



Written by [Bob Adelman](#) on May 28, 2013

## Judge in Trayvon Martin Case Rules Some Evidence Off Limits

In refusing to delay the June 10 trial of George Zimmerman charged with the second-degree murder of black teenager Trayvon Martin a year ago February, Circuit Judge Debra Nelson [also put limits](#) on what evidence the defense may present in its efforts to keep Zimmerman out of jail.

Nelson ruled that Zimmerman's lawyers can't say anything about Martin's school records, his past history of fighting, his use of marijuana, his gold teeth, or any photos or text messages that were found on his cellphone following the shooting. This means that his three school suspensions for tardiness, for his use of marijuana, or for defacing school property using a spray can to write "WTF" on its walls are all inadmissible. It also means that evidence that his mother forced him to move out because of his bad behavior is also inadmissible. And any suggestion that that he had "an attitude" shown in a photograph [described by the Huffington Post](#) as "extending his middle finger[s] to the camera" is also inadmissible. The judge also ruled as inadmissible evidence from a toxicology test showing Martin had marijuana in his system the night of his killing.



In addition, the judge approved a motion by the prosecution that would keep Zimmerman from testifying about his lack of prior felony convictions. Such testimony would be helpful in limiting, under Florida law, any sentencing he might receive if he is found guilty.

However, despite these limitations, to be successful the prosecution of Zimmerman by the State of Florida has a big hill to climb. [Under Florida law](#), to prove that Zimmerman committed second-degree murder, as he was charged in the [Affidavit of Probable Cause](#) filed by Florida State Attorney Angela Corey two months after the incident, [the prosecution "must show](#) that the defendant acted according to a 'depraved mind' without regard for human life." It must defend against the claim that Zimmerman was justified in using deadly force to keep from being seriously injured or killed himself during the incident.

Florida state law rules that, if convicted, Zimmerman could spend up to 30 years in jail.



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The affidavit clearly overreached in charging Zimmerman with second-degree murder, [according to a number of legal experts](#). For instance, Corey claimed that Martin was peacefully walking back to the townhouse where he was staying “when he was profiled by George Zimmerman” and that “Martin was unarmed and was not committing a crime.” The affidavit further claimed that “Zimmerman ... assumed Martin was a criminal [who] felt that Martin did not belong in the gated community.”

Corey claimed that Zimmerman was stalking Martin and that “Martin was scared because he was being followed through the complex by an unknown male and didn’t know why.” She added:

Martin attempted to run home but was followed by Zimmerman who didn’t want the person he falsely assumed was going to commit a crime to get away before the police arrived....

Zimmerman confronted Martin and a struggle ensued....

Zimmerman shot Martin in the chest....

Assistant Medical Examiner Dr. Bao performed an autopsy and determined that Martin died from the gunshot wound.

The facts ... are presented for the determination of Probable Cause for Second Degree Murder.

Corey’s problem is that most of these “facts” have been soundly disproved as [the details of what happened that night](#) have come to light. Zimmerman, acting as a volunteer security guard for the complex, called the Sanford, Florida, police department when he noted Martin’s behavior, stating, “This guy looks like he’s up to no good, or he’s on drugs or something.... He’s just walking around ... looking at all the houses.” Zimmerman left his vehicle briefly and, upon returning to it, [was confronted by Martin](#), who used abusive language, asking, “Have you got a ... problem?” When Zimmerman responded “No,” Martin said, “Well you do now!” and knocked him to the ground and punched him in the face, breaking his nose and causing severe lacerations on the back of his head.

Following five hours of interrogation by the Sanford police, Zimmerman was released, as they had no grounds or evidence to contradict his story and his claim of self-defense. He even [passed a lie detector test, which validated his story](#).

Despite the fact that much evidence in the case supporting Zimmerman’s claim of innocence by self-defense is being ruled inadmissible by the judge (including the results of the lie detector test, which is inadmissible under Florida law), there remains so much evidence to support his claim that the only thing standing in the way of a vote of innocence from the jury in the case will be the political reality that if Zimmerman goes free, [Sanford, Florida, is likely to erupt in flames](#).

*Photo is of the gated community where the shooting took place*

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