

few feet of each other. While the blood found on Mays' shoes and the stains on his pants leg and cuff areas revealed a genetic profile consistent with Perry, these findings are consistent with Mays standing next to Perry, or being in close proximity to his body, after Perry was killed. These findings do not show, as Defendant asserts, that Mays was the perpetrator, rather than a victim of the crimes. Instead, if Mays were involved in a struggle with Defendant while in close proximity with Perry's bloodied body, it would not be surprising that Perry's blood ended up on Mays' shoes and pants during the altercation.

Testimony given at both the trial and evidentiary hearing indicated that the stains on the back of Defendant's red shirt were not transferred from the floor, as Defendant claims, but instead were consistent with a beating wherein the instrument used in the beating caused the blood to initially spray upward, then fall back onto the shirt. Even though all the stains on the shirt were not tested, testimony was adduced that if the spatters on Defendant's shirt came from Mays, Defendant was the one who beat Mays to death. No findings were introduced which contradicted this testimony.

Patterns made by smeared blood were present on Mays' sweatshirt and on top of those patterns were stains from force consistent with a beating. The blood patterns had dried for fifteen to thirty minutes before the spatter landed on top of them. Testimony at the evidentiary hearing indicated that while the bloodstains could have been transferred from Mays' sweatshirt to Defendant's shirt, merely crawling over the shirt, as Defendant claims he did, would not be sufficient; instead, Defendant would have to lie across Mays' torso in order to achieve those particular stains.

Finally, the fact that only Mays' blood was found on the left arm of Defendant's t-shirt

does not exonerate Defendant or even tend to exonerate Defendant. As Weiss stated at the evidentiary hearing, it was possible to miss blood on the shirt, due to deterioration and improper storage. It was also possible to have a mixed stain, from multiple contributors, in the same area. Thus, the presence of Mays' blood, and the absence of Perry's, on Defendant's t-shirt does not conclusively show that Defendant did not hold Perry in a headlock and beat him.

Based on the foregoing, the Court finds that Defendant has not shown that the DNA testing results would exonerate him or mitigate his sentence. See Robinson, 865 So. 2d at 1265-66. Accordingly, it is hereby **ORDERED AND ADJUDGED** that:

1. Defendant William Thomas Zeigler, Jr.'s "Motion to Vacate Convictions Based Upon Newly Available Evidence" is **DENIED**.
2. Attached to this Order and incorporated by reference are applicable portions of the trial transcript and the evidentiary hearing transcript.
3. Defendant has **thirty (30) days** from the date of this Order in while to file an appeal.
4. The Clerk of the Court shall promptly serve a copy of this Order upon Defendant including an appropriate certificate of service.

**DONE AND ORDERED** in Chambers, at Orlando, Orange County, Florida, this 18<sup>th</sup> day of April 2005.

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**REGINALD WHITEHEAD**  
Circuit Court Judge