

# Defense attorney in long-running death penalty case asks to step down for health reasons



Allen Eyestone/The Palm Beach Post

D'Andre Bannister, charged in the killing of 4-year-old Tarquez Woodson, is shown in a February court appearance.



Scott Wiseman/The Palm Beach Post

The casket of 4-year-old Tarquez Woodson is carried to its burial place at Royal Palm Cemetery in 2002.

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WEST PALM BEACH — Experts say it will be the longest running death penalty case in the State of Florida — languishing more than seven years after procedural delays and changes in prosecutors and judges.

Monday came another dramatic change for D'Andre Bannister, who faces a possible lethal injection after being charged with first-degree murder in the 2002 death of his 4-year-old stepson. This time, though, it came from the defense.

Bannister's longtime criminal defense attorney, Evelyn Ziegler, withdrew from his case due to health reasons, she wrote in a request.

Bannister's case — seven years old, and recently re-prioritized for trial — remains set for trial in June.

Circuit Judge John Hoy did not immediately appoint a new first-chair lawyer for Bannister. Facing the death penalty, he was provided two lawyers — the "first-chair" lawyer Ziegler to defend Bannister in the guilt portion of the trial, and fellow defense attorney, the "second-chair", Ronald Chapman to defend him if there is a penalty phase.

A hearing to determine Bannister's counsel and whether prosecutors will press on with the death penalty is set for next week, after the case's prosecutor returns from vacation.

Defense attorney Chapman said Monday that he would be unable to serve as the first-chair lawyer in a death penalty case as he is not certified to do so.

Chapman, who was not present as Ziegler withdrew Monday morning, said he didn't know further details as to what happened with Ziegler.

Ziegler, one of an elite group of board-certified criminal defense attorneys, did not immediately respond to requests for comment.

Riviera Beach police say Bannister beat to death his stepson, Tarquez Woodson. Bannister was arrested just one day after the boy died in 2002 and has remained jailed since — an extraordinary delay that legal experts say is nearly unheard of, even in death penalty cases.

Ziegler has said she felt like it benefitted Bannister not pushing for a trial date.

Chapman recently argued before Judge Hoy that Bannister is mentally retarded and thus ineligible to face the death penalty. Under Florida law, Bannister would have to have a general IQ score 70 or below.

Despite Bannister scoring an IQ of 72 some years ago, a newly available intelligence test given to him in 2008 yielded an IQ score of 69.

"It may have been a blessing in disguise this long passage of time," Chapman has said, adding that the new intelligence test — the WAIS-IV — was not available previously.

Those arguments and request are still pending.