

IN THE CIRCUIT COURT OF THE NINTH  
JUDICIAL CIRCUIT, IN AND FOR  
ORANGE COUNTY, FLORIDA

STATE OF FLORIDA  
Plaintiff,

CASE NO: 48-1988-CR-005355

DIVISION: 10

vs.

WILLIAM T. ZEIGLER  
Defendant.

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**MOTION TO STRIKE**

COMES NOW the State of Florida, by and through the undersigned Assistant State Attorney, and MOVES THIS Court to strike the improper and argumentative “Response” filed by Zeigler on April 6, 2016. As grounds for striking that filing, the State submits the following:

1. During the defendant’s final argument, defense counsel suggested that there was no evidence in the record regarding a raincoat and gloves having been at the crime scene. The undersigned stated, on the record, that the relevant record citation would be supplied to the Court by e-mail in short order.

2. At 5:07 PM on March 31, 2016, the following e-mail was sent to the Court and to defense counsel:

The portion of the trial transcript referring to the gloves and raincoat referenced by the State is found at pages 149-151 of the 1976 trial.

The defense does not contest the accuracy of that information.

3. In “response” to that 26-word e-mail, **which contained no argument at all**, the defendant has filed a four-page response which is argumentative in nature and apparently is intended not as a “response” but rather as an additional closing argument addressing a fact from the record that the defense was unprepared to address at the time of the hearing. The argumentative “response” is improper and unauthorized, and should be stricken and not considered by the Court for any purpose.

4. There is no basis for the submission of an additional written closing argument, and the defendant's "response" should be stricken.

I CERTIFY that a copy hereof has been furnished to Dennis H. Tracey, III, dhtracey@hhlaw.com, 875 Thirds Ave, New York, NY, 10022 by e-mail on this 7th day of April, 2016.

JEFFREY L. ASHTON, State Attorney  
Ninth Judicial Circuit of Florida



By: \_\_\_\_\_  
Kenneth Sloan Nunnelley  
Assistant State Attorney  
Florida Bar # 998818  
PCF@sao9.org  
PO Box 1673, 415 N Orange Ave  
Suite 200  
Orlando, FL 32802-1673  
407-836-2406