

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 TRAYVON MARTIN

The State of Florida, by and through the undersigned Assistant State Attorney, hereby moves this Honorable Court to prohibit any argument, testimony or evidence concerning or related to certain facts or opinions associated with Trayvon Martin, who was 17 at the time of his death. In support of the instant Motion, the State submits the following:

- (1) The State has reason to believe that Defendant will attempt, since such was done during deposition or other pretrial proceedings, in the instant case, to introduce evidence, testimony, questioning, or other reference to words and actions (whether true or not) attributed to Trayvon Martin, the homicide victim in the present case, to wit: that Trayvon Martin:
 - a. Had ever been suspended from school;
 - b. Communicated about, or previously used, marijuana;
 - c. Had ever allegedly been in a fight;

- d. Communicated (or that has been attributed to Trayvon Martin) and had "screen names" via social media, regardless of format, and the contents of any such communications;
 - e. Had ever possessed or worn a set of (false) gold teeth; and
 - f. Any aspect of Trayvon Martin's school records and/or performance in school;
 - g. The contents of any text message received by or sent by Trayvon Martin prior to February 26, 2012;
 - h. The contents of any text message received by or sent by Trayvon Martin on February 26, 2012, until the relevance and admissibility of the same has been ruled upon by the Court.
- (2) Such evidence, and anything akin to such evidence, is irrelevant, has no probative value and would serve only to prejudice the jury.
- (3) It is contrary to the rules and laws governing the courts of the State of Florida to permit such evidence or inference.
- (4) An ordinary objection during trial, even if sustained with proper instructions to the jury, will not remove the prejudicial effect upon the jury.
- (5) In support of this motion the State cites Florida Statutes, sections 90.403, 90.404, 90.609 and 90.610, and the following cases: Johnson v. State, 718 So. 2d 848, 849 (Fla. 5th DCA 1998); Singh v. State, 36 So. 3d 848, 851 (Fla. 4th DCA 2010); Johnson v. State, 108 So. 3d 707, 710 (Fla. 5th DCA 2013);

Dwyer v. State, 743 So. 2d 46, 48 (Fla. 5th DCA 1999); Weatherford v. State, 561 So.2d 629 (Fla 1st DCA 1990); Gunsby v. State, 574 So. 2d 1085 (Fla. 1991); Lozano v. State, 584 So.2d 19 (Fla. 3d DCA 1991); Lopez v. State, 632 So.2d 188 (Fla. 3d DCA 1994), and Edwards v. State, 548 So.2d 656 (Fla. 1989).

Accordingly, the items listed above are irrelevant to any charge or defense and clearly designed only to prejudice one or more jurors, and the State seeks an Order from this court restricting examination regarding the matters set forth above.

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: 

John I. Guy
Bar Number: 971758
Assistant State Attorney