

IMAGE DISPLAY

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

CASE NO. 12-CF-1083-A

STATE OF FLORIDA,

Plaintiff(s),

vs.

GEORGE ZIMMERMAN,

Defendant(s).

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ORDER REVOKING BOND

The Defendant, charged with second-degree murder, was released on a \$150,000 bond on April 20, 2012. At the hearing, the Court heard testimony regarding the Defendant's financial means from Shelly Zimmerman, the Defendant's wife. She testified under oath that she and the Defendant had no financial means and should be declared indigent for costs. She acknowledged the existence of a legal fund, administered by her brother-in-law, which had collected online donations, but she further testified that she had no knowledge of how much money was presently available in that fund. It was also affirmatively represented that that the Defendant had turned in his passport. The Defendant gave limited testimony at the bond hearing on different matters, but did not contradict or supplement his wife's testimony about his financial resources or possession of a passport.

The State filed a Motion to Revoke Bond which was heard on June 1, 2012. At the hearing on the motion, the State alleged that, contrary to the testimony provided at the bond hearing, she and the Defendant had discussed the amount of money in the fund and how to gain access to it. The State cited excerpts from recorded conversations made at the jail between the Defendant and his wife to support its assertions of deception. With regard to the Defendant's present financial means, the State notes that they spoke "in code" to make it sound like they were talking about negligible sums of money. To the contrary, the evidence shows that, in the five days prior to the bond hearing, approximately \$135,000 was transferred from the legal fund into the Zimmermans' personal bank account. This was not disclosed at the bond hearing.

Also, it was alleged that the Defendant was untruthful regarding his possession of a valid passport. At the bond hearing, the Defendant surrendered passport number 301813125, which had been issued on May 22, 2002 and had an expiration date of May 21, 2012. The defense asserted that this was the Defendant's only passport. However, it was later discovered that the Defendant was actually in

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possession of another passport, number 017355779, which had been issued on March 26, 2004 and expired on March 24, 2014. It was issued as a replacement when the Defendant notified the Department of State that he had lost passport number 301813125. Neither the Defendant nor his wife mentioned the existence of this second passport during their testimony.

The State argued against setting a bond for the Defendant on the basis that the circumstances of this case demonstrate that he is a serious threat to the community, based upon his prior violent history, the repeated refusal to respect law enforcement's directives, and the fact that he is charged with killing an unarmed teenager. The Court, based upon the information presented, determined that \$150,000 was an appropriate bond to ensure the Defendant's presence in court and also to protect the community. The Defendant was also allowed to leave the state and keep his location confidential in order to ensure his personal safety.

Had the Court been made aware of the true financial circumstances at the bond hearing, the bond decision might have been different. A bond that a Defendant cannot afford is tantamount to no bond at all. *Good v. Wille*, 382 So. 2d 408, 410 (Fla. 4th DCA 1980). While the Court would have been authorized under *State v. Arthur*, 390 So. 2d 717 (Fla. 1980), to keep the Defendant in custody without granting a bond, the Court exercised its discretion and set what was believed to be a reasonable bond. In determining the reasonable bond amount, the Court balanced the Defendant's right to be free from custody, while still ensuring his appearance in court, with the community's safety if he were to be released. His financial status was a key factor in this balancing test.

With the evidence now before the Court, the release on bond should be reconsidered. Pursuant to Fla. R. Crim. P. 3.131(5),

All information provided by a defendant in connection with any application for or attempt to secure bail, to any court, court personnel, or individual soliciting or recording such information for the purpose of evaluating eligibility for or securing bail for the defendant, under circumstances such that the defendant knew or should have known that the information was to be used in connection with an application for bail, shall be accurate, truthful, and complete, without omissions, to the best knowledge of the defendant. Failure to comply with the provisions of this subdivision may result in the revocation or modification of bail.

Furthermore, "[i]f no conditions of release can reasonably protect the community from risk of physical harm to persons, assure the presence of the accused at trial, or assure the integrity of the judicial process, the accused may be detained." Art. I, § 14, Fla. Const. It is apparent that Shelly Zimmerman testified untruthfully at the bond hearing. The Defendant also testified, but did not alert the Court to the misinformation. Therefore, this Court is authorized to revoke or modify the Defendant's bond.

The question, then, is whether the bond should simply be increased or whether he should be detained on a no bond status.

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Factors to be considered in determining the amount of bail include the nature of the offense and the penalty for it, the character and strength of the evidence or probability of guilt, the probability of the accused appearing at trial, his accessibility to means of flight, his family ties and employment, the length and stability of his residence in the community, the prior record of the accused in responding to process, whether the accused was a fugitive from justice when arrested, whether the accused is under bond for appearance at trial in other cases, his respect for the law, the accused's character and reputation, and the state of his health.

Good, 382 So. 2d at 410 (quoting *Stansel v. State*, 297 So. 2d 63, 66 (Fla. 2d DCA 1974)). Among these factors, the only ones that heavily weigh in his favor are that he turned himself in upon the issuance of the original warrant and has kept authorities abreast of his current location. There are several factors that weigh against his release: this is a serious charge for which life may be imposed; the evidence against him is strong; he has been charged with one prior crime, for which he went through a pre-trial diversion program, and has had an injunction lodged against him. Most importantly, though, is the fact that he has now demonstrated that he does not properly respect the law or the integrity of the judicial process.¹ Based upon these factors, this Court finds that revocation of the bond is appropriate.²

ORDERED AND ADJUDGED:

The Defendant's bond is hereby revoked. He shall be held in the John E. Polk Correctional Facility on a **no bond status** until further order of the Court.

DONE AND ORDERED in chambers at Sanford, Seminole County, Florida this 11th day of June, 2012.


KENNETH R. LESTER, JR., Circuit Judge

Copies furnished this 11 day of June, 2012 to:

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JUDICIAL ASSISTANT

¹ Furthermore, there may certainly be an inference made that his retention of the unexpired passport, together with a large, undisclosed sum of money in his bank account, is relevant to his access to means of flight. That factor has now, based upon evidence from the Department of State, been dispelled.

² The Defendant has already turned himself in as he was directed to at the bond revocation hearing.