

New evidence could be key to inmate's reprieve

Editor's note: The following story, which is part of a series on the case of William "Tommy" Zeigler Jr., will be continued in next week's edition of The Florida Catholic.

Jean Palombo-Gonzalez

ORLANDO

The prosecution team from the 9th Judicial Circuit Court in Orlando is confident that William "Tommy" Zeigler Jr. is the man who killed four people in Winter Garden on Christmas Eve 1975.

And on Aug. 27, at a motion hearing in which Zeigler's defense asked for DNA testing to be done on some of the 25-year-old evidence, the prosecution team reiterated that belief as members stated, "Zeigler can't beat the (guilty) verdict."

Zeigler believes differently.

With his hands handcuffed and sitting in an interview room perhaps no more than half the size of his 8-foot-by-10-foot cell, Zeigler opens a tattered manila envelope filled with papers. Along with notes and diagrams Zeigler created, many of the documents are photocopies of documents and letters that Zeigler says punch holes in the prosecution's case and bolsters what he has been saying for more than 25 years.

"I did not commit these crimes," Zeigler said. "I am innocent." (See related story, pages A14-15.)

Zeigler referred to the quadruple murder of his wife, Eunice, his in-laws, Virginia and Perry Edwards, and Charlie Mays, a local man who did small jobs for Zeigler's furniture store. The murders occurred on Christmas Eve 1975 at the store, and in the course of those evening's events, Zeigler was wounded — a shot to the gut.

Zeigler contends he was a victim in a crime that involved two to three men, including Mays. The now 56-year-old man said he did not know his in-laws and wife went to the furniture store that evening, when he was going to handle a delivery with Mays.

The prosecution contends he was the lone perpetrator of the crimes and his motive was a \$500,000 life insurance policy on his wife.

When the case was brought to trial in 1976, a jury convicted Zeigler of the crimes and recommended life in prison. The presiding judge of the case, Maurice Paul, who is now a federal judge in North Florida, overruled that decision and gave Zeigler the death penalty.

For 14 years, Zeigler remained in a cell at Florida State Prison in Raiford, where the death chamber is located.

In 1993, he was moved to nearby Union Correctional Institution, where he continues to await the death sentence.

Zeigler and his defense attorneys, Dennis Tracey and John Pope of Hartson & Hogan in New York City, contend that it was not the truth that convicted Zeigler. They claim there was prosecutorial misconduct on the side of the prosecution and the presiding judge, which placed bias on the trial. Paul knew Zeigler prior to presiding at the trial.

A few months before, the two men were on opposite sides of another trial that ruled in favor of the defendant, Andrew James. He was a black business owner whom Zeigler supported. Paul served as a character witness for the white man on the other side of the case. Although he was asked by Zeigler's defense at the time of trial to recuse himself from the case, Paul refused.

Zeigler and the defense also contend that the prosecution hid evidence, including eyewitness testimony, which could have bolstered Zeigler's case. It is that evidence that the defense team hopes to bring to court or a clemency hearing.

The Jellison tape

Zeigler told *The Florida Catholic* he wants a new trial to clear his name. When asked what evidence he would like to submit to another jury, he points to the Jellison tape.

In April 1987, Zeigler's lawyers at the time, specifically Pope and Leslie Gift, who served as defense team investigator, made a Florida Public Records Act request for the files of the state attorney in Orlando. In the files they discovered a tape-recorded telephone

interview of Jon Jellison, a 19-year-old from Minnesota who was vacationing with his sister and their parents in Winter Garden at the time of the crimes.

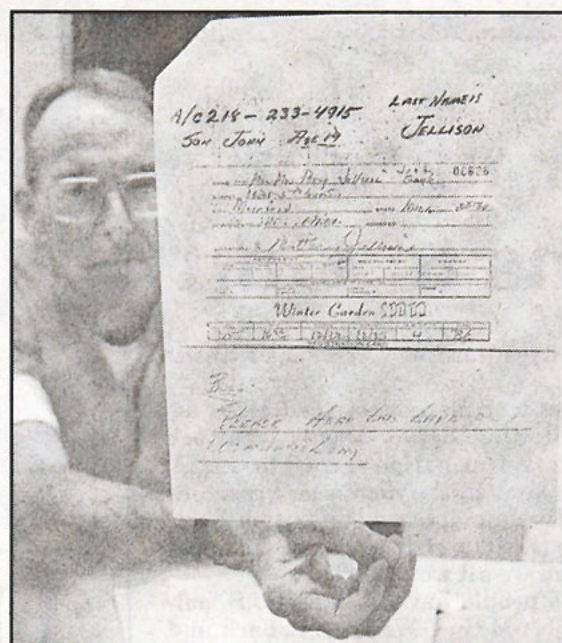
The Jellisons were staying at the Winter Garden Inn, and their room faced the back of Zeigler's Furniture Store. After reviewing the motel records, Jack Bachman, one of the lead prosecutor's investigators, gathered the family's name and called the Jellisons to get a recorded statement. The tape, which, according to prosecutorial bars, was found four months too late to afford a new trial, apparently was never turned over during discovery at the original trial.

In the five-minute tape, the young Jellison is questioned by Bachman as to what he and his family saw the night of the murders. According to the tape's transcript, Jellison stated the following:

"Between 8:15 and 8:30, and we sat around awhile looking at postcards and I, uh, I was going to go over to the office there at the motel and mail them back home there so I went to the door, I cracked the door and I was just going to walk out and there was a policeman out in the parking lot aiming his pistol over the hood of his police car at the back of the building at the furniture store."

The family stayed in their room. The timing of the observation is significant because the murders were said to have been committed around 9 p.m. The time is verified by a bullet that struck a clock at the crime scene.

Upon getting Jellison's information, Bachman asked, "Now, when you heard the shots, was this after you saw the police



JEAN PALOMBO-GONZALEZ/TFC

William "Tommy" Zeigler Jr. holds up a memo concerning a recorded statement of Jon Jellison, which was discovered 11 years after his trial. Zeigler, a death row inmate convicted in 1976, contends the tape helps establish his innocence.

cars?"

Jellison answered, "Right ... We saw the police car and that was the first time we knew anything was going on at all."

Bachman reiterated what Jellison stated, "So then you didn't hear the shots then until after the police had arrived."

Jellison said that was right. Then Bachman told Jellison that they had arrested Zeigler for the quadruple murders and told the young man Zeigler killed his wife and the others for the insurance money.

Bachman said, "As long as you heard the gunshots after, you know, you say you saw the police car then that wouldn't help us a bit," and said he would not need to talk to the

family further unless, "you know, you all get together and decide you heard those gunshots before you saw the police car and in that case we'd give you a free trip back to Florida."

For Zeigler, the tape shows how the prosecution tried to skew the facts to fit their own theories.

"What does it say about the prosecution when one of their investigators does something like that," Zeigler said, referring to the tape. "And the (original) jury never got to hear that tape because the prosecution hid it."

Next week, further evidence is considered, including a buried police report and possible outcomes of DNA testing.

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