

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 CVSA TESTING

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 Defendant George Zimmerman taking a Computerized Voice Stress Analysis (CVSA) test. In support of the instant Motion, the State submits the following:

- (1) The State has reason to believe that the Defendant will attempt to introduce evidence, testimony, or make other reference to the fact that the Defendant took a CVSA test after he shot and killed Trayvon Martin.
- (2) It is contrary to the rules and laws governing the courts of the State of Florida to permit such evidence or inference. This type of evidence has long been held to be unreliable and therefore inadmissible.
- (3) Such evidence, and anything akin to such evidence, is irrelevant, has no probative value and would serve only to prejudice the jury.

- (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 Delap v. State, 440 So.2d 1242 (Fla. 1983); Anderson v. State, 241 So. 2d 390 (Fla. 1970); Roger v. State, 670 So.2d 160 (Fla. 5th DCA 1996); Duest v. State, 12 So. 3d 734 (Fla. 2009); Snelgrove v. State, 107 3d. 242 (Fla. 2013).

Accordingly, the State seeks an Order from this court restricting examination or any reference 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 23rd day of May, 2013.

ANGELA B. COREY
STATE ATTORNEY

By: _____


John I. Guy
Bar Number: 971758
Assistant State Attorney