

21130 Diamonte Drive
Land O Lakes, Florida 34637
March 1, 2010

Judicial Qualifications Commission
1110 Thomasville Road
Tallahassee, Florida 32303-6224

Subject: Complaint Against Judge Reginald Whitehead, Ninth Judicial Circuit

Dear Sir or Madam:

As a citizen authorized to advocate for 34 year death row inmate William Thomas Zeigler, I respectfully insist that you investigate the conflict of interest between Mr. Zeigler and Judge Whitehead and upon verification of the facts presented herein that you take immediate, appropriate action to insure that justice is done. Time is of the essence in this matter because a petition for DNA testing is pending before Judge Whitehead at this time, and Judge Whitehead's prejudicial ruling in 2005 was made without disclosure that his spouse works for State Attorney Lawson Lamar. I contend that the fact that Judge Whitehead's spouse is an Assistant State Attorney in the Ninth Judicial Circuit should have been disclosed to Mr. Zeigler in 2003, and that given the history of contentiousness between Zeigler and the State, this fact is prima facie evidence of a conflict of interest.

The facts which warrant your verification are explained in the attachment and exhibits. Among the documents enclosed is a letter (Exhibit 1) from State Senator Ronda Storms, from whom I sought advice concerning whether Judge Whitehead's spouse being employed as an Assistant State Attorney in the Ninth Judicial Circuit could present a conflict of interest in this case. While it may be impossible to document evidence of collusion between the judge and the prosecutor, the potential for "pillow talk" to provide a prejudicial conduit cannot be disputed. In view of the long history of "contentiousness" between the State Attorney and Mr. Zeigler and the evidence of malicious prosecution presented in the attachment, justice demands that Mr. Zeigler be afforded an impartial judge and that Judge Whitehead be removed from any purview in this matter.

Sincerely yours,

Raymond T. McEachern

Enclosures

cc: Honorable Ronda Storms
Tommy Zeigler
Dennis Tracey, Esq.
Ralph Hadley, Esq.
Vernon Davids, Esq.

Attachment to Complaint Against Judge Reginald Whitehead
Ninth Judicial Circuit

- The current state attorney for the Ninth Judicial Circuit, Lawson Lamar, was involved in the prosecution and conviction in 1976 of William Thomas Zeigler as an Assistant State Attorney. Lamar's boss, State Attorney Robert Eagan was himself determined to convict Zeigler as evidenced by a March 1976 letter (Exhibit 2) demanding that the sheriff department not investigate alternative suspects and motives "until after the trial."
- As the result of an FOIA demand, exculpatory evidence was found in 1987 that the state had failed to turn over to the defense. This evidence, see Exhibits 3, involved a hidden police report which describes the blood from Mr. Zeigler's gun shot wound to the abdomen as being dry. This fact supported Zeigler's contention that he was unconscious for some period of time before he called police. The defense was given a police report that made no mention of the blood and testimony at trial alleged the blood around his entry and exit wounds was still wet when police took him to the hospital. This supported the state's theory that Zeigler had self-inflicted a .38 caliber gunshot three inches to the right of his navel in an attempt to hide his guilt.
- Contemporaneous with the finding of the hidden police report, a tape recording of a conversation with a witness was located who would have corroborated Zeigler's belief that the police may have been involved in the murders. This advocate confirmed the accuracy of the hidden recording during a phone conversation with the witness in 2007. Exhibit 4.
- State Attorney Lawson Lamar has vigorously opposed DNA testing of blood stains on Mr. Zeigler's shirt that the state claimed at trial came from Mr. Zeigler's father-in-law, Perry Edwards. Mr. Zeigler claimed that was impossible because someone else had killed Mr. Edwards. Mr. Lamar has twice written letters to the governor or his general counsel asking that Zeigler be put to death. Exhibits 5 and 6.
- In 2001, Judge Grincewicz finally ordered DNA testing. The results were available in 2003 and Mr. Zeigler was so sure the DNA evidence would exonerate him that his attorney filed a motion to have his sentence vacated. Exhibit 7.
- Without explanation, the DNA evidence ordered by Judge Grincewicz was instead heard by Judge Whitehead.
- Mr. Zeigler's petition asked that he be allowed to include the evidence that was hidden from defense at trial (Exhibits 3 and 4) which has never been considered by a court of law because of procedural bars as well as the DNA evidence. Judge Whitehead ruled that only DNA evidence relating to trial testimony would be heard.
- Despite Judge Whitehead's ruling, he allowed the state to make very prejudicial allegations based solely on conjecture. See Exhibit 8. The conjecture proffered the theory

that Zeigler had engaged in depraved sexual relations with a dead body. This was a malicious attempt to explain the blood on Zeigler's shirt which the state had claimed at trial came from Perry Edwards. The DNA proved the blood came from another man found dead at the scene whom Zeigler had to fight in a dark hallway before Zeigler was shot in the abdomen. Zeigler maintains that the dead man, Charlie Mays, was one of at least three men who attacked him as he entered his darkened furniture store on Christmas Eve, 1975.

- In addition to the malicious conjecture allowed by Judge Whitehead, the judge also allowed the state to question whether stains on Zeigler's clothing that were never a part of the original trial and which were not the subject of DNA testing might prove Zeigler was guilty.
- In August 2009, Zeigler petitioned the court for additional DNA testing, at Zeigler's expense, of the stains which the state had contended could prove his guilt.
- That petition was assigned to be heard by a judge other than Judge Whitehead; however, in December 2009, after this advocate filed an amicus curiae brief (Exhibit 9) Judge Whitehead stepped into the case, striking the amicus brief and requesting a response to the petition from the state.
- When the state responded, advocate, after an internet search, learned that Judge Whitehead was married to an Assistant State Attorney. Advocate then filed a letter of request to the Chief Judge to have Judge Whitehead removed from hearing the petition. There has been no known activity in the case since then.

List of Exhibits

1. Letter from State Senator Ronda Storms dated February 17, 2010
2. Letter dated March 12, 1976, from State Attorney Eagan to Sgt Fisher directing that information from Zeigler not be investigated until "after the trial."
3. Hidden Police Report, pages 4 and 5, describing dried blood on Zeigler's wounds when he was carried to the hospital minutes after Zeigler called police
4. Transcript of a phone conversation with Jon Jellison, who saw a policeman with gun drawn behind the Zeigler Furniture Store before any crime was reported
5. Letter dated April 21, 1995, to Gov. Chiles from State Attorney Lawson Lamar
6. Letter dated May 4, 2009, to Gov. Crist's GC from State Attorney Lamar
7. Front page of Motion to Vacate Convictions based on DNA evidence
8. Excerpt from transcript of hearing before Judge Whitehead alleging sexual depravity
9. Pages 1-2 of Amicus Curiae brief filed Nov. 9, 2009 and struck on Dec. 11, 2009