

Ax murderer asks judge to throw out death sentence

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SANFORD - Ax murderer John Buzia is back in Seminole County, asking a judge to throw out his conviction and death sentence.

Buzia, 48, was convicted of murdering Charles Kersch, 71, at the victim's Oviedo home in 2000 with an ax he'd found in the victim's garage. Buzia had done home repairs for Kersch.

Buzia confessed but now is challenging one of the most powerful pieces of evidence the state presented at trial: a palm print found on the cabinet where Kersch kept his axes.

Then-Seminole County fingerprint expert Donna Birks told jurors the print belonged to Buzia. Last year, however, the Florida Department of Law Enforcement and a defense expert re-analyzed the print. Both concluded it could not be matched to Buzia or anyone else.

The sheriff's office and FDLE re-examined hundreds of other print identifications made by Birks and co-workers at the sheriff's office. They found ten bad calls, eight by Birks. She has since been fired and the fingerprint section reorganized.

Buzia was returned to Seminole County from death row for the hearing that began this morning before Circuit Judge Kenneth Lester Jr. It's expected to last most of the week.

Buzia's lawyers say his conviction and death sentence should be thrown out for a variety of reasons, including Birks' mistake.

They also allege his trial lawyer made several errors. Those attorneys, Tim Caudill and James Figgatt, presented no witnesses at trial.

Another error, Buzia's new lawyers say, was that defense attorneys let nearly two years pass before they had Buzia's blood tested for cocaine. Buzia was on a cocaine binge when he killed Kersch and attacked the victim's wife, Thea Kersch, who survived.

Florida law allows judges and juries to be more lenient with defendants who commit a crime while intoxicated.

Even if Buzia is granted another trial, it's not clear he'll be acquitted. Thea Kersch identified Buzia as her attacker.