

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

STATE OF FLORIDA,

Plaintiff,

vs.

CASE NO.: 2012-001083-CFA

GEORGE ZIMMERMAN,

Defendant.

DEFENDANT'S REPLY TO STATE'S MOTION TO LIMIT/EXCLUDE IMPROPER
OPINION EVIDENCE

COMES NOW the defendant, GEORGE ZIMMERMAN, by and through his undersigned counsel, and files this Response to the State's Motion to Limit/Exclude Improper Opinion Evidence regarding the defendant's guilt or the propriety of his being criminally charged. The defendant states the following:

The defense agrees that usually a witness's opinion (including law enforcement) on the guilt or innocence of the accused is not relevant to the jury's consideration. However, there are some circumstances in which a party may "open the door" to testimony that may not otherwise be admissible standing alone. *Thomas v. State*, 837 So. 2d 443, 446-47 (Fla. Dist. Ct. App. 2002); *Overton v. State*, 801 So.2d 877, 900 (Fla.2001)(quoting *Ramirez v. State*, 739 So.2d 568, 579 (Fla.1999)); *Bartlett v. State*, 993 So.2d 157, 164 (Fla. 1st DCA 2008).

Should the state by argument or through a witness in any way suggest that the delay in arresting George Zimmerman was because of ineptitude, racial bias or political consideration rather than from a lack of credible evidence that he had committed a crime, the professional opinions of high ranking members of law enforcement and the Seminole County State Attorney's

Office would become relevant. It would be unfair to Mr. Zimmerman and to those who have dedicated their lives to public service to allow their good names to be smeared and then deny the defendant an opportunity to defend those unfounded accusations.

WHEREFORE, the defendant urges this Honorable Court to deny the state's motion and address any such evidence within the context of the trial.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail/Facsimile/Hand Delivery this 23rd day of May, 2013 to Bernie de la Rionda, Assistant State Attorney and John Guy, Assistant State Attorney, Office of the State Attorney, 220 East Bay Street, Jacksonville, Florida 32202-3429, and Mark M. O'Mara, Esquire, 1416 East Concord Avenue, Orlando, Florida 32803.



DONALD R. WEST