

Life on death row

□ Zeigler said he knows his case will be resolved and it's in God's hands.

Jean Palombo-Gonzalez

RAIFORD

William "Tommy" Zeigler Jr. ponders his aging over the past 25 years and points to his wrinkles and some of his lonelier strands of hair.

"I guess it's like any normal aging process," said the 56-year-old. "I've lost hair and have wrinkles that weren't there before. But I try to maintain a clean level of health."

Pretty normal for his age, except that for the last 25 years Zeigler has been in an unconventional place — locked up on Florida's death row.

The former Winter Garden resident was convicted in 1976 for the Christmas Eve 1975 killing of his wife, Eunice, her parents, Perry and Virginia Edwards, and Charlie Mays, a local man who did odds jobs for Zeigler's furniture store.

Although the jury sentenced him to life in prison, Judge Maurice Paul, the presiding judge who is now a federal judge in North Florida, overturned the sentence to death.

"I guess I can thank God for my health," Zeigler said. "I never did alcohol, but I did start a foolish, nasty habit the day my trial started — I had my first cigarette."

"I smoked for 10 years, but, thank God, I got rid of that habit."

While conducting a one-hour interview, Zeigler got a reprieve from his 8-foot-by-10-foot living quarters. He's told people might exert more energy in two hours — by doing housework, opening doors and living a day-to-day lifestyle — than he could achieve in a day. To maintain physical and mental health, Zeigler exercises for about an hour every morning.

"If I am at one end of the cell and it is time for a meal, I would walk maybe three steps to get the tray, and then two steps back to sit down and eat. After the meal you might walk three steps to put the tray back," he said, adding that some prisoners might expend that amount of energy each day. "If you do nothing but sit, you'll turn into flab, and I don't want that to happen to me."

Although he had one death warrant signed, which was later overturned, Zeigler awaits that possibility of death at the hands of the state. But after almost three decades behind bars, Zeigler said his spirits are "pretty high," despite his depressing address at Union Correctional Institution in Raiford.

"I'm not guilty," he said in an interview with *The Florida Catholic* newspaper. "I know that and God knows that. That's why I can keep my spirits high."

Zeigler believes he can prove his innocence thanks to evidence not presented at trial and evidence discovered after his trial (see related story, this page).

With his hands cuffed, he carefully removes various papers from a manila envelope and displays them against the glass that separates him from his in-

Trail of blood to death row

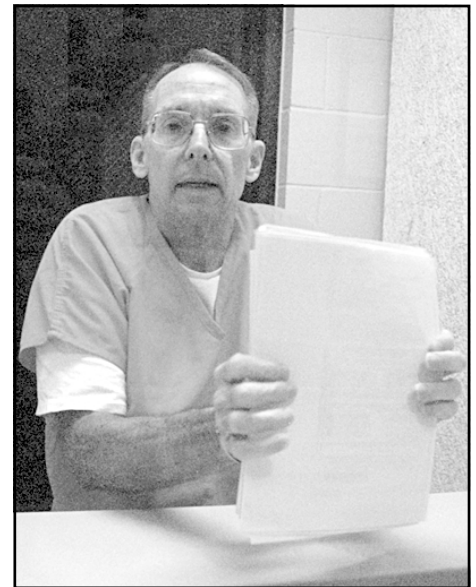
Editor's note: Last December, The Florida Catholic highlighted the case of William "Tommy" Zeigler Jr., a man convicted of the Christmas Eve 1975 murders of his wife, in-laws and a local man. Although he has been on death row for 25 years, Zeigler maintains his innocence in the crime. This is the last in a series of stories about his case.

terviewer. Among the papers is a letter written by John J. Palmatier, a world renowned polygraph expert who delivered a polygraph test to the voluntary Zeigler in 1996.

The polygraph was done at the request of Cosgrove/Meurer Productions, which profiled Zeigler and his case on the television program, "Unsolved Mysteries," in 1997. The production company would only agree to do the program if Zeigler would agree to a polygraph, or lie detector test, from an examiner of its choice, who was Palmatier, head examiner for the Michigan State Police.

Zeigler took the test at Union Correctional Institution. In a letter to Cosgrove/Meurer Productions, Palmatier wrote that he spent seven hours with Zeigler and another day to evaluate all of the "relevant evidence" in the case.

"In the last 14 years I have had the opportunity to administer several thousand polygraph examinations with several hundred involving homicide," Palmatier explained in the letter. "I am firmly convinced that Tommy Zeigler is telling the truth when he states he was attacked and shot by an assailant in his business and that Tommy did not take



JEAN PALOMBO-GONZALEZ/TFC
William "Tommy" Zeigler Jr. shuffles papers during his interview with *The Florida Catholic*.

the lives of his wife or in-laws. It is my equally firm belief that Zeigler was erroneously convicted and is due any assistance possible."

"I keep rolling the dice and I keep coming up with the truth," Zeigler said.

On Aug. 27, Zeigler received good news when a judge granted his defense team to do DNA testing on some of the evidence from the crime. Like the polygraph test, Zeigler is sure the DNA testing results will bring the truth to light.

Although Zeigler is enthusiastic to share such results, he would like to share it with 13 specific people.

"I want a new trial to be in a courtroom and be able to present all this evidence in front of another judge and

■ ZEIGLER, Page A13

Death row inmate pins hopes on missing police report, DNA testing

Editor's note: The following is part of a series on the case of William "Tommy" Zeigler Jr., and a continuation of the Sept. 20 article which began to outline the evidence which Zeigler and his attorneys believe will prove him innocent of murder.

Jean Palombo-Gonzalez

ORLANDO

William "Tommy" Zeigler Jr. has a lot of time on his hands as he sits as a convicted man on Florida's death row.

Yet time is running short.

While awaiting the outcome of a last-ditch appeal to the 11th Circuit Court of Appeals in Atlanta, Zeigler is optimistic that evidence discovered since his trial will prove his innocence. Zeigler was convicted in 1976 of the 1975 Christmas Eve 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.

Zeigler, who was wounded that evening, contends he was a victim in a crime that involved two to three men, including Mays. The prosecution

contends that he is a lone perpetrator.

Twenty-five years is a long time to spend on death row, but in an interview with *The Florida Catholic*, Zeigler is able to bring a positive aspect out of his time in prison.

"It has given time for this evidence and all the inconsistencies to reveal themselves," said the 56-year-old, who hopes for a new trial to review newly discovered evidence.

Missing police report

One piece of that evidence is a 13-page police report written by the first officer on the scene, Robert Thompson.

The defense contends that the report and Thompson's testimony at the trial contradict themselves. At the trial Thompson said Zeigler's shirt was wet with blood. The longer police report said blood was dry.

At the time, Thompson was police chief for nearby Oakland. He was also the man Zeigler said he called after regaining consciousness following the shooting.

Thompson arrived on the scene at about 9:20 p.m., minutes after Zeigler's call. Thomp-

son opened the door to the store where Zeigler fell into his arms. Zeigler said he was shot, and Thompson carried Zeigler, who wore a blood-stained shirt, out of the store. The report describes Zeigler as being in a "bloody condition."

The police report presented at trial was only one page prepared by Thompson. It states those circumstances and says Zeigler was transported to the hospital and questioned there about who shot him. Zeigler said Charlie Mays had shot him and Zeigler said he shot back with a gun he kept at the store, hitting Mays.

The report stated whose bodies Thompson discovered when he returned to the crime scene that evening.

But that report was not the only one Thompson filed. That fact was not discovered by Zeigler's defense until April 1987, 11 years after the trial.

The 13-page report begins by recounting an event that occurred Dec. 23, 1975, a day before the crime. Thompson stated that Zeigler requested that the police chief meet him at a Christmas party at the home of mutual friends, the VanDeventers, which is where

Zeigler tried to contact Thompson after he was shot.

The report then recounts events on Dec. 24, 1975, at 8:30 p.m., in which Thompson said he was in his police car talking with another officer, Jimmy Yawn of the Winter Garden Police Department, in the parking lot of the Kentucky Fried Chicken.

The lot faces the front of Zeigler's Furniture Store. Thompson said after visiting with Yawn, he drove slowly on the street where Zeigler's store was located and saw nothing. He decided to go to the party at the VanDeventers.

The report details what happened when Thompson arrived at the party. He says he was told to go to the furniture store because "there had been some trouble." The report then details how Thompson found Zeigler.

"Mr. Zeigler appeared to be in a bloodied condition with blood on his face, arms and clothing," the report says.

When the defense read the report, they were most interested in what Thompson wrote on pages three and four. There he describes Zeigler's gunshot wound. Thompson stated that

neither the entrance or the exit wound were bleeding and the wounds were "black around the edge with dried blood on the surrounding skin." The blood on Zeigler's head and face was also dried. The time of this observation was about 9:23 p.m., minutes after he arrived on the scene and minutes after Zeigler made the phone call for Thompson.

In trial, the prosecution stated that Zeigler shot himself right before making the phone call to Thompson. And because of that small time frame, the blood on his shirt and from his self-inflicted wound was dry when Thompson found him.

However, at trial, Thompson testified under oath that the blood on Zeigler's shirt was wet. That testimony contradicts his lengthy report, but the jury, and at the time the defense, never received that information.

Zeigler and his defense contend after he was shot, Zeigler was unconscious for about 15 to 20 minutes, which allowed time for the blood and his wounds to dry. But because of Thompson's testimony and the

■ DNA, Page A13

■ DNA

From Page A12

lengthy report that never surfaced, the prosecution refuted that theory.

"That was just one more slap in the face," Zeigler said of the report that he desperately wants a new jury to review.

DNA evidence

Although DNA testing has not been done on any of the evidence presented during the trial, Zeigler and his counsel look forward to DNA results.

Testing was granted in August by County Circuit Judge Donald E. Grincewicz, of the 9th Judicial Circuit in Florida. Evidence to be tested includes Zeigler's shirt, Mays' trousers and shoes, and blood samples from Zeigler, all four victims and Felton Thomas, a Winter Garden farmworker whose role in the crime is not clear.

DNA testing was not available at the time of the crime. Labs at the time could not differentiate blood samples of the

victims who had the same blood type. A process call "blood subtyping," which could have helped differentiate samples splattered on the scene, was available, but was not completed by investigators.

Zeigler and his defense attorneys, Dennis Tracey and John Pope of Hartson & Hogan in New York City, contend the results of those tests could bolster Zeigler's innocent plea.

Zeigler's shirt was saturated with blood. According to the defense, the shirt should contain Zeigler's and possibly Mays' blood, because it is believed Mays perpetuated the attack on Zeigler and his family, Tracey told *The Florida Catholic*.

"It is correct to say that Perry and Virginia Edwards' blood should not be on Zeigler's shirt," Tracey added. "It is possible that Eunice (Zeigler's) blood could be there since (Zeigler) did testify that he believed that he crawled across a body during his fight with the intruders, and Eunice seems the most likely victim for him to have encountered (because of the locations of the bodies at the crime scene)."

One important aspect of the DNA testing could be Perry Edwards' blood. Whoever killed Edwards was involved in an intense struggle in which Edwards would have been in a

headlock under the perpetrator's arm. If Zeigler had committed the crime, Edwards' blood would be prominent on Zeigler's shirt.

Tracey said not finding Edwards' blood would discount the prosecution's theory of Zeigler's role in the crime. And if DNA results confirm that Edwards' blood is present on Mays' trousers, that would add to the defense's theory that Mays was a perpetrator in the crime, not a victim.

■ ZEIGLER

From Page A12

another 12 jurors," Zeigler said.

For now, Zeigler waits. He has solace in knowing that 21 people have been released from death row.

"I was ecstatic when I heard about those who were released," Zeigler said.

But he also deals with the somber reality of seeing fellow inmates go to the death chamber. Before being stationed at Union Correctional in 1993, he spent 17 years at nearby Florida State Prison, where the death chamber is located. He said he witnessed 31 men go to the chamber while there.

"They take the person to the Q-wing and you know that

During the Aug. 27 motion hearing, Pope said while the prosecution might speculate about the appearance of Edwards' blood on Mays, it did not explore other possibilities.

"What the prosecution is not stating is what they would say if Eunice Zeigler's or Virginia Edwards' blood is on Mays," Pope said.

When asked by a reporter what the DNA tests would entail, Zeigler was adamant about whose blood would be on

his 26-year-old formerly white, undershirt.

"My blood and probably Charlie Mays," he said.

He was asked in succession whether Perry Edwards', Virginia Edwards' or Eunice Zeigler's blood would be found on his shirt. Each time, his reply was, "No, ma'am."

He replied to those questions with as much confidence as he answered the question, "Did you commit these crimes?" "No ma'am."

a friend is going to die. No matter how you try to take it out of mind, you can't do it," Zeigler said. "And it's not only the person they take, it's the people who love him, that you think about. ... It hurts, whether you liked the person or not."

Although it affects him, Zeigler said he has to think about his own life. With each day comes Zeigler's personal routine. He wakes at 5 or 5:30 a.m., washes up and reads his Bible, before others bustle about and get on with their own day. He then eats breakfast and does his daily exercise. Twice a week he enjoys time in the yard; three times a week he is able to shower.

The rest of the day is spent reading, writing letters and

thinking, including about his wife and family and his relationship with God.

"My mind has never been in prison," Zeigler said. "I think I have an excellent relationship with God. He has looked after me. Even in these conditions I feel blessed. ... I've stayed healthy and over the years the truth (about the case) has come out, and I can't ask for more than that."

"I know that this case will be resolved," he continued. "Some people have said this case might topple the death penalty in Florida, and if this had to happen to me for that to happen, it would make this worthwhile."

"I don't know the purpose of all this happening, but in the end, God will reveal it."

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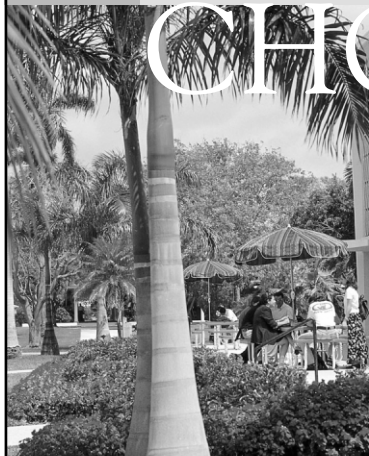
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