



The Witness 8 Interviews: Crump, ABC and the Martins



Last week [I wrote about](#) the newly released [ABC recording](#) of a portion of Benjamin Crump's interview with Witness 8 on March 19, 2012 and said I would follow up with analysis. (In case ABC removes its link, Diwata Man has a copy [here](#). The audio of the Crump-Witness 8 interview, originally provided to the defense in May, as well as the so-called enhanced versions, broken down into 7 files in the 11th Supplemental Discovery, are available at [this link](#) at the defense website, [GZlegalcase.com](#).)

My analysis, written before the defense filed a [58 page motion with more than 10 exhibits](#) asking Judge Nelson to reconsider her denial of its motion to depose Benjamin Crump as a witness, turned out to be more than 10 typewritten pages. I tried several times to shorten

it, but have now decided just to post the whole thing. It's far too long to post in blog format, so I have converted it to pdf format.

First, to recap:

Benjamin Crump, attorney for Tracy and Sybrina Martin, interviewed Witness 8, Trayvon's phone friend, on March 19, 2012. The next day he called a press conference at which he played a short clip of Witness 8's statements. When George Zimmerman's lawyers sought to depose Crump about the circumstances of the interview, he retained counsel who requested the Court disallow the taking of his deposition. In support of the [motion](#), Crump submitted a 15 page affidavit (available [here](#)) describing the circumstances of the interview and the recording procedure used. He explained why only 14 minutes of the 30 minute interview were recorded, why the recording stops and starts, and why it was saved on his recorder in 7 separate files.

Crump also confirms in his affidavit that ABC's Matt Gutman and his assistant were present for the interview (as were Trayvon Martin's parents and other family members) and that Gutman may have brought his own recording equipment to the interview and recorded the interview..

In May, 2012, the state provided a redacted and unintelligible version of Crump's recorded interview with Witness 8 to the defense and media. It later provided the defense with an unredacted copy, which was also largely unintelligible. In December, 2012, the Court [ordered Crump](#) to bring the recorder to the FDLE office so FDLE could make a digital copy of the original recording.

The State shall provide a digitally pure disc containing a full and complete, unedited copy of the original, first generation Witness 8 interview with attorney Benjamin Crump to counsel for the Defendant on or before 12:00 noon on Friday, December 14, 2012.

The discovery disk provided as part of the 11th Supplemental discovery included a copy of the interview in its entirety and the 7 individual audio files. (Zimmerman's lawyers have made the recordings available on its website [here](#).) Early on, ABC had broadcast much clearer but very short segments of the interview in news reports. In December, the defense moved to subpoena all of ABC's recordings. ABC filed an objection. The matter was set for hearing, and then, due to scheduling issues, it was postponed. The matter has not been reset for hearing but no notice has been filed that it has been resolved.

Recent Developments Surrounding the Crump- Witness 8- ABC Recordings

Around February 28, 2013, while the motion for a subpoena of its recordings was (and presumably still is) pending, ABC News placed a previously unheard [5 minute segment](#) of Crump's interview with Witness 8 on its website. In the recording, Witness 8 describes her final conversations with Trayvon and her perception of events during his encounter with George Zimmerman. Why this is important: The conversation between Crump and Witness 8 contained in the ABC recording is missing from the recording the FDLE recently took off Crump's recorder and provided to the defense.

The conundrum: Mr. Crump represented to the court in his affidavit that except for his preliminary conversation with Witness 8, during which he had instructed her not to discuss the substance of anything she might have heard during her conversation with Trayvon on February 26, 2012, his recording contained every substantive statement she made to him about her conversations with Trayvon that day, as well as what she overheard and perceived.

Crump's affidavit states:

“To the best of my knowledge, while the Recording does not include the Preliminary Inquiry, it contains every substantive statement that Witness 8 ever made to me in regard to her conversations with Trayvon on February 26, 2012, what she heard or might have overheard during the course of those conversations, and what she perceived or might have been in a position to perceive as a result of those conversations, as well as every other substantive statement that Witness 8 ever made to me that could have a tendency to prove or disprove a material fact potentially at issue in the Litigation or the instant case....”

“.... At no time did I -or, for that matter, anyone else to my knowledge -ever use the Recorder's erase function in connection with the Recording or, more generally, otherwise delete, remove, edit, alter or spoliage any portion of the Recording. For better or worse, the Recording on the Recorder is the true and correct original and unedited recording that I made of the Interview.”

But Crump's recording is missing substantive statements Witness 8 made to Crump about her conversations with Trayvon. In the ABC recording, Witness 8 tells Crump about her conversations with Trayvon as he walked to the store and left the store. It includes her explaining to Crump that Trayvon told her a man was following him, it was raining, he put his jacket on, he thought he lost the man, he ran from the back and almost got to his father's

house. It includes her telling Crump she heard Trayvon ask the man, "What are you following me for?" after which she heard the man say ["What are you talking about?"](#) (later changed to "What are you doing around here?") and providing her conclusion that the headset fell off and someone must have shoved Trayvon. She explains the phone went dead.

At the very end of the ABC clip, Crump tells Witness 8 he wants her to stop and start over, beginning with when Trayvon said "I thought I lost him" and Trayvon said he was going to run home. He says, "I want you to start over, 1, 2, 3." She dutifully begins with "Trayvon had run for it" as the ABC clip ends. All of these substantive statements relevant to the criminal charges are missing from the recording taken directly from Crump's recorder and provided by the state to the defense -- except for the last statement, where Witness 8 starts the do-over with "Trayvon had run for it." Crump's clip # 3 begins with her saying, "Trayvon had run for it."

The Question for Crump

In his affidavit, Crump says there were two parts to his interview with Witness 8: a preliminary interview he did not record and then, what he considers to be the actual interview, which he did record. He states there was no discussion of her Feb. 26 phone calls with Trayvon or events related to Trayvon's encounter with Zimmerman or the shooting during the unrecorded preliminary interview. He also maintains that the recorded portion of his interview of Witness 8 contains all of her substantive statements addressing these topics. If both of those were true, his recording would not be missing Witness 8's explanation of her calls with Trayvon and rendition of events leading up to the shooting that are contained in the ABC recording. How does he reconcile this discrepancy?

These are not periods of silence or a discussion of non-substantive matters. Around 2 minutes into the ABC conversation, and for the next 3 minutes, Witness 8 describes in detail for Crump what happened from 6:00 pm when Trayvon left for the store, up to and including the verbal exchange between Trayvon and Zimmerman and the phone going dead.

For a visual of the missing part of Crump's recording, [here's a screen grab](#) I took of the audio properties of the version of the entire call provided by the state in the 11th supplemental discovery. The white space showing no recording roughly corresponds to the end of Crump's second clip when Crump announces he's turning the recorder off, and the beginning of Crump's third clip, which begins where Gutman's version ends, with Witness

8 saying, "Trayvon had run for it." A smaller version is below:



Here are what I think are the [key portions of Crump's affidavit](#). If you can, read them now, as they put the remainder of this post in context.

Perhaps Mr. Crump has a perfectly legitimate explanation for why 5 minutes of his conversation with Witness 8 which was recorded by ABC, including 2-3 minutes that directly pertain to the critical issues in this case, are missing from his recording. But he certainly has some explaining to do.

Due to the difficulty hearing Witness 8, Crump would stop the recorder, end the call, take someone else's phone, call the witness back, and re-start his recorder, hoping that a different phone would have a clearer speaker. At the end of Crump's Tape Segment 2, you can hear the family, Gutman or his assistant and Crump discuss not being able to hear Witness 8. Gutman (or his assistant) were actively involved in this discussion. At one point, either Gutman or his assistant suggests to Crump that they ask Witness 8 if she has a landline they can call her back on, but Crump dismisses the suggestion. Instead, he calls her back using another phone.

Perhaps at this juncture, the end of tape 2, he used Gutman's phone to call her back. Gutman's phone may have had an internal recording device, which he activated before giving it to Crump. If so, and Crump forgot to re-press the record button on his recorder, or mistakenly assumed he had pressed it, Gutman's phone could have recorded for five minutes while Crump's recorder did not. (I don't doubt Gutman also brought other recording equipment to record the conversation, but it seems to me from the quality of the ABC clip, that this came from Gutman's phone.) Interestingly, Crump says in his affidavit that to this day he doesn't know if Gutman actually recorded anything. (Footnote 5 of the Affidavit.)

Thus, Crump may attempt to excuse his failure to record the five minute segment of his interview with Witness 8 that was recorded by Gutman by claiming he simply forgot to press the record button on his device when he called her back using another phone, or that he thought he had pressed it, and was simply mistaken.

But that still leaves a big question about his claim in his Affidavit that he doesn't believe any substantive statements of Witness 8 are missing from his recording:

“For better or worse, the Recording on the Recorder is the true and correct original and unedited recording that I made of the Interview.

...To the extent Witness 8 may have made any other statements - whether or not arguably relevant, legally discoverable or otherwise - that are not contained within the Recording but that I was potentially in a position to hear or understand during the Interview, apart from what was said during the Preliminary Inquiry, I have no recollection as to the substance or content of any such statements.”

I have a hard time buying Crump's lack of recollection of the many substantive statements of Witness 8 that are not included on his recording. Some of the statements, which are on the ABC recording but missing from his recorder, are quite memorable.

For example, at 3:20, Witness 8 says Zimmerman's response to Trayvon's question, “What are you following me for?” was “What are you talking about?” (audio clip [here](#)) not “What are you doing around here?”

In other words, the first time she tells the story to Crump there is no demand by Zimmerman that Trayvon account for his presence in the neighborhood. Crump immediately stops her, and not only asks her to repeat what Zimmerman said, but reminds her she had told Tracy and Sybrina earlier that Zimmerman had responded, “What are you doing in here?” Witness 8 dutifully complies, and repeats what she heard Zimmerman say, changing it from “What are you talking about?” to “What are you doing around here?”

I think her first version, in which Zimmerman responds to Trayvon's question by asking “What are you talking about?” is pretty close to what Zimmerman told Detectives Serino and Singleton the night of the shooting.

From the Serino 2/26-27 interview (just after midnight):

Investigator Serino: What did he say to you?

George Zimmerman: When he came up to me, he said you got a problem? And I said no. And then I went to reach for my phone, to find my phone to call 911 instead of a non-emergency.

Investigator Serino: Okay.

George Zimmerman: And then he punched me, and he said do you have a

problem now, and he punched me in the face.

From Detective Singleton's 2/26 interview:

George Zimmerman: So, I was walking back through to where my car was and he jumped out from the bushes and he said, "What the f**k's your problem, homey?" and I got my cell phone out to call 911 this time.

Investigator Singleton: Mmhmm.

George Zimmerman: And I said, "Hey man, I don't have a problem," and he goes, "No, now you have a problem," and he punched me in the nose. At that point, I fell down, uh, I tried to defend myself. He just started punching me in the face and, uh, I started screaming for help. I couldn't see. I couldn't breathe.

It sounds to me like both George and Witness 8 were providing a shorthand version of something that went like:

TM: "What are you following me for?"

GZ: "What are you talking about?"

TM: You got a problem?

GZ: No, I don't have a problem."

After which, according to George, Trayvon punches him in the nose and says "You got a problem now." Trayvon may have pulled his earbud out of his ear before punching Zimmerman so he could concentrate on the encounter, or to be able to hear Zimmerman's response, or the earbud may have fallen out as he leaned in for the punch. Any of these would account for Witness 8 not hearing a punch, screaming or anything at all after their verbal exchange.

My point is that Crump would have picked up on the difference between "What are you talking about?" and "What are you doing around here?" He didn't just ask her to repeat what George said, he reminded her she had told it differently to Tracy and Sybrina. How likely is it that Crump has no recollection of this? His entire strategy at that time was to cause an arrest by showing that Zimmerman followed Trayvon, and then, demanded Trayvon account for his presence because Zimmerman thought, based on his race or clothing, he didn't seem to belong in the neighborhood. If Zimmerman had responded with "What are you talking about?" as Witness 8 first said, that shows confusion on the part of Zimmerman, and perhaps an attempt to de-escalate Trayvon's agitation, which significantly detracts from Crump's narrative. How likely is it he would he not recall that exchange?

The Martins (Sybrina Fulton and Tracy Martin)

On a related note, the Martins may have their own explaining to do. During individual interviews with the prosecutor on April 2, 2012, they each told the states' attorney that they had spoken with Witness 8, but did not discuss details of her final conversations with Trayvon.

Crump says differently in the recording ABC made of the interview. When he asks Witness 8 to tell him "like you told Mr. Tracy and Ms. Sybrina" how she heard Zimmerman say, during her last conversation with Trayvon, "What are you doing in here?" he's clearly acknowledging that, contrary to what the Martins told the prosecutor on April 2, the Martins and Witness 8 had discussed the details of her last call with Trayvon prior to both Crump's March 19 interview and the prosecutor's April 2 interview.

It's evident Tracy and Sybrina played a significant role in the March 19 interview, because Crump says, when they are discussing difficulties with the phones in the ABC clip, "G-d bless Tracy and Sybrina for getting us this far." I think Crump may have been so nonplussed by Witness 8's first rendition of how Zimmerman responded to Trayvon's question, that in coaching her back to the version he expected to hear, he unwittingly threw his clients under the bus.

According to Crump's and ABC's recordings, it was the Martins who convinced Witness 8 (and likely her mother) to agree to the interview with Crump. It also sounds like it was Sybrina who told Crump about Witness 8 going to the hospital. In her April 2 interview with the prosecutor, [in the same paragraph](#) in which she denies that she and Witness 8 discussed the details of Witness 8's and Trayvon's conversations the night of the shooting, she says Witness 8 told her she missed the wake because she was so upset she had to go to the hospital. When interviewing Witness 8, Crump says to her, "I understand you had to go to the hospital." How would Crump have known that before she told him? The likely answer, in my view, is he heard it from Sybrina. (According to Sybrina, Witness 8 also told her she "had feelings" for Trayvon. She likely passed this along to Crump, who then spun it into Romeo and Juliet a day later for the media.)

I'm now questioning the timing of the discovery of Witness 8. According to Crump's March 20 news conference and Tracy Martin's April 2 interview with the prosecutor, [Tracy was looking through phone records](#) on Sunday, March 18, when he saw someone had been on the phone with Trayvon minutes before the shooting. So he called the number and reached Witness 8. He told her his lawyer would be calling her. He called Crump Sunday night to tell

him about the discovery. Neither of them knew Witness 8, and Sybrina told prosecutors she had [first heard her name around Christmas](#). (It also doesn't sound like they knew her mother.)

Witness 8 told the prosecutor she has known Trayvon since kindergarten, when he and his best friend would come to her house. I think that means they lived very close to each other, possibly even in the same apartment building, since kindergartners don't drive or navigate city streets on their own. But since Crump says he didn't know Witness 8's last name when he interviewed her, it's likely Sybrina and Tracy didn't either, or they would have told him what it was. If the Martins didn't know Witness 8's last name, it's just as likely they didn't know her mother. Also, Sybrina's description of her conversation with Witness 8's mother sounds accusatory, like a conversation between strangers. (Your daughter needs to talk to the police.)

I can't imagine a lawyer taking an interview from a witness without asking her full name. Especially a witness that the lawyer hopes will contradict the defense claims and pave the way for an arrest and a civil case. It's laughable that Crump referred to Witness 8's statement as an "oral affidavit" when speaking to a CNN legal analyst just before the March 20 press conference, if he didn't even know her name. (Not to mention that the statement was not an affidavit since it wasn't provided under oath or penalty of perjury.) Crump also claimed Witness 8 was a minor and her parents provided consent, both to the interview and the media's presence during it. Did he not obtain their full names either? Did he take the word of a woman who came on the phone and identified herself only by first name or as "so and so's mother?"

Assuming Crump is telling the truth that he didn't know Witness 8's last name, and that the Martins had never spoken with her before Tracy found her phone number in his phone records, how likely is it that within 24 hours, all of the following are accomplished: Sybrina and Tracy get Witness 8 and her mother, neither of whom they knew, to agree to an interview with Crump, despite the concerns of Witness 8's mother's for her daughter's privacy; Witness 8 visits Sybrina at her home and tells her about missing the wake because she was in the hospital; Crump clears his calendar to get from Tallahassee or Sanford or wherever he was to Miami to conduct the interview the next day; Crump arranges for ABC to be present for the interview; he convinces Witness 8's mother, who earlier in the 24 hour period didn't want her daughter talking to the police, let alone the media, to allow the media to be present for the interview; and he arranges to hold a press conference announcing Witness 8 at his friends' law office in Fort Lauderdale.

Of course it's possible, but it all sounds very rushed to me. I think it is more likely Tracy

discovered Witness 8 before the 18th, possibly through phone records provided by Crump's investigator, and that Witness 8's conversion from a person who had told no one about her connection to Trayvon that night, including the police, to a person ready to disclose all during an interview in the presence of the media, took well more than 24 hours.

All this makes me wonder, just how many hours did the Martins spend trying to convince Witness 8 and her mother to join their team? How much of what Witness 8 told Crump on March 19 was fed to her by the Martins? Was she made to feel embarrassed or guilty? That she owed it to Trayvon, that it was her duty to talk to Crump, or it would be a betrayal of some sort if she didn't step forward to defend Trayvon's honor and help get Zimmerman arrested? Did they convince her that this was about race?

I sense it's a combination of all of these. Witness 8 told the prosecutor she felt guilty. When asked why, she didn't provide a very coherent response. Her answer included: (1) she "didn't know"; (2) she had been on the phone with him, and (3) Trayvon would never hit anyone. My translation: She's trying to express she feels guilty about not coming forward sooner, because if she had told police the man was following Trayvon and that Trayvon would never hit anyone, Zimmerman might have been arrested early on, and all the turmoil could have been avoided.

The prosecutor's April 2 interview of Witness 8 took place at Sybrina Fulton's residence. Although she agreed to the interview, she didn't show up. The police located her somewhere in Broward County, and drove her to Sybrina's house. Did she initially agree to the interview with the prosecutor because she felt pressured by the Martins? Did she later in the day have second thoughts about telling her story again, this time to a prosecutor, because she knew portions were untrue?

During her interview by Crump, Witness 8 says she was shocked to learn what happened to Trayvon. "I just couldn't believe it." She says she was shocked to learn she was one of the last persons to speak with him. In explaining she was too sick to go to the wake on the Friday after Trayvon died, she says she stayed home from school Friday, her mother came and took her to the hospital at 2:00 pm (presumably the next day), and she spent the night in the hospital. (Two weeks later, a cousin of Trayvon Martin, Ronquavis Fulton, went on national TV and said he was [introduced to Witness 8 at the funeral](#) on Saturday. Short video clip [here](#).)

When did she learn what happened to Trayvon? In Segment 5 of Crump's recording, she says that Trayvon told her he was coming back to Miami on Monday with his father and going to school the next day, which is when she found out he was dead. (Clip [here](#).) At

another point, it sounds to me like she is saying she thought he was going to meet her at school the next day. (clip [here](#).) Obviously, he didn't meet her at school.

If she learned Trayvon was dead on Monday or Tuesday, and was able to go to school Weds and Thurs, her illness on Friday wasn't from the shock of learning Trayvon was dead or that she had been the last person to speak with him. (Not only were the circumstances of his death broadcast on TV on Monday, but Trayvon's friends and relatives were tweeting about how it occurred. Upon learning Trayvon died during the encounter she had partially overheard, how could she not realize she was the last person to speak with him?)

Why would she would lie about going to the hospital? It seems that she first told the hospital lie to Sybrina Fulton, probably during the visit to Sybrina's apartment in March. Maybe Sybrina mentioned not seeing her at the wake, and feeling embarrassed, Witness 8 made up the excuse of being in the hospital. And felt she had to stick to it when Crump said to her, "I understand you were so upset by what happened you had to go the hospital." And stick to it again a few weeks later when asked by the prosecutor whether she missed the wake because she was sick and had to go "to the hospital or somewhere,"

Witness 8 sounds like someone who is easily manipulated and when challenged, will say people want her to say or make things up. She changed her answer about what Zimmerman said to Trayvon when reminded by Crump she had said something different to Tracy and Sybrina; she let Crump tell her what happened and agreed with it; she lied to Trayvon's mother, Crump and the prosecutor about the hospital. She went along with whoever misstated her age as 16 instead of 18, until asked directly by the prosecutor. (I suspect this was at her mother's urging. Crump said her mother wanted to protect her privacy, and perhaps she thought juvenile status would protect her from public disclosure or prevent her from being questioned by others. Another possibility is she lied to Sybrina about her age, feeling self-conscious that she was older than Trayvon.) Regardless, Crump was so anxious to push the minor child angle for Witness 8 that he [mentioned she is a minor 7 times](#) at his 3/20 press conference.

Crump: Aggressive Advocate, Manipulator or Fabricator?

I don't think Crump lied. I do think, and this is just my opinion, he's a manipulator who plays fast and loose with the facts without doing adequate investigation. Examples: He interviews a witness without knowing her name or her age or her relationship to Trayvon, and tells the media he has an "oral affidavit" from the witness. When he was informed by his client that the witness had romantic feeling for Trayvon, without having knowledge of how Trayvon felt about her, he portrays them as star-crossed lovers. Without verifying her age, he tells the

media she's a minor (Again, [seven times in one interview](#)). He takes the witness' word for it that she went to the hospital, and tells the media she was so traumatized by Trayvon's death, she had to seek medical assistance and spend the night in the hospital, missing the wake.

Crump talks to this most important witness for all of 30 minutes, repeatedly coaching her and rephrasing her words. At one point he asks her to agree with his choice of words. Then, without knowing her last name and without verifying her age, when he's satisfied that her truth and his truth are the same, he calls a press conference to tell the media that this witness "blows" Zimmerman's defense "out of the water."

Witness 8's Credibility

Before getting to Witness 8's lie to Crump and misrepresentation to the prosecutor about missing the wake because she was in the hospital or somewhere, there's another problem with Witness 8's credibility that warrants mention. How much of her story is based on her independent memory, as opposed to a blending of her memory of events with what she later learned from the media, the Martins and Crump? The same problems that plague eyewitness identification testimony are evident here. Her recollection of events as provided to Crump and the prosecutor, weeks and months after the fact, is a composite memory, made up of what she remembers hearing on the phone, matters within her personal knowledge, and matters not within her personal knowledge, which she later learned from the media, Trayvon's friends and the Martins.

A small example: She never mentions a mail area to Crump when describing how Trayvon stayed under a covered place while it was raining. She calls it a "plaza" and then a "shade." Presumably, she'd never been to the Retreat at Twin Lakes. It seems it was only after the media published maps of the complex and broadcast walking tours through it, that she came to describe the sheltered place to the prosecutor as a mail area.

As to Witness 8's recorded interviews with Crump and the prosecutor, I recognize that the evidence at trial will be her live testimony before the jury, not the recorded interviews in their entirety. Generally, the only statements in her prior interviews the jury will hear are those admitted for impeachment purposes. Even so, I think her credibility is tarnished.

While her lie about the hospital may not be directly related to her version of events the night Zimmerman was attacked and Trayvon was shot, it shows she lied to the prosecutor, Crump and Sybrina Fulton. The jury will learn she told a lie, not once, but three times. The jury is bound to wonder, was she lying then, or is she lying now?

During her sworn interview with the prosecutor, she was asked directly whether she told Crump the truth when he interviewed her. There is no audible response on the recording that I can hear. If she gave one, it certainly wasn't a clear one, because the prosecutor immediately asks her whether she remembered being interviewed by Crump. Had she affirmed she told Crump the truth, or even nodded her assent, that question would make no sense.

But whether she responded she told Crump the truth, nodded her assent or refused to answer, clearly this was her opportunity to admit to the prosecutor she lied to Crump about the hospital, volunteer why she fabricated the hospital story to both Crump and Sybrina Fulton, and perhaps salvage some credibility. Instead, she either lied again, this time under oath, or remained silent and failed to disclose that she lied to Crump. If she lied to Crump about the hospital, and didn't come forward with the truth to the prosecutor when questioned under oath, what juror won't wonder, after hearing her trial testimony, what else she is lying about?