

MEMO:

To: The Honorable Aramis Ayala, State Attorney

From: Amanda Sampaio Bova
Director, Conviction Integrity Unit

Date: September 6, 2019

Re: Conviction Integrity Review of William Zeigler
Case No(s): 48-1988CR005355, 48-1988CF005356

The purpose of this memo is to provide an update on the Conviction Integrity & Accountability's (CIA) review of the William Ziegler case. As you know, I took over as Director of Conviction Integrity and Accountability on July 8th of this year. As I was reviewing the status of applications we have received, I encountered the Zeigler file. In my attempt to familiarize myself with the case, I came across a memo drafted on April 10th, 2019. The focus of the April memo is whether the State should join the Defense team in supporting a request for further DNA testing of case evidence using updated technology. I found the memo to be problematic in that it contains factual inconsistencies, makes unsupported assumptions, and neglects to indicate that the results of retesting the DNA would not conclusively exonerate Mr. Zeigler.

The core focus of conviction integrity review should be based on facts that would lead to an exoneration. Though I have not had the time to personally examine the entire case file, I have reviewed enough to be familiar with the facts. In the most recent Supreme Court decision (April 2017) that affirmed the conviction, the Court specifically ruled that "the absence of Perry's DNA on Zeigler's clothing is not exculpatory." The Court further details how they affirmed prior requests to retest evidence because "he failed to demonstrate how the results of such testing would give rise to a reasonable probability of acquittal." Because retesting of evidence would not lead to an exoneration, I do not see that further investigation by the CIA is justified.

In a meeting on July 31st, 2019, Chief Edwards and I brought the case to your attention to discuss the status of CIA's review and concerns we had regarding the memo drafted by my predecessor. You advised that you had personally reviewed the case and found that further investigation was unwarranted. Furthermore, you made it clear that you did not agree with the assertions made in that memo and that retesting the DNA and other physical evidence would not lead to an exoneration. Accordingly, the CIA will suspend investigation unless further directed.