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Attorneys ask for more blood-testing evidence in Tommy Zeigler case

By Anthony Colarossi, Orlando Sentinel

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A short court hearing was held in Orlando this morning in the long-running death penalty case of William Thomas Zeigler, the man convicted of killing three family members and a customer inside his Winter Garden furniture store on Christmas Eve 1975.

Zeigler and his attorneys want a new round of DNA testing conducted on blood-stained evidence from the crime scene. They maintain the evidence will point to Zeigler's innocence, something Zeigler has argued all these years. A hearing on those issues was originally scheduled for next week.

However, Zeigler's New York-based attorneys John Houston Pope and Dennis Tracey III say a defense witness used to review the blood evidence several years back is no longer able or willing to work on the case.

They want a new expert to work on the case and they want the state to pay for that expert. Testing on the evidence, Tracey said today, "we believe can show Mr. Zeigler's innocence."

The new expert, Timothy Palmbach, works with blood spatter evidence and does forensic analysis work.

But Assistant State Attorney Jeff Ashton, another veteran of this case, expressed concerns about the defense team "switching experts."

"I don't want any expert shopping going on here," Ashton said.

Ashton also noted that the Justice Administrative Commission, which provides funds for indigent defendants like Zeigler, was not notified about the defense team's wishes.

Ultimately, Orange Circuit Judge Reginald Whitehead decided to continue next week's hearing on the DNA testing arguments and let the JAC offer its opinions on the appointment of the new expert.

Whitehead reserved ruling on the approval of funding for the expert until the new hearing with the JAC present is held. No date has been set yet for that hearing. After that proceeding, the evidentiary hearing on the DNA testing will be scheduled.

Zeigler, 65, filed his petition for the new DNA testing in August 2009.

His case involves one of Central Florida's most notorious and bizarre crimes. The killings of his wife, in-laws and store customer Charlie Mays took place in the family furniture store in Winter Garden. Only Zeigler was found alive, shot in the abdomen; investigators said it was self-inflicted.

From the start, Zeigler claimed a group of men attacked him and his family in the store. He says he engaged in some fighting and a struggle during the attack.

Several years ago, Zeigler's legal team and Ashton argued about DNA findings that showed some blood evidence on Zeigler's shirt was linked to the wrong victim.

During the 1976 trial, the prosecution suggested Zeigler held his father-in-law, Perry Edwards, in a headlock while striking him with a metal crank. This was an explanation for the bloodstain found on the underarm of Zeigler's shirt.

But the DNA test results discussed during that hearing showed that the blood actually belonged to Mays, the other man killed in the store. The tests also showed that blood found on Mays' shoes and pants was consistent with Edwards' blood.

Whitehead ruled, however, that the new findings likely would not have changed the jury's guilty verdict back in 1976, when the DNA testing was not available.

Today, Pope and Tracey said they intend to do re-testing and additional testing on clothing to further explore the evidence, which they say supports Zeigler's account of what happened that night. They also want to use the testing to refute issues raised by Ashton during the hearing several years back.

Results of testing on the evidence, if approved by the court, is still months away, the defense lawyers said.

The defense has also asked that Whitehead waive Zeigler's appearance during future hearings. Tracey said Zeigler was "submitted to some treatment in the past that was unpleasant," at the Orange County Jail.

Tracey said Zeigler was "ankle-ironed," which caused severe abrasions on his ankles, and was physically assaulted. "He's very concerned about his welfare," Tracey said.

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