

## Man gets death for '08 murder

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Matthews

DAYTONA BEACH -- A judge followed a jury's recommendation Thursday and sentenced Douglas Blaine Matthews to die by lethal injection for hacking a man to death with a knife in a beachside crackhouse in 2008.

In a nine-page order, Circuit Judge R. Michael Hutcheson said the legal reasons prosecutors gave for why Matthews, 28, should be put to death for killing Kirk Zoeller were more than enough.

Those reasons, including testimony that Zoeller screamed for help when Matthews chased him down from behind, "far outweighed" the psychiatric problems and other mitigators defense lawyers gave as reasons the killer's life should be spared.

Among aggravators the judge considered with "extremely great weight" was the fact that Zoeller was stabbed 24 times.

Hutcheson gave "slight weight" to the facts that Matthews had a young daughter, that he suffered a head injury as a child, and had a stuttering problem.

The judge gave "great weight" to two prior robbery convictions Matthews had in North Carolina, including one in 2002 in which Matthews kicked and beat a man for \$500.

"Doug Blaine Matthews, under the laws of the state of Florida, you have not only forfeited your right to live among us," the judge said. "You have forfeited your right to live at all."

From the beginning of the case, the brutality of the Feb. 20, 2008, killings of Zoeller and Donna Trujillo, 51, weighed heavily against Matthews. Each was stabbed repeatedly in the head, neck and chest at Trujillo's apartment on South Halifax Avenue.

The apparent motive was robbery, prosecutors said. Zoeller's wallet was later found in Matthews' blood-soaked clothing. Matthews was charged with first-degree murder for killing the friends.

At his trial in May, Matthews claimed it was Zoeller who killed Trujillo while they were all using cocaine together. Taking the witness stand, Matthews claimed he acted in self-defense when Zoeller came at him with the knife.

The jury rejected that story and found Matthews guilty as charged of killing Zoeller, leading to the penalty phase and death recommendation from the jury by a vote of 10 to 2.

Prosecutors could not seek the death penalty for Trujillo's murder because jurors convicted Matthews of manslaughter for her death instead of first-degree murder.

The difference in the verdict for her death was the result of what the jury heard from the only living witness to the killings.

Justin Wagner, 20, who was at Trujillo's apartment to sell drugs, testified he saw Zoeller being stabbed repeatedly by Matthews after an argument erupted in a back bedroom.

Wagner ran from the house and said he threw up outside because of the bloodshed he'd seen. Wagner did not see who stabbed Trujillo.

Prosecutor Jason Lewis, who handled much of the penalty phase for the State Attorney's Office, said the right outcome was reached for a dangerous man.

"He was a violent man with a violent history," Lewis said. "It was the appropriate sentence for such an individual."

Matthews' lawyer, Michael Nielsen, has said he will appeal the conviction, adding Matthews insists he is innocent.