34 consecutive life sentences in prison. Prosecutors wouldn't accept the offer in hopes getting a death penalty sentence through trial.

"(Prosecutors) spent four traumatizing years to get exactly what was offered a month after the killings," DeLiberato said, adding the trauma of opening wounds for victims' families in retelling of that moment in trial. But also, trauma for students, faculty and administrators of Parkland High School. "They had to see that crime scene preserved every day for four years. And for what? For some sort of trial theater" It is offensive. That is the harm of the death penalty. We inflicted that pain and trauma for the same result — a jury recommendation for life in prison."

But finding ways to strengthen Florida's death grip on capital punishment continues. During the appeal process for death row inmate Michael Zack, News Service of Florida reported that Florida's attorney general urged the Florida Supreme Court to use "Marsy's Law" to reject Zack's request for a stay of execution. "Marsy's Law" is a constitutional amendment about victim's rights that was passed by voters in 2018.

News Service of Florida reported if Florida's high court agrees with the Marsy's Law argument, it would "heighten" a standard used in determining whether to grant stays after death warrants have been signed, according to the document.

"The Marsy's Law amendments to the Florida Constitution require Florida's courts to modify the stay-of-execution standard to account for the victims' rights to be free from unreasonable delay and prompt finality," Moody's office argued.

But in the report, DeLiberato called the state's approach "a stretch" and pointed to already-existing procedural rules in appeals. "Trying to use Marsy's Law to truncate litigation at the execution stage is too far of a reach. The specific procedures outlined in the rules of criminal procedure contemplate this exact process," DeLiberato said.

Signed warrants, executions and the changing and sometimes manipulation of legislation to strengthen the use of capital punishment serve to dishearten death penalty proponents. DeLiberato admitted that so many executions in such little time — possibly six in 222 days, which averages for one every 37 days — could cause complacency among Floridians. But that's just one more reason advocacy is vital in this cause. "We can't be come a society desensitized by violence. We have to stay vigilant. Defense lawyers, activists, journalists, leaders of faith communities — we all have to speak up and say, 'Not in our name,'" DeLiberato said. "We are executing people. If that is not what you want, you can send letters, contact legislators, write emails, ask for meetings, attend vigils. Say, 'We don't want this.' There has to be this energy, and this continued sense that says we are not going to say silent." ■

Before Michael Zack's scheduled execution, Floridians will gather across the state to pray for him and his victims — Ravonne Smith and Laura Rosillo. There will also be continued prayers that Gov. Ron DeSantis will stay the execution and end to the cycle of violence in society by not using the death penalty. To find out more about vigils, contact the Florida Conference of Catholic Bishops at 850-222-3803 or visit <https://www.flacathconf.org/>. Or contact your local diocesan respect life office.

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