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**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.

FILED IN OPEN COURT THIS
July 2, 2013
MARYANNE MORSE
Clerk of Circuit Court
Seminole County, Florida
By:
County Clerk

**DEFENDANT'S REPLY TO STATE'S MOTION FOR PROTECTIVE
ORDER/MOTION FOR INQUIRY AND DEFENDANT'S REQUEST FOR JUDICIAL
INQUIRY**

COMES NOW the defendant, GEORGE ZIMMERMAN, by and through his undersigned counsel, and files his response to the state's motion for protective order/judicial inquiry and states as follows:

Without conducting an adequate investigation to verify its allegations or even having the decency to contact undersigned counsel to inquire if what it was about to file in the public record was accurate, the state filed its motion for protective order/motion for inquiry on the morning of June 27, 2013.

In its motion, the state comments on the length of the deposition and trial testimony of prosecution witness Rachel Jeantel which occurred before this Court on the afternoon of June 26, 2013 and on the morning of June 27, 2013.

The state alleges in its motion in paragraph (2),

Following her [Rachel Jeantel] trial testimony, which concluded on June 27, 2013, co-counsel apparently celebrated his performance. Co-counsel's daughter who was present (and has often been present) in court in the front row, was also

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present at the celebration and posted a photograph of that celebration on her instagram Internet account, containing a caption which included references to the "stupidity" of the witness and, in this murder trial, "dad killed it."

In paragraph (4), the state continues in its pleading,

Defense counsel's spokespersons have admitted that the posting was certainly "insensitive" (presumably meaning both racially and from an intellectual standpoint) and Co-counsel further admitted that he was "not. . . proud" about the posting of the photograph and caption, but that he intended simply to "move on."

The state also attached a photocopy of a screenshot in support of its thinly veiled allegation that undersigned counsel was guilty of some sort of misconduct before this Court and in support of its request for judicial inquiry.

Here's what actually happened, when it happened and what was actually said.

The metadata of the picture establishes that the picture was taken at 6:38 pm on Tuesday, June 25, 2013 in the drive through area of a fast food restaurant in Orange County, Florida. The tie I am wearing in the photo matches the tie I wore in court that day. To take the picture, I held my daughter's cell phone (since I had the longest arm) and snapped the picture. I never received a copy of the photo. The picture was intended to capture a private family moment and was never intended to be a comment on the trial or the testimony of any witness. **Indeed, the picture was taken the day before Rachel Jeantel testified.** The state had never announced when or even if she would testify.

Undersigned did not know that the picture would be released via social media and never authorized its release nor was aware of nor approved of any caption associated with it. On Friday, June 28, 2013 in the late afternoon I became aware of the Instagram posting. I was given a message during the testimony of prosecution witness Lin Folgate whereupon I left the

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courtroom and soon thereafter learned that my daughter had posted the photo with the offending caption.

As the Court is aware, this case is a lightning rod for controversy and it seems that anything that can become an excuse for intemperate rhetoric will, and soon the internet was ablaze with the photo and caption. After court recessed for the weekend, I authorized the release of the basic facts surrounding the photo to the media and apologized for my daughter's immature and insensitive behavior and confirmed that I did not approve of what had happened. The quote from me that seemed to be repeated most often was,

As parents, we're not always proud of the things our children do, but we love them anyway and try to move on.

Later on, I also made the following statement to a reporter to put the incident in its context:

Most days since this case began I stop for ice cream after court on the way home. It's a guilty pleasure and is well known by my family. I've been doing this as long as I can remember during trials. Earlier in the week I stopped for ice cream and two of my daughters were with me having attended the court proceedings. One of my daughters works out of town and we don't see each other very often. I stopped for ice cream and we decided to take a picture of us in the car with the cones as a memory. I held my daughter's cell phone as I had the longest arm. I never anticipated that the picture would be released via social media. It was not taken for any such purpose or in any way as a comment on anything having to do with the case. To me it was a private moment with my family. My daughter accepts responsibility for her immature and insensitive comment and apologizes for it.

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It's a shame that it has become a distraction to the trial, which is finally showing through the evidence what we've been saying for more than a year, George Zimmerman acted in self defense.

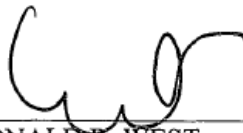
The story lost momentum when the mainstream media realized that the picture had been taken before Ms. Jeantel testified and that I had nothing to do with posting the photo and caption nor did I approve of it. While my daughter's act of posting the photo was inappropriate for many reasons, by Monday it was no longer getting much attention.

It distresses me that the state has now elected to resurrect this matter that had become a distraction to the trial. Now, has as a result of its irresponsible filing, this matter will again be featured in the public arena and will rekindle the animosity that has resulted in the threats of violence we received over the weekend--there have been a number of vicious threats posted online directed towards my family and I have personally received emails threatening rape and other violence should my family's personal information become known.

I concur in the state's request for inquiry. The Court should conduct an inquiry of the state.

WHEREFORE, the defendant urges this Honorable Court to conduct a judicial inquiry of the basis of the state's reckless, dangerous and inaccurate allegations.

Respectfully submitted,



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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 2nd day of July, 2013 to Bernie de la Rionda, Assistant State Attorney or John Guy, Assistant State Attorney, Office of the State Attorney, or Richard Mantei, Assistant State Attorney, 220 East Bay Street, Jacksonville, Florida 32202-3429.



DONALD R. WEST