The Zimmerman trial jury’s verdict acquitting George Zimmerman of second degree murder and all charges is a victory of the rule of law over political activism and posturing. Once the evidence was revealed by police and the local prosecutor, it was evident that this case had no legs. George Zimmerman should have never been arrested and this case should never have seen the inside of a criminal courtroom.

Despite the best political posturing of race baiters such as Al Sharpton and Jesse Jackson; an inappropriate comment by President Obama and the unethical and politically driven malicious prosecution of the defendant by Florida State Attorneys; a jury correctly followed the rule of law and found Mr. Zimmerman not guilty of charges that he unlawfully “murdered” Trayvon Martin.

I could write pages about the up front and backroom politics that brought about George Zimmerman’s arrest and catapulted what would normally be considered “just another self-defense shooting” into the national spotlight. That would be a political piece. Instead, I prefer to discuss the real evidence and courtroom dynamics because that’s what people like me do best. I am a forensic criminologist who specializes in officer-involved shootings, civilian self-defense shootings and in-custody death cases. I have no dog in this fight as an expert. I am writing this article because the vast majority of Americans are talking and opining on a case they know relatively little or nothing about. It’s time to educate yourself about the real facts of this case.

The Prosecution’s “Search for the Truth.” Really?

An investigation is a “search for the truth.” The advocacy for an investigator should be for the facts and evidence as best as can be determined, and not for any person or entity. One would like to think that this would include prosecutors too.
It certainly was not so in the immediate case of the *State of Florida vs. George Zimmerman*. As will be discussed, prosecutors in this case concealed evidence from the defense such as photos of George Zimmerman’s injuries taken at the scene of the shooting. They also concealed from the jury all of Trayvon Martin’s criminal and questionable background.

How was this any “search for the truth” in any sense of the phrase? This was a political witch hunt from beginning to end.

**The re-branding of Trayvon Martin in preparation for trial**

Trayvon Martin’s family, perhaps under advice of their civil attorneys, took down his Facebook and Twitter pages immediately following the shooting. I was lucky enough to capture some of what was on them before the sites went down. You will now see some of what were on these sites. The sites feature damaging photos of Trayvon on Facebook throwing up gang signs, bragging about “ass kicking’s,” “gangstas,” and narcotics activity. Martin’s friends’ postings on his Facebook and Twitter accounts consistently referred to him using the Crips street gang term “Cuzz.” His Twitter account clearly shows that Trayvon, (aka “Slimm” on Twitter) was involved with drug activity and concocting the dangerous and addictive urban codeine-based drink “Lean.” His Facebook moniker was “No Limit Nigga;” not the most respectful nom de plume for any young black male.

The photos on Trayvon Martin’s former Facebook site depicted a much older and menacing person than the photo-shopped photos of a twelve year old Trayvon in a hoodie that television media provided and continue to paste on their screens with nearly every story they run. He has been consistently referred to by his family, state prosecutors, family attorneys, Al Sharpton and Jesse Jackson as a “child.” For weeks all we saw was photos of Trayvon as a twelve year old against adult George Zimmerman’s booking photo. The die was being cast and all George Zimmerman could do was hide from the public, confer with his attorneys and hope for the best.
Obvious disparity in depictions of Trayvon Martin vs. George Zimmerman showing Martin as a much younger teen and Zimmerman’s booking photo indicative of blatant media bias. Martin family photo. Zimmerman booking photo, Sanford PD

**State prosecutors and a biased judge play “Hide the football” with evidence**

Trayvon Martin was far from the fresh faced innocent looking kid in a hoodie we have seen on everything from TV to T-shirts. In fact, this at-risk youth had more baggage than a Samsonite factory. State prosecutors and Judge Nelson were well aware of Martin’s postings on Facebook and Twitter. They were aware that the reason his mother moved him out of North Miami-Dade to live with his divorced father in Sanford was because he had been suspended from Dr. Michael Krop Senior High School.

Police had detained Trayvon and found him to be in possession of a burglary tool and expensive assorted jewelry he could not account for. He had previously been suspended for being found “in an unauthorized area” on or near campus on one occasion and for graffiti vandalism and possession of marijuana pipe and drug residue on another. The circumstances of Martin’s “trespass” are unclear and Trayvon’s school records were inexplicably sealed by school officials after the shooting by request of his parents. Again, the theme of information blackout instead of transparency arises. The drive-by media has never questioned any of this.

This was an at-risk youth in need of serious supervision who was associating with the wrong people, doing wrong things and assertively heading down the road marked “Caution - Trouble Ahead.” You would have to be weak, blind, uninvolved, or absent as a parent not to see it. The tell tale signs of Trayvon’s problems were both obvious and abundant.

Apparently mom had finally had enough of the bad influences of Miami Dade upon her son and she wanted him out of there. That is why Trayvon suddenly appeared on absent dad’s doorstep in Sanford. Unfortunately, dad never advised the Twin Lakes Homeowner’s Association that Trayvon was going to be living with him as their rules
direct. Perhaps if he had, the HOA’s appointed Neighborhood Watch Captain George Zimmerman might have been advised and we might not even been here today.

(Left photo) Was this cell phone photo Trayvon holding a gun? (Right photo) Trayvon Martin gesturing with two of his 10 fingers.

Marijuana cultivation photo on Trayvon’s cell phone

The state prosecutors deliberately attempted to conceal evidence of Trayvon Martin’s nefarious activities that they found upon inspecting his cell phone. Trayvon’s cell phone had photos of a young black hand holding a semi-automatic pistol, marijuana cultivation and damaging text messages about fights he may have been involved in and his desires to get a gun.

Martin’s Twitter account held text messages inquiring how he could his hands on codeine he needed to make the popular dangerous and addictive urban street drink “Lean.” This is a concoction made from combining Arizona fruit flavored ice tea, Skittles candy and codeine- based dextromethorphan (DXM) cough syrup.

This was not some innocent kid just “buying candy.” He most likely had a plan for the items he purchased. Two of the psychological presentations of a person who
consistently drinks “Lean” and other DXM cocaine-based street drinks are paranoia and aggression. You do not have to be under the influence of the drink or even have it in your system to display these presentations. Did these influence presentations have anything to do with Martin accosting and beating Zimmerman immediately prior to his death? Food for thought.

The concealment of discovery evidence; especially evidence that may prove to be exculpatory to the defense is a Brady violation and perhaps even a violation of Zimmerman’s civil right of due process. The actions of the state prosecutors might be considered illegal and a possible bar violation by legal experts.

Ben Kruidbos, who was the Florida State Attorney Office’s IT Director, was troubled about possible prosecutorial Brady violations. In fact, IT Director Kruidbos was so concerned about his personal liability because prosecutors did not reveal the evidence to the defense team that he had uncovered, that he hired his own attorney for consultation after noticing his superiors and State Prosecutor Angela Corey.

It is interesting to note that Corey fired Mr. Kruidbos immediately following the trial. Last week Kruidbos noticed his former department through his attorney that he intends to file a “Whistleblower Suit” for wrongful termination. This will be an interesting and revealing case if it even comes to court. My hunch is that the State of Florida will quietly settle to make this all go away to protect politically high-profile State Attorney Corey.

Judge Nelson not only ignored the prosecutors’ possible Brady violations, but granted the prosecutors’ motion to exclude all of the damaging evidence of Martin’s background. Her Honor allowed Zimmerman’s defense team to finally view the information prosecutors had withheld. She also ruled against the defense team bringing that information before the jury because she felt that the information about Trayvon’s background lacked relevance to the immediate circumstance. However, Judge Nelson also had no problems allowing the jury to hear all about of Zimmerman’s criminal justice education and a martial arts class he had briefly attended. Not exactly quid pro quo.

I could not disagree more with Judge Nelson’s decision to exclude evidence of Trayvon Martin’s criminal background, his aggressive tendencies and his questionable character. This information would have been critical for a jury to have known because it speaks directly to the legal issue of “collective knowledge” of possible suspicious (burglary-related) activity that caused appointed Neighborhood Watch captain George Zimmerman to focus on Martin in the first place.

As a criminologist, I have researched and discussed in prior articles that in the year prior to the shooting in the 206 condo unit Twin Lakes gated community that Zimmerman resided in, there were 402 calls for service. That is indicative of an active crime area. The Sanford police officers who took the stand also had to concede that
Zimmerman’s neighborhood was plagued with residential and auto burglaries. The city of Sanford, FL itself is no place for the faint-hearted. The city’s crime rate is 22.6% higher than the state’s crime rate and 150% higher than the overall national crime rate. Sanford’s property crimes rate is a whopping 176% higher than the state’s rate and the city’s burglary rate is an amazing 232% higher than the national crime rate for burglaries.

As an appointed and entrusted Neighborhood Watch captain by the Twin Lakes HOA, George Zimmerman already knew all about the crime rates and methods in the city of Sanford and in his own Twin Lakes condo community. Therefore, when he was patrolling the grounds and spotted Trayvon Martin acting in a manner that he believed to be suspicious, he was also relying on his “collective knowledge” as to when and how burglaries were being committed in Twin Lakes.

It is irrelevant that Zimmerman did not know about Trayvon Martin’s past history because we know he did not. However, it would have been important for the jury to connect the dots between Trayvon’s past history of being in places he should not have been in and his recent past possession of a burglary tool and expensive jewelry he could not account for. This would have reconciled with Zimmerman’s representation that his attentions focused upon Trayvon Martin because he felt that Martin’s actions were suspicious. Now you understand why it was critical for the prosecutors to keep this information from the jury.

Much has been discussed about George Zimmerman’s alleged “racial profiling” of Trayvon Martin on the night of the shooting. While this may make for interesting social commentary; there was never any evidence that Zimmerman ever racially profiled Martin. The jury members did not believe this and at least two of the jurors have stated so to date.

It is clear that Zimmerman did not “racially profile” Trayvon as a *black male*. He profiled Martin’s *activity* as being sufficiently suspicious to warrant closer scrutiny. The law and a court trial is not about what anyone “believes.” The law and trials are about what can or cannot be forensically proven through the presentation and analysis of credible evidence. State prosecutors took their best shot and repeatedly came up short in this area during the trial. The prosecutors knew for months that they had no evidence that Zimmerman racially profiled Trayvon Martin. However, this did not stop them from publically forwarding that argument anyway through media surrogates.

Factually, the only trial evidence of anyone racial profiling was Trayvon Martin himself. Martin’s ex-girlfriend and reluctant witness Rachael Jeantel testified in court that immediately before his confrontation with Zimmerman; Trayvon had referred to Zimmerman during a cell phone call to her as “a creepy white cracker” who was following him.
The precipitating event that led to the shooting

Two important forensic and evidentiary dynamics appear to have weighed on the minds of the jurors. One was why it had taken Trayvon Martin at least 30 minutes to walk a distance of only .89 mile from the 7-11 store to the shooting site off of Retreat View Circle in the Twin Lakes condo complex. This distance could have easily been covered in 15-20 minutes at a leisurely pace.

CCTV surveillance video captures Trayvon purchasing Skittles and Arizona Ice Tea at exactly 6:24:18 pm. His cell phone call to ex-girlfriend Rachael Jeantel telling her that he was being followed was made at 6:54 pm. What was Martin doing for that 10-15 minute period in the rain? If he was new in the complex, why would he be walking down dark side areas away from the illuminated streets leading to his dad’s condo? Certainly, if it was raining, one would be encouraged to walk directly home. Clearly, Martin did not do so. This was suspicious activity that attracted Zimmerman’s attention. It would have attracted any resident’s attention. It would have certainly attracted any patrolling officer’s attention. It would have attracted my attention.

![Google Earth satellite image](image)

Likely walking path (red lines) of Trayvon Martin from the Tote’m 7-11 store to the Twin Lakes condo complex only .89 miles away. GoogleEarth satellite
Who really “pursued” who?

Next, who actually confronted who? Again, there has been much non-forensic speculation and unsupported accusations that George Zimmerman “pursued” Trayvon Martin. This was a major argument advanced by the prosecution during trial. It certainly is also a mantra taken up by Martin’s supporters. The problem is that forensically and legally, this argument holds no water and even the jury did not buy it.

Zimmerman admits to have followed Martin both prior to and during his call to the 9-1-1 operator in an effort to attempt to determine what Martin was doing and his direction of travel. We have the transcript of his 9-1-1 cell phone call to Sanford Police commencing at 7:09:34 pm and ending at 7:13:41 pm (04:07 mins) detailing his actions. The 9-1-1 audio and written transcript clearly support Zimmerman’s statements to police after the shooting that he was initially following Trayvon Martin as he was speaking to the 9-1-1 operator.

During the call, Zimmerman reported that Martin suddenly turned around towards him and began to approach him with his hand in his waistband. Zimmerman told the operator this and then asked to have an officer respond. At this point, Zimmerman reported that Martin suddenly began running away and he began to follow him. The 9-1-1 operator could tell by the ambient noise of running and Zimmerman’s breathing that Zimmerman was moving after Martin. At this point, the operator asked Zimmerman if he was following Martin and Zimmerman confirmed that he was. The operator then told Zimmerman that they did not need him to follow Martin. Zimmerman replied, “OK” and at this point, all ambient noise of Zimmerman moving on
the audio quickly stops. One can hear on the audio recording that Zimmerman’s voice and the ambient noise on the call return to normal. This clearly indicates that Zimmerman had in fact stopped following Martin and was returning to his truck.

Pertinent and abridged 9-1-1 call transcript:

<table>
<thead>
<tr>
<th>Audio Time</th>
<th>Conversation between Zimmerman and 9-1-1 operator</th>
</tr>
</thead>
<tbody>
<tr>
<td>02:54 mins.</td>
<td>Zimmerman: “Yeah, now he’s coming towards me. He’s got his Hand in his waistband.”</td>
</tr>
<tr>
<td>03:09 mins.</td>
<td>Zimmerman: “Something’s wrong with him. Yup, he’s coming back to check me out. He’s got something in his hands. I don’t know what his deal is. See if you can get an officer out here.”</td>
</tr>
<tr>
<td>04:13 mins.</td>
<td>9-1-1 Operator: “Are you following him?”</td>
</tr>
<tr>
<td>04:15 mins.</td>
<td>9-1-1 Operator: “OK. We don’t need for you to do that.”</td>
</tr>
<tr>
<td>04:16 mins.</td>
<td>Zimmerman: “OK.”</td>
</tr>
<tr>
<td>04:17 – 04:27 mins.</td>
<td>(Normal ambient noise. No sound of movement or labored breathing.)</td>
</tr>
<tr>
<td>04:28 mins.</td>
<td>Zimmerman: “He ran.” (Normal ambient noise. No sound of Zimmerman moving; sounds calm; normal Breathing.)</td>
</tr>
<tr>
<td>04:30 – 05:46 mins.</td>
<td>(Normal conversation with 9-1-1 operator taking personal information and a location for responding officer to meet with Zimmerman.) Call ends at 7:13:41 pm.</td>
</tr>
</tbody>
</table>

We also know from analyzing the cell phone records of Trayvon Martin and ex-girlfriend Rachael Jeantel that Martin first called her at 6:54 pm and had an 18 minute conversation ending at 7:12 pm. It was during this first call that he told her that a “creepy white cracker” was following him. He called Jeantel again at 7:16 pm for 59 seconds when his last call inexplicably dropped at 7:16:59 pm.
In comparing Zimmerman’s 9-1-1 call audio, the voice transcripts and time call times (which can be proven and is referred to as “direct evidence”) to Martin’s and Jeantel’s cell phone records and her trial statements; we know that Zimmerman did not pursue or accost Martin prior to the confrontation. In fact, quite the opposite it true. It was Trayvon Martin who turned back a second time and confronted Zimmerman. This is also what the jury found to be true.

Again, the forensic facts that can be proven are:

(1) George Zimmerman was not following Trayvon Martin after the 9-1-1 operator suggested that he not do that.
(2) It was actually Trayvon Martin who turned around twice and engaged George Zimmerman.
(3) If Trayvon Martin was ever concerned about Zimmerman following him, he did not continue to vacate the area by running away as Zimmerman had reported to the 9-1-1 operator at 7:11:33 pm.
(4) If Trayvon Martin was concerned about George Zimmerman following him, he never called 9-1-1 to report this as any concerned citizen would.

The state prosecutors did not have to explain Trayvon’s actions because he was considered to be the “victim” in this case. It was also obvious that Judge Nelson did not want to have the “victim’s” actions put on trial. Prosecutors were allowed to advance their ridiculous and completely unsupported theory that George Zimmerman “racially profiled,” then “pursued and attacked” Trayvon. Thankfully, the direct forensic evidence spoke for itself and the jurors were able to see through the smoke and mirrors strategy of the state prosecutors.

So, who really confronted and assaulted who?

Forensic evidence was available from the audio that at least one “ear witness “ called Sanford PD 9-1-1 to report a fight outside. In one audio, screams can be heard to the point of the report of a single gunshot. The first ear witness 9-1-1 call commenced at 7:16:11 pm. This is only 11 seconds after Trayvon Martin’s call to Rachael Jeantel was disconnected. That is interesting.

We now know from the direct evidence of George Zimmerman’s medical reports and injury photos and those from the autopsy of Trayvon Martin, that it was far more likely that the younger, stronger and far more physically fit 6’, 158 lbs. football player Martin attacked the smaller, heavier and out of shape 5’9”, 185 lbs. Zimmerman.

Photos of Zimmerman taken on-site and at the police station immediately after the incident clearly show Zimmerman with two swollen black eyes, bleeding facial injuries including a fractured and swollen nose and multiple bleeding lacerations and swelling to the back of his head. It is important to note that the state prosecutors
showed by consistent photographic injuries. 

The mounts of the medical examiner’s report document abrasions to the knuckles of his left hand. Other than a single intermediate range gunshot wound (GSW) to the left side of his chest and the associated penetrative wounds created by a projectile creating a typical wound channel through the cardio-respiratory areas, Martin’s body is absent any other remarkable trauma. In other words, he had no other injuries. However, what is remarkable is that the abrasions noted to his left hand are consistent with his fists being a mechanism of injuries of Zimmerman’s facial trauma.

George Zimmerman’s hands, knuckles, arms and body showed no evidence of abrasions consistent with striking Trayvon Martin; nor did Zimmerman’s body display any evidence of defensive wounds inflicted by Martin. The knees of Zimmerman’s pants showed no evidence of concrete abrasion, but Martin’s pants did. This became a real problem for the prosecution during trial.

The aforementioned forensic facts are direct evidence in support of Zimmerman’s consistent contention that Trayvon Martin accosted him, suddenly punched him in the face, knocking him to the ground and on his back. Zimmerman stated that Martin then mounted him from the front and then began to rein down punches to his face. Zimmerman also told police that during the assault from the front mount position, Martin grabbed his head and pounded it repeatedly into the pavement. The jury never got to hear that Zimmerman was given a voice stress analyzer test (VSAT) following his interview and passed the test showing no deception. This type of information is always kept from juries and is merely a common investigative tool used by investigators. Zimmerman volunteered to take the test.

Perhaps the most critical witness in this case was neighbor John Good who provided key testimony indicating that it was Zimmerman and not Trayvon Martin who was on the ground being pummeled mixed martial arts style by an assailant.

Witness Good’s key (abridged) testimony statement,

“I could tell that the person on the bottom had a lighter skin color,” testified Good, who also said the person on the bottom appeared to be wearing “white or red,” while the one on top wore dark clothing.”

As everyone now knows, it was Zimmerman who was wearing a red windbreak type jacket that night. Good’s testimony also supported the mechanisms of injuries sustained by Zimmerman to his and back of his head. Poor crime scene processing and photographic documentation of the condition of Trayvon Martin’s body by the Sanford PD and the Coroner’s office destroyed blood transfer evidence between Martin and Zimmerman.

*The Zimmerman Verdict, Dr. Ron Martinelli © 2013 All Rights Reserved*
The prosecution’s portrayal of a supposedly “scared” Trayvon Martin using what was forensically proven to be excessive force upon George Zimmerman apparently did not reconcile in the eyes of the jury. Therefore, the prosecution team had to attempt to deflect Witness Good’s damaging witness testimony by using medical expert Dr. Valeria Rao to argue that the injuries sustained by Zimmerman, “were not life threatening.”

Photos of George Zimmerman’s facial and back of head injuries clearly showing fresh bleeding injuries to his face and back of head. Note the swelling to his nose and the presence of multiple bleeding lacerations and edema to back of head consistent with being pummeled while having his head repeatedly struck against a concrete surface. Note that Zimmerman is wearing a distinctive red jacket described by witness John Good who saw the man (Zimmerman) with the red jacket on the ground being beaten. Sanford PD photos
Coroner’s Office autopsy diagram from the report documenting injuries to Trayvon Martin. Note prone body diagram (R) with notes identifying abrasions to knuckles on Martin’s L hand. (See entire written autopsy report attached to this article.)

Another key witness used by the Zimmerman defense team to refute claims by the state prosecutors that Zimmerman was actually the aggressor in the incident was nationally renowned Forensic pathologist Dr. Vincent DiMaio, a former Chief Medical Examiner in Texas and expert on gunshot wound ballistics.

Dr. DiMaio testified that the bullet wound and trajectory of the single 9mm projectile fired by Zimmerman into Martin was completely consistent with Zimmerman’s account of how he had accessed his Kel-Tec 9mm pistol from a right side in-the-waistband holster and fired the weapon at close range into Trayvon Martin’s chest while on his back and being beaten by Martin. Dr. DiMaio testified that Martin’s gunshot wound indicated that Zimmerman had fired the weapon from a distance of between two and four inches, with the gun’s muzzle in close proximity to Martin’s clothing.
Dr. DiMaio testified, “If you lean over someone, you notice that the clothing tends to fall away from the chest. If instead you’re lying on your back and someone shoots you, the clothing is going to be against your chest.”

Dr. DiMaio also refuted the prosecution’s witness medical examiner Dr. Valeria Rao, who had testified that Zimmerman’s injuries “were insignificant,” testifying that Zimmerman’s injuries indicated that “severe force” had been applied against his head by Trayvon Martin. Further, Dr. DiMaio testified that all of the evidence he had reviewed of Zimmerman’s injuries was consistent with the manner and mechanism of injury described by Zimmerman and witness John Good who witnessed another person (Martin) pummeling Zimmerman. Dr. DiMaio told the jury, “You can get severe trauma to the head without visible injuries.” Dr. DiMaio’s testimony was basic, simply stated and easy for a jury to understand. In other words, the hallmark of an experienced forensic expert and an excellent presentation of medical evidence.

Dr. DiMaio’s findings and opinions are also consistent with injuries I have personally investigated as a detective and a forensic expert. Medical, law enforcement and martial arts professionals readily understand and agree that anyone having their head pummeled while lying on a hard surface can easily sustain a “contra-coup” injury that can be potentially fatal, absent any evidence of significant exterior trauma such as deep lacerations. Infants are frequent victims of serious injury or death from “shaking baby syndrome” where no external trauma is visible.

What was equally important in this case was that Florida self-defense law states only that a person must have a reasonable belief that their assailant’s actions can cause them serious bodily injury or death at the time the use deadly force. In fact, no injury needs to be sustained by the victim who applies deadly force to defend themselves. (Ref. FL Title XLVI, Ch. 776 §§776.012(1); 776.013)

Prosecutors - Zimmerman displayed “malice aforethought.” Really, when?

State prosecutors were never able to present any credible evidence that George Zimmerman demonstrated any “malice aforethought” that would constitute an element of second degree murder. What was never discussed by either side in the trial is what I will discuss with you now. Zimmerman’s Kel-Tec 9mm semi-auto pistol held a magazine containing seven more rounds.

If Zimmerman was clearly and maliciously intent upon confronting, engaging and shooting and killing Trayvon, why didn’t he fire multiple rounds into Trayvon’s body? Investigators classically see evidence of “overkill” in real “murders” where anger, rage and malice are present as a criminal motive. Instead, in this case, it appears that Zimmerman displayed a reluctant desperation to stop Martin’s violent assault upon him. One could certainly and properly argue that Zimmerman fired one shot into Martin, assessed Martin’s reaction to being shot and then fired no more because he had
successfully stopped the threat. Clearly, there was no evidence of “excessive use of deadly force” by Zimmerman. Compare this scenario to any police officer who found themselves in a similar situation. In the majority of cases that I have personally investigated, officers have fired *multiple rounds* into assailants to stop a threat. Why should this case be any different in the way that it has been viewed? Is it because prosecutors have applied a double standard here? Think about it.

**Much posturing about nothing – No “stand your ground” defense was used by the defense team**

There has been much national discussion and posturing by politicians, prosecutors and the media regarding the “stand your ground” provision in Florida’s Justifiable Use of Force/Deadly Force statute. In reality, this case was never about the “no duty to retreat” component in that law. Judge Nelson was required to read Florida’s “Justifiable Use of Force” statute including the no requirement to retreat element to the jury during jury instructions. However, the “stand your ground” provision was never part of Zimmerman’s defense. Please do not allow yourself to be captured by this specious and totally irrelevant argument. This is nothing but smoke and mirrors.

The realities of the *State of Florida vs. George Zimmerman* case were: (1) George Zimmerman was a private citizen on his own private property and in a place he a legal right to be when Trayvon Martin confronted and assaulted him. (2) Zimmerman had legal standing and authority as an appointed and entrusted Neighborhood Watch Captain to identify suspicious persons and behavior. (4) He had a right to report that behavior and to even follow and consensually encounter Martin if he chose to. Any appointed and entrusted security guard had the same rights. There were no law violations here and the jury agreed.

Finally, and I cannot stress this next point enough. Dispatchers and 9-1-1 operators are usually civilians as was the case in this incident. Civilians have no legal authority to order or command anyone to do anything. They merely make suggestions as was done in this case.

George Zimmerman was under no legal obligation to follow any instruction or suggestion made by the 9-1-1 operator. Despite the statements of the prosecutors and media misinformation, audio evidence shows that Zimmerman had stopped following Martin and was returning to his vehicle when Martin turned around, followed, confronted and assaulted him.

Trayvon Martin’s assault upon George Zimmerman was apparently so sudden and devastating, that Zimmerman never had any opportunity to retreat before being mounted martial arts style and violently assaulted by Martin. There is no doubt that these factors weighed heavily in the jury’s decision to acquit George Zimmerman.
Why state prosecutors failed in their misguided mission to convict George Zimmerman of any crimes. Why any USDOJ federal “civil rights violation” prosecution will fail. Why a civil suit against Zimmerman would ultimately fail.

The state prosecutors, no doubt with the assistance of the incredible investigative resources of the USDOJ, spent sixteen months wrangling, posturing and unethically concealing exculpatory evidence. This was followed by more public posturing, legal bickering and weeks of trial testimony with the aid of a sympathetic judge who ruled in the prosecution’s favor at nearly every step of the way.

Ultimately, the state prosecutors were unable to present any type of viable strategy or credible arguments to overcome the significant evidence and the jury’s more than reasonable doubt that George Zimmerman was not guilty of any crimes. As we all watched the trial, it appeared that the majority of the prosecution’s best witnesses gave testimony in one way or another supporting the defense team’s arguments.

The prosecutors in the Zimmerman trial came off as anal and arrogant before the jury. In the final days of summation, State Attorney de la Rionda was so self-involved with making his points that he actually yelled his arguments at the jurors. This endeared him to no one. Compare this behavior to lead defense attorney Mark O’Mara’s calm, deliberate and methodical evisceration of the prosecution’s “case” against George Zimmerman. After O’Mara’s summation, including the use of the prosecution’s own stage props (nice touch) to prove their self-defense argument, the prosecution’s case against Zimmerman collapsed like a two dollar card table. As it should have.

The jury found Zimmerman innocent of all charges. Instead of resigning with the knowledge that they presented the best case they could and encouraging the American public to move forward; the state prosecutors have remained adamant in their position that George Zimmerman “murdered Trayvon Martin in cold blood.” Apparently, the prosecuting attorneys were absent the day that criminal corpus and evidence were discussed in law school and that was very apparent to those of us who have been following the trial.

Many of us professionals are troubled by the fact that the State Attorney and her prosecution team remain vociferous in their slander of Zimmerman, who a jury that they agreed to seat to hear testimony and evidence found this gentleman to be innocent of all charges. George Zimmerman might not be the sharpest knife in the drawer, but he is certainly no “murderer.” The “woulda-coulda-shoulda” arguments of how Zimmerman might have better responded to his observations of Trayvon Martin’s suspicious activity that night are better suited for a civil tort case, if we ever get there. Again, this was a criminal trial where the standards of proof and discovery aspects are different.
Future “prosecutions” of George Zimmerman: Fantasy vs. Facts

This article has sought to forensically review the historical, political and evidentiary dynamics of the trial of George Zimmerman. If all you did was listen to the media, perhaps I have shed some light on the forensic facts of the case. So that you can remain informed, I have attached a complete reference guide to the facts and evidence I have discussed. I encourage you to review these sites. Please don’t take my words as gospel. Educate yourself on this highly politicized case. You can even read the actual reports and audio tapes I have referred to. Let the evidence convince you and you will better understand the jury’s decision to acquit George Zimmerman. This isn’t rocket science.

The dynamics of politics versus law. What lies in the future for George Zimmerman and us?

After the trial and the jury’s verdict there has been much rhetoric by politicians, a complicit media bent upon persecuting Mr. Zimmerman, and those activists who are not satisfied with the rule of law. This section addresses answers to some of the questions this rhetoric has raised.

- **USDOJ Attorney general Eric Holder** – “The USDOJ’s civil rights division and the FBI are actively investigating George Zimmerman for possible violations of Trayvon Martin’s civil rights.”

- **Facts** – (1) The FBI has spent the last 16 months investigating Zimmerman for civil rights violations and has reported that they have found none. (2) There is no evidence that Zimmerman committed a “hate crime” against Martin. (3) Zimmerman is not a “state actor.” As a civilian he cannot be legally sued for “civil rights violations.” If this were the case, then anyone who injures or kills anyone else could be prosecuted for civil rights violations.

- **President Obama & USAG Eric Holder** – We need to work to repeal the “stand your ground” components of the self-defense laws of Florida and other states.

- **Facts** – (1) The Zimmerman case had nothing to do with “stand your ground” provision of state self-defense law. (2) The Zimmerman defense team never used the “stand your ground” component in their defense strategy because it was never part of the case fact pattern. (3) States that have a “requirement to first retreat” clause in the laws hurt citizens and place them into situations that exacerbate personal risk of harm to them. The majority of these citizens are from minority groups who are assaulted on the streets and in their homes by violent suspects.

- **Trayvon Martin Family Attorneys** – Have stated that they are considering a civil suit against Zimmerman in the death of Trayvon Martin.
• **Facts** – (1) Filing such a suit will effectively change the discovery game that will more likely than not negatively affect their lawsuit and embarrass the family.

   (2) Most all of the information, facts and evidence of Trayvon’s character and criminal behavior and background prior to the shooting as discussed in this article may be discoverable.

   (3) Reluctant witnesses such as Rachael Jeantel, who had some credibility issues at trial would be exhaustingly deposed and asked new series of questions pertaining to Trayvon’s character, his propensity of assaultive behavior, any gang-related activity.

   Many of Trayvon’s friends and associates will be identified, contacted and deposed, revealing new yet uncovered aspects of his life that may further surprise and embarrass his family and attorneys. School records that were previously sealed may be opened. Digital forensic recovery of data from Trayvon’s cell phone beyond what was done in the criminal trial could add additional discoverable information to the current mountain of damaging evidence.

   (4) The issue of Martin’s “comparative negligence” in turning around, accosting and assaulting Zimmerman will be considered by the jury.

   (5) The burden of proof changes from “beyond a reasonable doubt,” to one of “preponderance of evidence” that Zimmerman’s shooting was legally justifiable under Florida law.

   (6) New and even more experienced use of force/self witnesses can be called to testify on Zimmerman’s behalf.

   (7) A civil jury verdict does not have to be unanimous.

   (8) Either a jury or a judge can hear a civil case.

   (9) George Zimmerman has no money or property for Martin’s parents to secure if they to prevail in the case. Is it really worth it to consider suing Zimmerman, even if their attorneys and experts work pro-bono?
The FBI has taken possession of Zimmerman’s gun and personal property evidence and will not release them. Can they do that?

Facts – (1) Zimmerman was found innocent by the jury in a criminal trial. He is a free man. He cannot be tried twice for the same crime. (2) As a free citizen, he is legally entitled to all of his personal property back including his firearm. (3) To keep the firearm would be seen as a violation of due process and a violation of his civil rights (4\textsuperscript{th}, 5\textsuperscript{th} and 14\textsuperscript{th} Amendments). His defense team will automatically file a motion to compel the release of his firearm and personal property. The defense team can appropriately argue that because there are threats on Zimmerman’s life, he needs his gun more than ever before for personal protection. Zimmerman will ultimately prevail and get his gun back.

Can Zimmerman file suit against the State?

Facts – (1) Yes. Several tort claims can be alleged by Zimmerman. Among those are: false arrest, failure to provide due process, malicious prosecution, violations of his civil rights and slander. (2) The State Attorney’s Probable Cause Affidavit authored by State Attorney Office Investigators T.C. O’Steen and Dale Gilbreath on April 11, 2012 and provided to a judge to secure an arrest warrant was factually false on its face. This affidavit was written nearly two months after the incident. By this time forensic evidence and witness statements would have provided them with a fact pattern clearly indicating that the statements they made in the affidavit were factually incorrect.

There is no evidence that the judge who signed Zimmerman’s arrest warrant for Second Degree Murder was provided with exculpatory evidence before signing the arrest warrant. (3) State Attorneys had 16 months to drop charges against Zimmerman for lack of evidence, but proceeded with trial. (4) Zimmerman can allege that State Attorneys have continued to slander Zimmerman after the jury verdict in the face of overwhelming evidence of his innocence. (5) A judge would have to ultimately rule whether or not Zimmerman has sufficient triable facts to prevail against any Motion for Summary Judgment. A judge would also have to rule as to whether the involved State Attorneys and their investigators have “qualified immunity” against civil prosecution. Only time will tell.

Misguided advocacy derailed this case. Any case “Is what it is.”

The problem with the Florida State Attorney’s Office in this case is that their “advocacy” in taking on the Zimmerman case from the local prosecutors who did not file criminal charges is and continues to be misguided. As I discussed earlier, the advocacy in any case should be for facts and evidence. As attorneys and forensic experts well know, a case “Is what it is,” with all of its problems and unique challenges. However, it takes a mature, experienced and an ethical attorney to know whether or not any
case is worth pursuing. This case had no legs to begin with and it only got worse and the trial proceeded forward with the presentations of witnesses and evidence.

**Arrogance is no substitute for experience and direct evidence.**

One lesson to be learned from this debacle by attorneys and forensic experts everywhere is that conceit and arrogance are no substitute for experience and direct evidence. Politically correct rhetoric and posturing have no place in a courtroom or in a nation that is governed by the Rule of Law. In court it is not what you believe happened; it's what you can forensically prove and you had better have a good handle on the differences between the standards of proof in a criminal versus a civil court of law before you walk into either one to try your case.

**Sometime's it's about having the “heroic courage” to explain the facts of life to people in pain.**

As law enforcement, forensic and legal professionals, we are often faced with cases and fact patterns that lack criminal corpus or legal standing and foundation to move injured parties who come to us for “justice” forward towards resolution. As justice advocates, we may not like the circumstances that we see will not allow us to ultimately prevail in a search for justice. However, we must be mature and experienced enough to realize this. Under these circumstances we need to reach deep down inside, put on our “big boy pants,” and arrange for that difficult meeting with survivors to explain life’s realities and assuage them in their pain and/or grief as best we can.

One reality of life is that it is not always fair. Sometimes, the unfortunate consequences of comparative negligence must be delicately explained to an injured party or their survivors. Sometimes people make mistakes as a result of intoxication, drug influence, mental illness, arrogance, or stupidity. The confluence of one mental and physical state during encounters with others such as the police or citizens can lead to serious injury or death. Other times, “victims” are not in fact victims in the true sense of the word. In such cases, their injury or death may well prove to be as a direct result of the consequences of their reckless and/or criminal actions.

Serious injury, disability or death to the injured party or their survivors who must now deal with this life altering experience is physically and emotionally painful for all involved. While we as professionals can imagine their pain; we can only experience it vicariously and not as participants. However, we as professionals have a responsibility to be honest with people in pain and attempt to assuage it as best we can. But we must always be ethical in how we do this.

Law enforcement, criminal justice and legal professionals should never bow to political pressure of the uninformed, the misinformed, the weak minded, or the self-
serving. We must be intelligent and courageous enough to represent the justice system as it deserves to be represented.

Too many of us have given some or all to protect our justice system and Americans’ civil rights and liberties. We cannot ignore or seek to obliterate the civil rights of one citizen in an effort to placate the politically boisterous among us who scream, “No justice. No peace!” when the rule of law has been satisfied. If we lose our way, falter and give in to activists and social engineers, none of us will ever have justice or peace.

About the Author

Ron Martinelli, Ph.D., is a forensic criminologist and Federal/State Courts qualified expert specializing in police practices, forensics, 4th, 8th, 14th Amendment and civil rights litigation including officer-involved shootings, civilian self-defense shootings and death cases. He has 35 years of law enforcement and forensic expert experience and is the prevailing expert in over 90% of his retained cases. Dr. Martinelli is a retained forensic expert for a number of states, large municipalities and private law firms specializing in wrongful death and civil rights violations. He is a contributing writer to several national law enforcement magazines and Internet sites and has been a contributng forensic expert to CNN HLN, the Discovery and History Channels®.

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Photo Gallery – The State of Florida vs. George Zimmerman Trial

(Left Photo) Trayvon Martin closer to 17 years. (Right Photo) Entrance to the private and gated Twin Lake Condo complex Google Earth street view photo

Media Photoshopped image of Trayvon Martin depicting him as a much younger teenager.
(Left Photo) Zimmerman’s bleeding head injuries shown CCTV surveillance video still showing Trayvon in photos taken by police at police station. (Right Photo) Martin purchasing items at 7-11 store at 6:24:18pm. Sanford PD case photos copied by WTSP.com

Kel-Tec 9 mm with magazine and inside-waistband holster used by Zimmerman to defend himself during assault. Sanford PD evidence photo copied by WTSP.com
Zimmerman’s Kel-Tec 9 mm semi-auto pistol. Sanford PD photo

Kel-Tec 9mm magazine with ammo. Sanford PD photo
Bullet strike to chest with GSR on hoodie worn by Trayvon Martin indicates Zimmerman fired at close range. Sanford PD photo

(Left Photo) Zimmerman wearing his distinctive red Windbreaker. Sanford PD photo (Right Photo) One expended 9mm cartridge from Zimmerman’s Kel-Tec semi-auto on grass at scene of shooting. Sanford PD photo
(Left Photo) Trayvon Martin’s cell phone on grass at shooting scene. Sanford PD photo copied by WTSP.
(Right Photo) Critical defense witness neighbor John Good who testified that it appeared that Trayvon Martin was on top of Zimmerman in a MMA “front mount position doing a “ground and pound” on the defendant. Huffington Post photo

Shooting site scene with evidence markers. Sanford PD photo copied by WTSP.com
George Zimmerman's cell phone. Sanford PD photo

Tote'm 7-11 store CCTV surveillance still showing Martin purchasing items before returning to the Twin Lakes condo property at 6:24:10 pm. Sanford PD case photo
Photo of deceased Trayvon Martin on lawn at shooting scene. Sanford PD photo obtained by msnbc

Zimmerman trial evidence. Trayvon Martin covered at shooting scene. Sanford PD/ State Attorney photo
Zimmerman trial evidence. Trayvon Martin covered at shooting scene. Sanford PD/ State Attorney photo

Trayvon Martin had purchased two of the ingredients to make the dangerous and addictive urban street codeine-based drink concoction referred to as “Lean.” Martin’s autopsy report documents the possibility of liver damage consistent with DXM abuse. (See attached autopsy report.)
Trayvon Martin aka “Slimm” uses his Twitter page to seek out DXM codeine to mix with Arizona Ice team and Skittles candy to get high.

A section of Trayvon Martin’s autopsy report detailing the examination of his liver. County Coroner Report.
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