



Dershowitz: Prosecutor Should Drop Charges Against Zimmerman

Leftist Harvard law professor [Alan Dershowitz](#) says special prosecutor [Angela Corey](#) should drop the second-degree murder charge against George Zimmerman, the Hispanic man who shot Trayvon Martin on Feb. 26 in Sanford, Florida.



The evidence that Zimmerman told the truth when he said Martin attacked and tried to kill him, [Dershowitz wrote](#) in the *New York Daily News*, is too much to ignore. And the only right thing for the prosecutor to do, he concluded, is forget about nailing Zimmerman for murder.

Dershowitz [has been speaking out](#) about the case since the prosecutor released an affidavit that Dershowitz said fell short of what is legally required. Most notably, it lies by omission, he implied.

Prosecutor Unethical

The [Harvard law professor](#) unbosomed his opinion after prosecutors released the evidence in the case, including photos and a report about Zimmerman's injuries sustained in the fight for his life against the enraged 17-year-old football player.

As [The New American reported](#) last week, the medical evidence backs up the account [Zimmerman gave police](#): that Martin brutally attacked him, breaking his nose and bashing his head into the ground, before Zimmerman pulled his gun and shot the teenager.

The [medical report showed](#) that Zimmerman had a "closed fracture" of the nose, lacerations on his head and a minor back injury. Photos confirm the written report.

As well, the autopsy on Martin showed Zimmerman shot him [at close range](#), which is, again, consistent with Zimmerman's account, and that Martin [had an abrasion](#) on one of his fingers and trace amounts of [THC](#), the active ingredient in marijuana, in his system. Whether Martin was stoned when he attacked Zimmerman is unclear.

Dershowitz says the time has come to drop the case. "If this evidence turns out to be valid, the prosecutor will have no choice but to drop the second-degree murder charge against Zimmerman — if she wants to act ethically, lawfully and professional," [he wrote](#), adding,

There is, of course, no assurance that the special prosecutor handling the case, State Attorney Angela Corey, will do the right thing. Because until now, her actions have been anything but ethical, lawful and professional.

Dershowitz also reprised earlier his remarks of a few weeks ago, which suggested that the prosecutor's affidavit was faulty because did not contain exculpatory evidence. "She was aware when she submitted an affidavit that it did not contain the truth, the whole truth and nothing but the truth. She deliberately withheld evidence that supported Zimmerman's claim of self-defense," [he wrote](#).



Written by [R. Cort Kirkwood](#) on May 23, 2012

A few weeks ago, [Dershowitz noted](#) that such affidavits must contain “all relevant information,” and that not including evidence that would prove Zimmerman’s innocence is “unethical,” “immoral” and “irresponsible.” He even called the affidavit “stupid.”

This week, Dershowitz [explained more](#):

The *New York Times* has reported that the police had “a full face picture” of Zimmerman, before paramedics treated him, that showed “a bloodied nose.” The prosecutor also had photographic evidence of bruises to the back of his head.

But none of this was included in any affidavit.

Now there is much more extensive medical evidence that would tend to support Zimmerman’s version of events.

Dershowitz also explained that Florida’s [Stand Your Ground Law](#) might not be an issue in the case, and that even if Zimmerman cannot use the law as a defense, he may still have a legitimate claim of self defense. “A defendant, under Florida law, loses his ‘stand your ground’ defense if he provoked the encounter — but he retains traditional self-defense if he reasonably believed his life was in danger and his only recourse was to employ deadly force,” [he wrote](#).

Thus, if Zimmerman verbally provoked Martin, but Martin then got on top of Zimmerman and banged his head into the ground, broke his nose, bloodied his eyes and persisted in attacking Zimmerman — and if Zimmerman couldn’t protect himself from further attack except by shooting Martin — he would have the right to do that. (The prosecution has already admitted that it has no evidence that Zimmerman started the actual fight.)

Dershowitz is highly concerned that Corey said her job was to get “justice for Trayvon Martin” but not for George Zimmerman. That, Dershowitz wrote, is not a prosecutor’s job. Nor he wrote, is her job to get a conviction to avoid racial troubles that might arise should Zimmerman go free:

As many see it, her additional job is to prevent riots of the sort that followed the acquittal of the policemen who beat Rodney King.

Indeed, Mansfield Frazier, a columnist for the Daily Beast, [has suggested](#) that it is the responsibility of the legal system to “avert a large scale racial calamity.” He has urged Zimmerman’s defense lawyer to become a “savior” by brokering a deal to plead his client guilty to a crime that “has him back on the streets within this decade.”

But it is not the role of a defense lawyer to save the world or the country. His job — his only job — is to get the best result for his client, by all legal and ethical means. ...

The prosecutor’s job is far broader: to do justice to the defendant as well as the alleged victim.

As the Supreme Court has said: “The government wins ... when justice is done.”

Zimmerman’s lawyer is doing his job. It’s about time for the prosecutor to start doing hers.

Evidence Likely Means Acquittal

[Corey charged](#) Zimmerman with second-degree murder in early April. At the time, [legal experts wondered](#) how she would get a conviction given the high standard of evidence required to prove such a crime. That [evidence must include](#) proof that the accused “evinced a depraved mind regardless of human life.” The [defense experts concluded](#) that she “overcharged” to force a plea deal from



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Zimmerman.

But then the prosecutor released the affidavit, which suggested they had no case. [Dershowitz noted](#) as much at the time: The evidence, [he said](#), is “so thin that it won’t make it past a judge on a second degree murder charge.” He also called the affidavit a “grave ethical violation” because of what it didn’t include: the evidence supported Zimmerman’s claim that Martin attacked him.

Indeed, [Dershowitz confidently said](#) the evidence was so weak Zimmerman would be probably be acquitted, and he accused Corey of trying to score political points with the charge. “I think what you have here is an elected public official who made a campaign speech last night for reelection when she gave her presentation and overcharged,” he said. “[I]f the evidence is no stronger than what appears in the probable cause affidavit — this case will result in an acquittal.”

Now Dershowitz flatly calls on Corey to drop the case.

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Photo: Harvard University law professor Alan Dershowitz is shown in a file photo from 1995 at his office in Cambridge, Mass.: AP Images



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