

A bird's-eye view of death row

Editor's note: The following is the first in a series of articles about William Thomas Zeigler Jr., a death row inmate who has maintained his innocence since he was charged with the quadruple murder of his wife, in-laws and another man in 1975. The Catholic convert hopes the courts will re-examine case evidence and grant him a new trial.

JEAN GONZALEZ
of the Florida Catholic

RAIFORD | It is a familiar walk to death row; after you've made the walk once, you remember it.

It has been eight years since I first walked that outdoor concrete path completely encompassed with chain-link and barbed-wire fencing. Then, as now, I could hear the faint buzz of the electrical current that coursed through the barbed wire and fed electricity to the monitoring cameras and locks on the fencing entrance and egress. It had been eight years and nothing had changed, not even the sticky humidity of the North Florida air ever-present on most summer afternoons.

The pathway takes visitors and staffers past a wing of Union Correctional Institution to death row. An escort took me from the pathway into the housing, but unlike eight years prior, I was not taken to an interview room just to left of the guard house where credentials are checked a second time. In those



William Thomas Zeigler Jr. is pictured during two, separate interviews with *Florida Catholic* staffer Jean Gonzalez. On the left is a photo taken during a 2004 interview. On the right, is a photo taken in 2012. (JEAN GONZALEZ | FC)

rooms a thick, glass partition separates you from the prisoner.

This time, I was taken down a hallway of small holding cells. In one stood, in shackles, the person I came to interview — William Thomas Zeigler Jr. The 6-foot-tall man gave me a small wave with his handcuffed hands as I passed.

"This is different," I said to the guard. "Am I going to get a face-to-face interview?"

The guard simply gestured me into what is perhaps a 9-by-6-foot conference room with one rectangular table and two plastic chairs, three walls, a ceiling, a door and a fish-bowl window.

A few moments later, the guard

escorted Zeigler inside, and I was given instructions — one hour for the interview. If I take photos, I can only point the camera toward the wall, not toward the window.

Both Zeigler and I thanked the guard, who closed the door and locked it. I looked at the man, who I had interviewed in person twice before — once in 2001 and once in 2004. His face was far more gaunt and he looked much thinner. His head was shaved and because of that, his thick glasses with well-worn frames looked too large for his face.

But while his physical frame had visibly aged, his voice was as strong as the handshake he offered me be-

fore sitting down.

"It's been a while, Mr. Zeigler," I said.

"It's good to see you, Ms. Gonzalez," he replied, in a southern accent native to west Orange County, where he was born and raised.

To break the ice, I asked, "What happened to your hair?"

He laughed, "It was getting thin on top, and it got to where you couldn't get a haircut around here." He explained that when he could get a haircut, the person with the scissors took "30 seconds for a three-minute job." "Then I started to look like a dog in mange," he laughed. "So I just started shaving."

You'd be surprised how much money you save on shampoo."

One thing that hadn't changed about Zeigler was his light-hearted smile and his sense of humor, which is an amazing feat for man who has lived on death row for the past 36 years; a man who has had three death warrants signed, but who has consistently claimed his innocence of the 1975 murders of his wife, in-laws and another man.

LIFE ON DEATH ROW

The case of William T. Zeigler Jr. v. the State of Florida was first presented to a jury in 1976. The prosecution contends it tried the right man. The crime occurred Dec. 24, 1975, at Zeigler's furniture store in Winter Garden where Eunice Zeigler, her parents — Perry and Virginia Edwards — and Charlie Mays, a local man who had done odd jobs for the store, were all killed in a bloody massacre, their bodies found in different parts of the store. At trial, the prosecution theorized Zeigler acted alone in killing all involved in order to garner \$500,000 from his wife's life insurance policy.

But the case has never been considered open and shut by the defense, which claims the prosecution lost evidence, hid key witnesses and held back eyewitness testimony that could back up defense claims. The defense added that prosecution

PLEASE SEE ZEIGLER, 10

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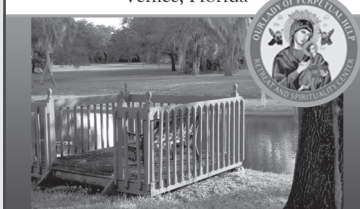
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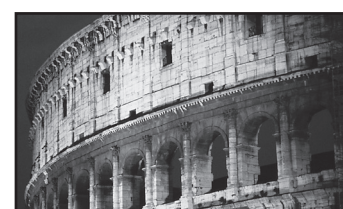
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ZEIGLER

FROM 9

investigators perjured themselves while giving crucial testimony; police reports corroborating Zeigler's account that were found years later had been withheld; and there was possible judicial bias by the trial judge who had known Zeigler when the two were pitted on opposite sides of a criminal case a year before the murders.

The *Florida Catholic* first became interested in Zeigler's case in 2000. At that time, Zeigler's attorneys were fighting to get DNA testing for specific pieces of evidence. That DNA testing was finally granted by Judge Donald Grincewicz Aug. 27, 2001. Testing showed a chink in the prosecution's theory which claimed Zeigler acted alone and killed four people. In the instance of his father-in-law, the prosecution claimed Zeigler held the man in a headlock and beat him, causing Zeigler's shirt to be saturated with Edwards' blood.

But DNA testing done on a portion of Zeigler's shirt revealed Edwards' blood was absent from the shirt. Instead Edwards' blood was found on the knee and cuffs of Mays. The defense contends Mays was not a victim but a perpetrator, who accomplices killed before leaving Zeigler's store, and DNA proved it.

Zeigler remembers well both the day DNA testing was granted and when results were revealed.

"The first thing that hit me was this is over with," Zeigler said. "(The DNA results) prove everything I've been saying for years. The truth. There is no way the state could get around it."

But Judge Grincewicz, who granted the testing, was moved to another judicial position before the defense presented the DNA results. The new judge on the case, Reginald Whitehead, ruled the new DNA evidence did not warrant a new trial.

"We tested everything to the state's trial theory," Zeigler said. "But when we disproved the prosecution's trial theory, the judge let them change their whole theory. Well that's not what you told the jury at trial in 1976."

This is just one of many reasons

Zeigler insists he deserves a new trial. In the past decade, his attorneys have made more court appeals, going to the Florida Supreme Court. The *Florida Catholic* has published articles that have chronicled evidence uncovered since the trial, explained reasons behind DNA testing and its results, and even talked to jurors who said misconduct occurred in the jury room in 1976 and that new evidence and findings would persuade them to vote not guilty.

And now investigation of the case has intensified again. In December 2011, the *Florida Catholic* published an article in which Lynn Marie Carty, a private investigator from St. Petersburg who has been involved in the case for two years, presented evidence of a witness who the prosecution claimed did not exist, and of an attempted burglary across the street from the crime scene some 60 minutes prior to the murders. (For all these stories, visit the *Florida Catholic* online at <http://tinyurl.com/8vajuz5>.)

Zeigler's appeal attorneys hope new evidence will warrant an evidentiary hearing, which might lead Zeigler to be granted a new trial. On Aug. 30, Zeigler's attorneys outlined their motion to Judge Whitehead in hopes of a ruling in favor of an evidentiary hearing. At press time, Judge Whitehead had not made a ruling.

Zeigler's case is a complicated one, and no one is more versed and passionate about it than Zeigler himself, who sits across from me at that well-worn conference table. He is also passionate about his faith. He converted to Catholicism 10 years ago, received into the faith with Catholic chaplain Father Joseph Maniangat, pastor of St. John the Evangelist Mission in Chief Land, and Bishop Emeritus John Snyder of St. Augustine at his side.

"I've put my trust in God," Zeigler said. "If it is his will for something to happen, it will happen. That's the way I've lived and that's the way I'll live till the day I die."

And he is passionate about the death penalty. Before prison, Zeigler was a capital punishment advocate, but that view has changed thanks to his bird's-eye view from inside the prison walls.

THE NEIGHBORHOOD

For people outside the walls, unless they are directly related to a criminal's case, there might be little regard or thought for a murderer waiting to be executed. But objectivity for the death penalty is different on death row.

"It is like a neighborhood in here," Zeigler explained. "Each one of these executions hurt. ... Your neighbors may not be your friends, but you know them. You automatically feel grief when they die."

There are currently 403 inmates on Florida's death row, and of that group between 45 to 48 of them have exhausted the appeals process. There is speculation that



'It is like a neighborhood in here. Each one of these executions hurt. ... Your neighbors may not be your friends, but you know them. You automatically feel grief when they die.'

— William Thomas Zeigler Jr.

In this CNS file photo, two protesters participate in a prayer vigil just before the execution of a prisoner at Florida State Prison in Starke, seen in the background. William Thomas Zeigler Jr. lives on death row at Union Correctional Institute in Raiford — next door to Florida State Prison, where the death house is located.

those people are on a "list" in the governor's office of inmates in line for the next death warrant.

Who talks about this list? Zeigler and his death row neighbors, and it adds a lot of anxiety and frustration, especially to those who have been on death row so long.

"It seems like the (governor's) office is going after the old-timers," Zeigler speculated. "When you have been around somebody for 25 or 30 years, whether you like them or not, you get to know them. You wonder, 'Who's next on the list?'"

Zeigler has seen too many of his neighbors leave the cells for the bottom floor of the Q-Wing at Florida State Prison in Starke — the death house. "Was there anyone in particular where the execution was really difficult to go through?" I asked.

Zeigler took a deep breath. It was obvious he had someone immediately in mind. But he is not the type of man who easily exposed his emotions.

"Back in the very beginning, we were a very close-knit group of 100 or less, and, yes, there were some (executions) that were very tough," Zeigler paused for a short moment before continuing about "one man in particular," Little BB. "He tried to rob a drug house with his partner, but then the partner started

killing people. But Little BB tried to stop him and he left. Even one of the victims who survived told the court and the jury that he tried to stop the killing."

But Little BB still ended up on death row. He served as Zeigler's backup man for volleyball. They were close.

"When they came to get him, he came by my cell and he stopped. He shook hands with me," Zeigler's voice catches in his throat. "That was one that really ... " He took another deep breath and released it before continuing. "The last four here, three of those four I knew very well. Thirty years or better. ... There has never been anybody who has had warrants signed who I haven't prayed for, and you might think that is senseless. I don't think so. It gets to you."

I asked if he could understand the public's opinion about these men who are executed. Some of them did horrific things.

"I know these men outside their crimes," Zeigler continued. "I don't get involved in what a man has been convicted of. I know all the lies that have been told about me. I will read a court opinion for the appeal. When I see something like that, I ask, 'Are they lying about this man, too?' Objectivity is different here."

AN ARTIST'S HEART

Life is also different here on death row. Inmates do not fraternize with other inmates outside their cell walls and they do what they can to keep their minds busy. Zeigler turned to various artistic outlets during his stay — painting, knitting and crocheting.

A man sentenced for quadruple homicide crochets? Yes, and he learned it from another death row inmate, who has since been executed.

It started after Zeigler accidentally sat on his plastic knitting needles and wasn't allowed another set. But he could use his broken needle as a crochet hook. He learned the crochet technique by talking with and watching his neighbor through a reflection in the small window on his cell door. The neighbor also lent him books on crochet.

"I thought, 'Well, any fool could do this.' I started small, and I really liked it," Zeigler said. "I crocheted sweaters, afghans, even house slippers. It was good back in those days. We took the end seams and made blankets, which came in handy during the cold winters here."

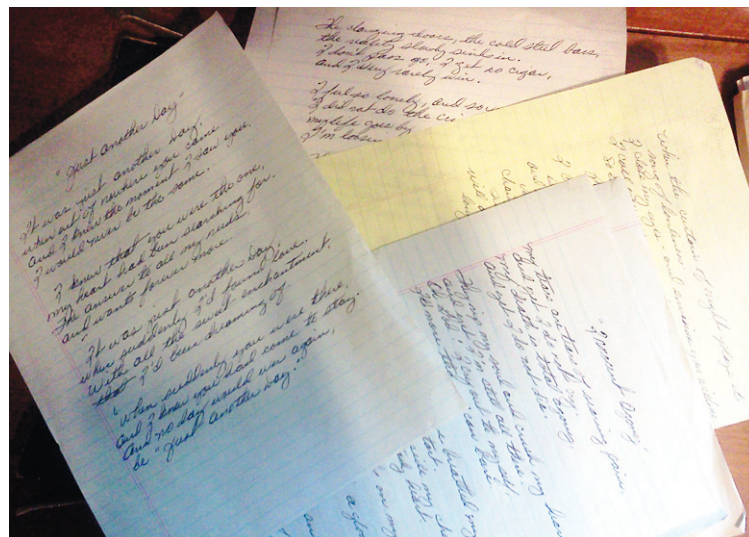
But regulations have changed through the years. He no longer is allowed any of those materials for knitting and crocheting. And the only paint he is allowed is water colors.

"I miss it. The thing about the crochet is that it kept my joints nimble," Zeigler said. "There was never an incident with (the instruments). It was something that kept people's minds active and all of the sudden (a venue for artistic expression) was taken away."

EUNICE

Along with artwork, Zeigler had been known to write poetry. But as he said, "that was a long while back."

But when he did write poetry, his wife, Eunice, served as a subject for much his pieces. They met when Zeigler, a volunteer little league football coach, went into Eunice Edwards' classroom and demanded



Examples of William Thomas Zeigler Jr.'s handwritten poetry. He finds solace through artistic expression. (JEAN GONZALEZ | FC)

Answers to Page 17 puzzle

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PLEASE SEE ZEIGLER, 11

ZEIGLER

FROM 10

that his star quarterback be able to play, despite his poor grades. Eunice shooed Zeigler out of the classroom. She later found an apology note on the window of her car and their relationship blossomed from there.

"I never dated anyone else, and she didn't either," Zeigler recalled. The couple's courtship lasted about two years, in which time Zeigler attended basic training in the Army Reserves. They were married for nine years before she was killed. "I think about her every day," he said.

He thinks about her compassion and kindness, and sometimes thinks about what might have been, especially when he receives a letter from a friend that talks about a child or a grandchild.

Zeigler recalled how when he lived at Florida State Prison, the grounds had feral cats. At night he would hear the cats and harken back to a time when he and Eunice shared a home with five cats. "Two of them were national show cats; the other three were just bums, but they were lovers," Zeigler said.

"What do you miss most about Eunice?" I asked.

"I miss everything about her. The love and the warmth and the understanding. She had a way about her ... she was just unique," Zeigler said. "The dogs and cats and I would listen to her play piano for hours. She would play all types of music. She just played everything."

He spoke a lot about the pets he and his wife loved. Shared memories of animal antics which left the couple laughing four decades ago still make Zeigler reminisce with a smile. When he speaks about his wife, his voice doesn't reflect raw grief. But then again, he has grieved for his wife for more than for 36 years. His poetry, which he wrote years ago, does reflect raw emotions, such as this excerpt from this poem simply titled, "Eunice," in which he speaks of her beauty and the pain of not being able to hold her in his arms.

"... When my life on this earth is over and done, the last words formed on my lips shall be, 'Eunice.' I love you, not just in this life, but as long as time shall be."

BACK TO THE CASE

"And what do you think Eunice would think about what has happened to you?" I ask, bringing Zeigler back to the present.

"Sad," Zeigler said succinctly.

The Christmas Eve murders occurred sometime before 9 p.m. in 1975. Eunice and her parents went to the furniture store, unexpectedly, to pick up a piece of furniture. According to Zeigler, he arrived at the store after 9 p.m. and all the lights were off.

"I came through the hallway in the back. I made it 3 feet into the

back showroom, and I was hit over the head. That's when I lost my glasses."

"Does that make a difference?" I asked.

He took off his glasses with his handcuffed hands. "Take a look for yourself."

I looked through the thick lenses. Everything was a blur to me, but obviously they help him see.

"I can't see anything without those," Zeigler said as he put his glasses back on. "They should have come with a white cane and a German shepherd."

He continued to recount what happened. "When I lost my glasses, I got up and there were two blurs coming after me. One big one and a small one. And that's when all hell broke loose. You know, at that time I was in good shape. I weighed 160 pounds. But they were bouncing me around (the furniture walls and appliances) like a rubber ball."

The struggle continued. Zeigler had a .22-caliber gun he carried with him, but it jammed. But at one point, Zeigler was able to stumble to his desk, where he retrieved a different weapon. He fired the gun, not knowing if he shot someone or not.

Then Zeigler was shot with a larger caliber weapon than his own. The wound was a through-and-through in the abdomen, dangerously close to internal organs which would have likely led to his death. After he was shot, Zeigler lost consciousness but not before hearing a voice say "they" should leave the store and "don't worry about Mays."

Although Zeigler has maintained the same story from the time he was questioned at the hospital until the day I sat with him on death row, the state refuses to believe Zeigler was a victim. At trial, the state claimed Zeigler killed all four people on his own then shot himself in the left side of his abdomen to make himself look like a victim.

Zeigler said the idea that he shot himself does not make sense. His gunshot would have been almost fatal; the trajectory of the wound would have made it almost impossible for a right-handed person, like Zeigler, to fire the shot; and, perhaps most importantly, there was no forensic evidence of gunpowder residue or discharge on Zeigler that would support claims that he shot himself.

THE MOTION

More than three decades after his arrest, Zeigler said evidence, witnesses and events that have been discovered in the case prove his claim of innocence, if only the courts would listen. In April, his attorneys petitioned a motion for a Huff Hearing, in which the judge of the case would listen to arguments as to whether new evidence should be evaluated in an evidentiary hearing.

"It's a terrific motion," Zeigler said of the work his lawyers did in the 45-page document.

Along with summarizing the crime, investigation and trial, the

'We have fought for DNA testing in your court but you didn't find it compelling at that time, but that doesn't mean you won't find it compelling with another piece of the puzzle. Mr. Zeigler's version of the events of Dec. 25, 1975, are the truth. ... Every piece of evidence we have found, your honor, brings us closer to that truth.'

— John Pope, appeal attorney for William Thomas Zeigler Jr., to Judge Reginald Whitehead of the 9th District Court

document makes five claims as to why Zeigler deserves an evidentiary hearing, and then a new trial. The first claim is the "state's use of false and misleading testimony," and it specifically targets the misleading testimony of Robert Thompson, former police chief of Oakland, and the false testimony from Detective Don Frye, which stated a potential witness — Robert Foster — "existed in name only" and was a typographical error. Both these claims stem from investigative work spearheaded by private investigator Carty, who states Robert Foster was found and had been in Winter Garden the night of the murders, and by affidavits, including one from Leigh McEachern, who served as the chief deputy sheriff of Orange County, stating a man named Robert Foster was admitted into the Orange County Jail in a special section set aside for the protection of material witnesses.

"The man was a witness," Zeigler said of Foster. "He could have been a witness for us (the defense) and they (the prosecution) just hid him from us. But Don Frye said (Foster's existence) was just a typographical error and said so on the witness stand. Does that give credence to my defense? Yes, ma'am, it does."

Other claims include the state's suppression of evidence as unconstitutional and "newly discovered evidence would probably produce

an acquittal on retrial," along with the defense's claim that Zeigler is innocent, and because of the unconstitutional actions of law enforcement and prosecution at the time of the trial, his defense attorneys were unable to represent him in his best interest.

"To be honest, I don't know how the state can fight this, Ms. Gonzalez," Zeigler said. "It seems there are a lot of truths coming out that are blocking their version of the truth."

Circuit Judge Whitehead, of the 9th Judicial District, heard arguments from both Zeigler's lawyers and Senior Assistant Attorney General Kenneth S. Nunnally Aug. 30 concerning this latest motion. The issue of Robert Foster was at the forefront. Nunnally said that Foster was in the case since the "very, very beginning."

"Foster was alive in 1975, and apparently still alive, but (the defense) didn't get around to finding him until 2011 or 2010, maybe," Nunnally argued. Nunnally also said that the claims outlined by the defense do not "meet new evidence standards."

But Zeigler's attorney, John Pope, said while the defense knew the name Robert Foster in 1975, they ceased an investigation of Foster when "the state said it was a mistake and the person never existed." He said the defense never assumed the prosecution was "lying" about that fact, nor should they have as-

sumed that.

"We have fought for DNA testing in your court but you didn't find it compelling at that time, but that doesn't mean you won't find it compelling with another piece of the puzzle," Pope said. "Mr. Zeigler's version of the events of Dec. 25, 1975, are the truth. ... Every piece of evidence we have found, your honor, brings us closer to that truth."

Judge Whitehead said he would reserve his ruling on the hearing until after he has reviewed the case materials. If he does rule in favor of the defense, Zeigler will be granted an evidentiary hearing.

"Do you have faith that your lawyers will pull it off?" I asked him about securing an evidentiary hearing.

"I think I have been blessed with good representation, both now and at trial," Zeigler said. "Anytime something is filed, I pray for the best and look for the worst. That's not a contradiction; it's the truth. You never know how the court is going to react to something."

A knock at the door signified our time was up. I gathered up my notes, recorder and camera.

"You sure you got everything?" Zeigler asked with a smile. "You don't want to leave anything behind here."

I patted my pockets to make sure my license and car keys were with me. "Yup."

We both stood up and shook hands again.

"Ms. Gonzalez, it was so good to see you again."

"You, too," I said.

I left first to return to the main entrance with a prison guard escort. And Zeigler was escorted back to his 9-by-6-foot cell, a place he hopes to leave someday soon. ■

Editor's note: Coming in the Sept. 28 edition: Zeigler supporters speak as to why they believe in the man's innocence and why he should be released from prison.

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