

High court says killer can appeal no more

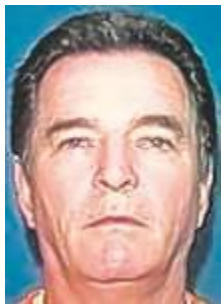
Convict on death row has changed his mind again and again

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Since going to death row for a 1995 murder in Sarasota County, Robert Trease has repeatedly changed his mind about whether he wants to end his appeals and take the fast track to the death chamber.



IN HIS OWN WORDS

Here is an excerpt of a conversation between death row inmate Robert Trease and a Sarasota judge in 2008 where Trease pleaded to end his appeals:

Trease: Well, it's fairly simple. I'm essentially tired of living the life that I'm living, and I'm just not going to do it any longer, and these are the reasons. And (by) the Florida Supreme Court, I have the right to end my appeals.

Judge: I understand that, but do you understand that if in fact you are successful in your post-conviction proceedings, that that could end up in a — result in a new trial or a resentencing in your case?

Trease: Yes, I know all that, judge.

Judge: I know, but I have to ask you these questions.

Trease: Yes, I'm well aware of that and well aware of that I would more than likely win, seeing that I'm not guilty.

SOURCE: Florida Supreme Court ruling

Trease, 57, has always said he is innocent, but he told a judge he wanted to waive his appeals, and his execution was scheduled in 2001. The day before the lethal injection, a U.S. Supreme Court case led Florida to temporarily halt executions.

Then Trease told the courts that he wanted to fight his case again, and his appeal restarted. Since then, he has changed his mind four more times.

On Thursday, the Florida Supreme Court said, basically, that enough is enough.

The Florida high court ruled Trease knowingly waived his right to appeal during a hearing in 2008, and he can no longer pursue an appeal, even if defense attorneys are raising questions about the evidence in his case.

"There would be nothing to stop Trease from changing his mind again at a later date," the opinion states. "In fact, based upon Trease's history, this is a likely scenario."

"The cycle could continue indefinitely."

Trease was convicted of the August 1995 shooting death of car dealer Paul Edenson in his Lido Key home. Edenson had been shot in the head, and his throat had been slashed.

The Thursday ruling means Gov. Charlie Crist could soon schedule the execution of Trease, one of two Florida men with an active death warrant, unless his attorneys file a federal appeal.

"They're likely to head to federal court and seek relief there," said Sarasota lawyer Adam Tebrugge, who teaches other Florida attorneys about defending death penalty cases.

Trease is not the first death row inmate to waive the appeals -- a so-called "volunteer" -- who then was denied the right to change his mind by the Florida Supreme Court.

In the Trease case, Justice Barbara Pariente wrote a dissenting opinion that argued the court runs the risk of Trease being executed without the Florida Supreme Court fully reviewing his claims of innocence.

"We should err on the side of caution to avoid the chance of Trease being executed with outstanding unresolved questions about his guilt and possible innocence," Pariente wrote.

Trease was convicted in part because of an FBI lab analyst who testified that the ammunition found in Trease's truck was manufactured at the same plant at the same time as bullet fragments found at the murder scene.

But the forensic technique used in the bullet analysis has been discredited in the 10 years since Trease was convicted, and several defendants nationwide have won freedom or a new trial by appealing lead analysis testimony.

The bullet fragments were found in Edenson's head after the killing.

A truck owned by Trease's girlfriend, Hope Siegel, was spotted in front of Edenson's house that night. Other witnesses saw Trease and Siegel in nearby bars and walking in the neighborhood the night of the killing.

Police found the truck in Pennsylvania days later and arrested Trease and Siegel. They found a 9 mm Glock handgun in the apartment where the couple was staying, and bullets in a gym bag in Siegel's car.

Trease denied any knowledge of the crime. Siegel told police Trease made her arrange a date with the car dealer so they could rob his safe.

There was no murder weapon. But the state argued it was the Glock found in the Pennsylvania apartment, and called FBI analyst Kathleen Lundy to testify about the bullet lead analysis.

A bullet in the truck and the fragments were all manufactured from the same source of lead at an ammunition plant in Minnesota on the same day or close to it, prosecutors said.

Siegel's first-degree murder charge was reduced to a 20-year prison sentence after she told her story that implicated Trease to a jury.