

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR  
LEE COUNTY, FLORIDA CRIMINAL ACTION

STATE OF FLORIDA

CASE NO: 16-CF000455 - (JCF)  
(RAL)

vs.

JOSEPH ADAM ZIELER

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TO: Kathleen M. Fitzgeorge, Assistant Public Defender, Office of the Public Defender, 1700 Monroe Street, Fort Myers, FL 33901

AMENDED NOTICE OF INTENT TO SEEK DEATH PENALTY

NOTICE OF AGGRAVATING FACTORS

COMES NOW the STATE OF FLORIDA, by and through the undersigned Assistant State Attorney, and pursuant to Rule 3.181 of the Florida Rules of Criminal Procedure and § 782.04(1)(b), Fla. Stat. (2016), with arraignment date on or about, 7 November 2016, and hereby serves Notice of Intent to Seek the Death Penalty in this cause.

As grounds for the imposition of the death penalty, the State intends to prove the following aggravating factors, which the State has reason to believe it can prove beyond a reasonable doubt:

1. The defendant was previously convicted of a felony involving the use or threat of violence to the person. F. S. 921.141(6)(b)
2. The capital felony was committed while the defendant was engaged in the commission of sexual battery and burglary. F.S. 921.141(6)(d)
3. The capital felony was especially heinous, atrocious, or cruel. F. S. 921.141(6)(h)
4. The capital felony was a homicide and was committed in a cold, calculated, and premeditated manner, without any pretense of moral or legal justification. F.S. 921.141(6)(i)
5. The victim of the capital felony was a person less than 12 years of age. F.S. 921.141(6)(l)

The State further requests, pursuant to Rule 3.202, Florida Rules of Criminal Procedure, that the defendant provide the State, not less than twenty days before trial of this cause, written notice of intent to present testimony of a mental health professional in order to establish any statutory or nonstatutory mental mitigating circumstances.

STEPHEN B. RUSSELL  
STATE ATTORNEY

BY: /s/ Robert A. Lee  
Robert A. Lee  
Assistant State Attorney  
Florida Bar Number: 0219673  
2000 Main Street, 6th Floor  
Fort Myers, Florida 33901  
(239) 533-1330  
eService: ServiceSAO-LEE@sao.cjis20.org

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished to the above-named addressee(s) by United States Mail/Hand Delivery/Electronic Transmission this 30\_\_\_\_ day of November, 2016.

/s/Robert A. Lee  
Robert A. Lee  
Assistant State Attorney

**If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Brooke Dean, Operations Division Manager whose office is located at Lee County Justice Center, 1700 Monroe Street, Fort Myers, Florida 33901, and whose telephone number is (239)533-1771, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 1-800-955-8711.**