

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR SEMINOLE COUNTY, FLORIDA

STATE OF FLORIDA

VS.

CASE NO.: 2012-001083-CFA
SA NO: 1712F04573

GEORGE ZIMMERMAN
_____ /

STATE'S MOTION IN LIMINE REGARDING PRIOR CRIMINAL HISTORY

The State of Florida, by and through the undersigned Assistant State Attorney, hereby petitions this Honorable Court for an Order prohibiting Defendant herein from presenting any evidence or testimony regarding Defendant's lack of prior felony convictions. In support of the instant Motion, the State submits as follows:

Defendant in the instant case has invoked his right to trial by jury. At trial, the State has reason to believe Defendant may attempt to present evidence that he has not previously been convicted of a felony (prior felony case was handled in Pre Trial Intervention program) in the State of Florida. Such evidence or testimony would be improper.

"Whether the State in its discretion feels it can prosecute a criminal case involves many factors quite irrelevant to the truth or innocence of the alleged perpetrator." Foraker v. State, 731 So.2d 110 (Fla. 5th DCA 1999). A defendant's testimony that he has no prior convictions is an improper attempt to introduce evidence of general character or reputation. On direct examination, ***a defendant's testimony that he or she has never been convicted of a crime is inadmissible***, and is properly excluded

by ruling *in limine*. McCartney v. State, 510 So.2d 1157 (Fla. 3d DCA 1987); Wrobel v. State, 410 So.2d 950 (Fla. 5th DCA 1982), *review denied* 419 So.2d 1201 (Fla. 1982).

Accordingly, the State seeks an Order from this Court prohibiting such improper evidence or testimony and requiring Defendant to proffer any such questions for consideration by the Court prior to asking them in front of the jury during trial, as failure to do so would irreversibly prejudice the State.

CERTIFICATE OF SERVICE

I HERBY CERTIFY that a copy of the foregoing has been furnished by email to Mark O'Mara, Esq., Don West, Esq., this 10th day of May, 2013.

ANGELA B. COREY
STATE ATTORNEY

By: 

Bernardo de la Rionda
Bar Number: 365841
Assistant State Attorney