

CNN NEWSROOM
George Zimmerman Bond Hearing
Aired April 20, 2012 - 09:00 ET

(BEGIN LIVE FEED)

JUDGE KENNETH LESTER, JR., FLORIDA CIRCUIT COURT: Good morning. Let's call case number 2012-1083, State of Florida versus George Zimmerman. Interested parties, please announce your presence.

BERNIE DE LA RIONDA, ASSISTANT STATE ATTORNEY: Bernie de la Rionda, on behalf of the state of Florida.

UNIDENTIFIED MALE: John (INAUDIBLE), on behalf of the state of Florida.

ANGELA COREY, FLORIDA SPECIAL ATTORNEY: Angela Corey, state of Florida.

MARK O'MARA, GEORGE ZIMMERMAN'S ATTORNEY: Good morning. I'm Mark O'Mara on behalf of Mr. Zimmerman. You see him to my left.

LESTER: Thank you. Any preliminary matters we need to take up before we start the bond hearing? State?

UNIDENTIFIED MALE: No, sir.

LESTER: Defense?

O'MARA: No, your honor.

LESTER: Is the state ready to go forward?

O'MARA: Yes, sir.

LESTER: Defense ready to go forward?

UNIDENTIFIED MALE: Yes, we are, your honor.

LESTER: You may proceed.

O'MARA: My motion of bond, your honor, I can present a quick opening but we can also go right to witness testimony. The opening is my client has been charged with second-degree murder by an information filed by the State Attorney's Office. The evidence that's before you today is a

probable cause affidavit. I know of no other evidence that the court is presently able to consider unless the state decides to present additional evidence.

If in fact the court is going to consider any of that probable cause affidavit, the part of my presentation will be review of that affidavit and raising what concerns I think may exist and the state may then respond to that.

Before we get to that point, however, we do have some family witnesses that I would like to call. We had talked to you yesterday about how to accomplish that. I believe the court has that number. Obviously a concern of reference to you yesterday maintains and through today is the concern over safety. And I'm assuming and hopeful that the process of getting ahold of the witnesses can be done in a secure way.

LESTER: OK.

O'MARA: I believe you have the telephone number. They are available to begin whenever you are.

LESTER: However you want to begin. Do you want me to call those witnesses first?

O'MARA: I didn't know if the state wanted to respond to what I just said or --

UNIDENTIFIED MALE: I'll be glad to respond at the end, Judge.

O'MARA: That would be great.

LESTER: OK, thank you.

O'MARA: If you would then call those witnesses, Your Honor, I mean as we're doing that -- pleasure doing that, Your Honor, if I might, this is my client's current passport. The only passport that he has. It does expire May of 2012 but didn't want to acknowledge this and surrender to the court at this time.

LESTER: Thank you.

UNIDENTIFIED FEMALE: Hello?

LESTER: Hello. This is Judge Lester.

UNIDENTIFIED FEMALE: Hi, Judge.

LESTER: Mr. O'Mara?

O'MARA: Hi, ma'am. Hey, ma'am, can you hear me?

UNIDENTIFIED FEMALE: I can hear you slightly.

O'MARA: Well, may I move --

(CROSSTALK)

UNIDENTIFIED FEMALE: OK.

UNIDENTIFIED MALE: We got plenty of room.

(CROSSTALK)

LESTER: Try that.

O'MARA: Let me try that. Ma'am, can you hear me?

ZIMMERMAN: I can hear you just from a distance. I can hear you though.

O'MARA: Great. Thank you. If at any time during these proceedings you and I ask that you tell everybody else have problems hearing any of the questions throughout this, we're going to presume that everyone can hear us unless you let us know and you're on speaker phone so there may be difficulty because there's always a bit of a delay. Did you understand that?

SHELLIE NICOLE ZIMMERMAN, GEORGE ZIMMERMAN'S WIFE: Yes, I do.

O'MARA: Great. And who am I speaking to?

S. ZIMMERMAN: My name is Shellie Nicole Zimmerman.

O'MARA: And your relation to George Zimmerman?

S. ZIMMERMAN: I am his wife.

O'MARA: Thank you. My understanding is you have a notary public present with you, is that true?

S. ZIMMERMAN: Yes, I do.

O'MARA: May I speak with him or her?

S. ZIMMERMAN: Yes, you may. One second.

LEANNE GALLEGO, NOTARY PUBLIC: Good morning.

O'MARA: Good morning. Ma'am, would you state your name?

GALLEGO: Leanera Gallego.

O'MARA: I'm sorry, will you spell that?

GALLEGO: L-E-A-N-E-R-A. Last name is G-A-L-L-E-G-O.

O'MARA: Great. Thank you. And are you a notary public in the state of Florida?

GALLEGO: Yes, I am. Commissioner number EE-32919.

O'MARA: And how long is that valid for?

GALLEGO: It expires September 7th, 2014.

O'MARA: Great. Have you administered oaths in the past?

GALLEGO: Yes, I have.

O'MARA: OK. What I'd like you to do, I understand there are a number of witnesses present with you, is that correct?

GALLEGO: Correct.

O'MARA: We have what's called a rule of sequestration of witnesses. Basically that means that only the witness who was testifying, we're going to have you (INAUDIBLE), we're going to have you swear in. Only that witness is on the phone testifying and can be in earshot. It's an act of duty but I ask you to take on the duty of securing the fact that all of the other witnesses are out of earshot so that they cannot hear the testimony of the witness speaking.

GALLEGO: OK.

O'MARA: Can you do that?

GALLEGO: Yes.

O'MARA: OK. What I would like you to do is remove everyone but Shellie Zimmerman who first spoke to us from being within earshot and I'm going to ask that you further swear her in to tell the truth.

GALLEGO: One moment. (INAUDIBLE)

O'MARA: (INAUDIBLE) than I do but (INAUDIBLE) identify her by name and she swears to tell the truth, the whole truth and nothing but the truth, so help her God.

GALLEGO: Let me place her on the phone for you.

S. ZIMMERMAN: Yes, I do.

O'MARA: I'm sorry. If you can do that in a way where the court can hear you, we would appreciate it. We didn't hear you give the oath.

GALLEGO: OK. OK. Would you state the name for the court to hear please?

S. ZIMMERMAN: Shellie Nicole Zimmerman.

GALLEGO: And do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

S. ZIMMERMAN: Yes, I do.

LESTER: You may inquire.

O'MARA: If I might, Your Honor. Again, ma'am, state your name.

S. ZIMMERMAN: Shellie Zimmerman.

O'MARA: And how are you related to George Zimmerman?

S. ZIMMERMAN: He is my husband. I'm his wife.

O'MARA: And how long have you been married?

S. ZIMMERMAN: Almost five years this year.

O'MARA: And have you lived in central Florida longer than the five years you've been married to George?

S. ZIMMERMAN: Yes, I have.

O'MARA: How long have you lived in central Florida?

S. ZIMMERMAN: I've lived in central Florida my entire life. I was born here.

O'MARA: Do you know how long George, your husband, has lived in central Florida?

S. ZIMMERMAN: He has lived in central Florida since -- probably eight years.

O'MARA: And has that residence here in the state of Florida been consistent, meaning he's lived in no other place but central Florida?

S. ZIMMERMAN: Yes, that's true.

O'MARA: And you understand that we're here seeking a bond so that George can be released while this case is pending, correct?

S. ZIMMERMAN: Yes, I understand.

O'MARA: One concern is that George, Mr. Zimmerman, appear back when this trial is called. Do you understand that concern?

S. ZIMMERMAN: I'm sorry, could you rephrase that?

O'MARA: You understand that one concern the court would have and reason for setting a bond is simply to make sure that George Zimmerman comes back when he's supposed to come to trial and other court proceedings.

S. ZIMMERMAN: Yes, I do.

O'MARA: OK. Would you take on the affirmative obligation to this court here today to do everything -- anything that is in your power and control to guarantee the court that George will come back to court for necessary court proceedings and for trial?

S. ZIMMERMAN: Absolutely I will.

O'MARA: Further, would you take on the affirmative obligation or responsibility to advise the court should you lose contact or touch with your husband, George?

S. ZIMMERMAN: Absolutely I will.

O'MARA: Even though that would be in effect you telling the court that he might be in violation of a bond condition?

S. ZIMMERMAN: Yes.

O'MARA: Another condition or another concern the court would have is a bond amount. I would ask you then realizing that one option is for the court to grant a monetary bond, if you could advise the court of your financial circumstances so I'll ask you a couple of questions.

Are you working presently?

S. ZIMMERMAN: No, I'm not.

O'MARA: And how do you -- what do you do with your time?

S. ZIMMERMAN: I am a nursing student.

O'MARA: OK. Is that a full-time endeavor presently? S. ZIMMERMAN: Yes, it is.

O'MARA: OK. How long have you been doing that?

S. ZIMMERMAN: Well, I am four weeks away from my graduation.

O'MARA: OK. So you're not earning any income presently?

S. ZIMMERMAN: Correct.

O'MARA: Do you own the home that you live or lived in?

S. ZIMMERMAN: No, sir.

O'MARA: Other major assets that you have which you can liquidate reasonably to assist in coming up with money for a bond?

S. ZIMMERMAN: None that I know of.

O'MARA: I discussed with you the pending motion to have your husband, George, declared indigent for cost, have I not?

S. ZIMMERMAN: Yes, you have.

O'MARA: Are you of any financial means where you could assist in those costs?

S. ZIMMERMAN: Not that I'm aware of.

O'MARA: I understand that you do have other family members present with you and I'll ask them questions of them but have you had discussions with them of at least trying to pool together some funds to accomplish a bond?

S. ZIMMERMAN: We have discussed that, trying to pull together the numbers of the family to scrape up anything that we possibly can.

O'MARA: Okay. The court may also require that George be released on certain conditions of reporting for example or of having a device which can identify his whereabouts. If that is a condition, would you further guarantee to the court that you will assist George in maintaining those conditions?

S. ZIMMERMAN: Yes, I will.

O'MARA: And would you further take on the affirmative responsibility of advising the court should he violate any of those conditions?

S. ZIMMERMAN: Absolutely, I will.

O'MARA: In our previous discussions, you have evidence of a concern both for your safety and that of your husband's. Is that correct?

S. ZIMMERMAN: That's correct.

O'MARA: Is it that concern that led you to request that this testimony be presented by telephone.

S. ZIMMERMAN: That's correct.

O'MARA: Are other family members similarly concerned?

S. ZIMMERMAN: Yes, they are.

O'MARA: Realizing that concern, are you asking that the court should be allowed him out on bond, keep the location of his potential release point and where he would be staying strictly confidential?

S. ZIMMERMAN: Yes. I believe that needs to happen.

O'MARA: Realizing that additional condition to the court, will you keep in touch with the court, with myself, with the state, concerning any anticipated changes in George's location?

S. ZIMMERMAN: Yes, I will.

O'MARA: And again take on the appropriate responsibility beyond that which you have as his wife to do that to the court even though it may in fact be detrimental to George or a violation of his conditions of release?

S. ZIMMERMAN: I will.

O'MARA: And you are going to tell the court that's listening to you that you take on that responsibility, correct?

S. ZIMMERMAN: Absolutely, I do.

O'MARA: Aside from the fear concerns that you have for George's safety and the family's safety, do you believe that George is a danger to the community?

S. ZIMMERMAN: No, I do not.

O'MARA: Do you have any concerns in that regard?

S. ZIMMERMAN: No concern whatsoever.

O'MARA: A moment, your honor.

JUDGE KENNETH LESTER, JR.: Take your time.

(INAUDIBLE)

O'MARA: I have no further questions in this witness.

BERNIE DE LA RIONDA, PROSECUTOR: Ma'am, can you hear me from there? I've got a pretty loud voice, or I can get up closer.

S. ZIMMERMAN: I can hear you okay.

DE LA RIONDA: Okay. My name is Bernie de la Rionda, just to introduce myself since we can't see each other.

Let me start off at the very end. You stated that you don't believe your husband is a danger to community. Is that correct?

S. ZIMMERMAN: That is correct.

DE LA RIONDA: You are aware of what he's been charged with, that is second degree murder. Correct?

S. ZIMMERMAN: Yes, I'm aware of that.

DE LA RIONDA: That is a crime of violence. Would you not agree?

S. ZIMMERMAN: I'm sorry. I couldn't hear that last part.

DE LA RIONDA: That is a crime of violence. Would you not agree?

S. ZIMMERMAN: I agree.

DE LA RIONDA: OK. May I reposition yourself?

And ma'am, would you not agree that your husband had a violent history?

S. ZIMMERMAN: No, I do not agree with that.

DE LA RIONDA: So, were you not aware when he got arrested for a violent crime in Orange County?

S. ZIMMERMAN: I'm aware of that situation.

DE LA RIONDA: And did that not involve him striking or in some way battering a law enforcement officer?

S. ZIMMERMAN: No.

DE LA RIONDA: Did you talk to him about it?

S. ZIMMERMAN: Yes, I have.

DE LA RIONDA: Did he tell you that he was arrested and charged with various crimes, battery to a law enforcement officer and obstructing justice?

S. ZIMMERMAN: Yes, he has informed me of those charges.

DE LA RIONDA: Were you aware that he was allowed to plead a misdemeanor and attend a pretrial intervention program?

S. ZIMMERMAN: I'm aware of that.

DE LA RIONDA: Did you read the arrest document to that charge, ma'am?

S. ZIMMERMAN: No.

DE LA RIONDA: Were you aware that he was in a place when he was asked where they were trying to do something to someone else. You honor, for the record, I would like to introduce that into evidence if I may since I'm going to be referring to it.

LESTER: Defense?

O'MARA: It's certainly hearsay, your honor, though I understand there's a certain limitation. I haven't seen it yet. So I'd like to have an opportunity to review it and then look forward to examination in this regard.

UNIDENTIFIED MALE: Admitted state's exhibit 1.

DE LA RIONDA: Ma'am, I provided the actual arrest document to the court and also to defense counsel. But I want to read to you a pertinent part. It states the officer to the affidavit, the arrest warrant -- I'm sorry, the actual arrest warrant states, "I identified myself as a state police officer and showed Zimmerman my badge and asked him to leave the area. He stated, 'I don't care who you are.' I again asked Zimmerman to leave. He stated the F-word and he said you. At that time I attempted to escort Zimmerman from the interview room and he shrugged away from me and pushed my arms away with his hands. After a short struggle he was placed in handcuffs and detained."

Did you discuss that battle with your husband, ma'am?

S. ZIMMERMAN: Yes, I did.

DE LA RIONDA: Did he tell you it was a misunderstanding or an accident?

S. ZIMMERMAN: No, he didn't say it was an accident.

DE LA RIONDA: He admitted that he struck a police officer when the police officer told him to abide by his commands?

S. ZIMMERMAN: The police officer didn't identify himself.

DE LA RIONDA: OK. You would agree that shows that -- the year of that was 2005. You would agree that shows prior violence on the part of Mr. Zimmerman, your husband?

S. ZIMMERMAN: No, I don't.

DE LA RIONDA: OK.

And were you also aware of a prior incident that Mr. Zimmerman had in which a lady by the name of Veronica and her last name is Zuazo, (INAUDIBLE) where she filed an injunction against Mr. Zimmerman because of his violence?

S. ZIMMERMAN: I'm aware of the injunction.

DE LA RIONDA: OK.

Were you aware that in that injunction -- and your honor I would also at this point since I'm going to refer to it say that --

LESTER: What says the defense?

O'MARA: Same objection, your honor. Distant in time and certainly hearsay.

UNIDENTIFIED MALE: Thanks.

DE LA RIONDA: Were you aware -- so Mr. Zimmerman told you (INAUDIBLE) with Ms. Zuazo?

S. ZIMMERMAN: Yes, he did.

DE LA RIONDA: In which she alleged in this affidavit that Mr. Zimmerman pushed him -- pushed her, excuse me, and then he with his open hand smacked her in the mouth and asked her how it felt?

S. ZIMMERMAN: No, I'm not aware of that.

DE LA RIONDA: OK. He then -- I'm sorry. I'm referencing (INAUDIBLE) since the court has,

I'm going just to refer to parts of it.

UNIDENTIFIED MALE: That's fine.

DE LA RIONDA: He picked me up and threw me on the bed. Got up to leave and he grabbed me again -- and put her on the bed. You weren't aware of that incident?

S. ZIMMERMAN: I am aware he had to protect himself from being attacked from her and there was blood drawn on him from her and he also filed an injunction against her.

DE LA RIONDA: That is correct. He did file an injunction against her, correct?

S. ZIMMERMAN: That is correct.

DE LA RIONDA: Now, so despite those two incidents, the prior arrest involving a law enforcement officer and the incident involving the injunction, you still assess or determine or tell the court that he is not a violent person or a threat to the community?

S. ZIMMERMAN: Absolutely, he is not a violent person, nor a threat to the community.

DE LA RIONDA: All right. Let me just start at the very beginning of your testimony. You stated that you have been married for how long with Mr. Zimmerman?

S. ZIMMERMAN: I've been married for five years in November.

DE LA RIONDA: And did you all live at the residence in the town homes where this murder occurred? Did you live together with him at the townhomes where this occurred?

S. ZIMMERMAN: Yes, I did.

DE LA RIONDA: And was that the entire five years?

S. ZIMMERMAN: No. That was for about three years of that. Two to three years.

DE LA RIONDA: And the reason I ask that because you stated that you all did not own that home?

S. ZIMMERMAN: That's correct.

DE LA RIONDA: Who owned the home?

S. ZIMMERMAN: Our landlord.

DE LA RIONDA: OK. So you all rent it?

S. ZIMMERMAN: Yes.

DE LA RIONDA: OK. And were you working any of those five years or going to nursing school the entire time?

S. ZIMMERMAN: I was working for the first year.

DE LA RIONDA: And your husband, the defendant, Mr. Zimmerman, was also working during that entire time?

S. ZIMMERMAN: Not the entire time.

DE LA RIONDA: OK. How did you all support yourselves when both of you were not working?

S. ZIMMERMAN: When we were not working, we collected unemployment benefits.

DE LA RIONDA: OK. Are you still collecting unemployment benefits?

(END LIVE FEED)

(BEGIN LIVE FEED)

DE LA RIONDA: Have you reported that to the police?

S. ZIMMERMAN: No, I haven't.

DE LA RIONDA: Have you reported that to my boss, Ms. Corey, or the state attorney's office so that somebody can investigate?

S. ZIMMERMAN: No, sir.

DE LA RIONDA: Did you keep those threats?

S. ZIMMERMAN: I'm sorry?

DE LA RIONDA: Did you keep that hate mail?

S. ZIMMERMAN: Yes.

DE LA RIONDA: Do you have that available you can turn it over to your attorney?

S. ZIMMERMAN: I'm sure I can.

DE LA RIONDA: There's a difference between hate mail and threats. (INAUDIBLE) threats in that hate mail.

S. ZIMMERMAN: No, sir.

DE LA RIONDA: OK.

I have no further question.

O'MARA: Thank you. And if I may inquire.

Mrs. Zimmerman, can you hear me?

S. ZIMMERMAN: Yes, I can.

O'MARA: Can we spend a couple of minutes about what you were told by George regarding the event when he was arrested for battery on a law enforcement officer. He did discuss that with you?

S. ZIMMERMAN: He did.

O'MARA: Didn't he tell you that he approached --

DE LA RIONDA: Objection. Leading. I know it's a motion hearing.

(CROSSTALK)

LESTER: Sustained. Go ahead. Keep going.

O'MARA: What did he tell you why he approached the people being detained by law enforcement?

S. ZIMMERMAN: He told me it was a friend of his being shoved up against a wall by a man in regular street clothes that was -- he felt that his friend was in danger and he was trying to protect his friend.

O'MARA: Did he give you any indication as to any potential injury he thought was happening to George's friend that he went to protect?

S. ZIMMERMAN: I'm sorry.

O'MARA: Did he tell you about any injuries that he saw or was concerned about?

S. ZIMMERMAN: I'm not sure of any injuries. I don't remember.

O'MARA: OK. So he approached a friend of his and did he tell you what law enforcement first said to him?

S. ZIMMERMAN: I don't remember.

O'MARA: Did he tell you -- did he give you an indication of how law enforcement reacted to the injury to his friend?

S. ZIMMERMAN: I believe they just pushed him aside and said, get out of here.

O'MARA: Did he give you any indication as to whether or not law enforcement during that event identified themselves as law enforcement?

S. ZIMMERMAN: No, they did not.

O'MARA: Now, the law enforcement officer's sworn statement says that he did. Did Mr. Zimmerman tell you anything about that?

S. ZIMMERMAN: He just said that that's not true. They did not identify themselves or else he would never have done anything.

O'MARA: OK. Now, they arrested him that night, did they not?

S. ZIMMERMAN: They did.

O'MARA: They charged him with a couple felonies, battery on law enforcement officer and resisting arrest, on instruction of justice. Did they not?

S. ZIMMERMAN: They did.

O'MARA: OK. After having been arrested for that felony, do you know how the case was resolved?

S. ZIMMERMAN: I know that he did a pretrial diversion.

O'MARA: So, in effect, that event suggested to be a violent event, what the state actually did was let him plead --

UNIDENTIFIED MALE: Objection. Is this a question?

O'MARA: It is going to be. They let him plead to a misdemeanor and go to pretrial conversion, is that your testimony?

S. ZIMMERMAN: Yes, it is.

O'MARA: Do you know what he had to do as conditions of that pretrial diversion?

S. ZIMMERMAN: I believe he had to go to anger management.

O'MARA: And do you have any indication that he didn't successfully complete that?

S. ZIMMERMAN: No, I don't.

O'MARA: Do you have any indication he didn't successfully complete the entirety of his misdemeanor pre-trial diversion?

S. ZIMMERMAN: Say that one more time.

O'MARA: Do you have any indication that he did not successfully complete his misdemeanor pre-trial diversion?

S. ZIMMERMAN: No, he didn't.

O'MARA: Speaking about the injunction referenced by the prosecutors a few minutes ago, you said something about your insight as to what George had done in response to the injunction. What was that?

S. ZIMMERMAN: That Ms. Zuazo didn't want him to go out that night and she scratched him and drew blood on him and started attacking him, and he picked her up and put her on the couch and protected himself from her.

O'MARA: OK. And as a matter of fact the injunction even references that she called 911 and advised them of that, correct?

S. ZIMMERMAN: That's correct.

O'MARA: And now that it's in evidence, the 911 operator -- do you have any indication of the 911 operator suggesting they would send out law enforcement for any crime?

S. ZIMMERMAN: I'm not sure.

O'MARA: Was George ever arrested for any crime?

S. ZIMMERMAN: No, he was not.

O'MARA: And you testified that he had gotten an injunction against her. Do you know if that was granted?

S. ZIMMERMAN: I believe that was granted, yes.

O'MARA: Just a moment if I might, your honor.

(INAUDIBLE)

DE LA RIONDA: Yes, one or two questions, your honor, if I may.

Mrs. Zimmerman, I was curious. You mentioned that he had to go through anger management?

S. ZIMMERMAN: I believe.

DE LA RIONDA: You stated that you believe he was successful in completing that?

S. ZIMMERMAN: Yes.

DE LA RIONDA: And I gather my follow-up question regarding that is have you ever seen him angry or do you think he has -- let me ask first thing. Have you ever seen him angry?

S. ZIMMERMAN: No, I haven't.

DE LA RIONDA: You don't think he has anger management problems?

S. ZIMMERMAN: No, I do not.

DE LA RIONDA: No further question.

LESTER: This witness is going to be released? Defense.

O'MARA: Yes.

LESTER: State?

DE LA RIONDA: Yes, sir.

LESTER: Thank you, ma'am. You are released. You may call your next witness.

O'MARA: I would call Robert Zimmerman, Sr.

UNIDENTIFIED FEMALE: One moment.

ROBERT ZIMMERMAN, SR., GEORGE ZIMMERMAN'S FATHER (via telephone): Hello?

O'MARA: Good morning, sir. Would you state your name, please?

R. ZIMMERMAN: Robert Zimmerman.

O'MARA: And how are you related to George Zimmerman?

R. ZIMMERMAN: I am his father.

O'MARA: Great.

What we're going to do is we're going to have you testify but first we're going to have you placed under oath by the notary. The requirement is that only you are with the notary and are testifying. Nobody else can hear you. So please be certain that nobody else is in ear shot of your testimony and then let us speak to the notary for a moment who will place you under oath.

UNIDENTIFIED FEMALE: Hello?

O'MARA: Ma'am, if you would, place Mr. Zimmerman under oath so we may have testimony from him.

(END LIVE FEED)

COSTELLO: As George Zimmerman's father takes the oath, we're going to break away for a minute. And we'll be back on the other side.

(COMMERCIAL BREAK)

COSTELLO: It is 9:37 Eastern Time. Just to bring you up to date. This is a bond hearing for George Zimmerman. George Zimmerman's attorney is fighting for a judge to set bond so Zimmerman can remain free until his trial.

George Zimmerman's wife just testified by phone. On the phone right now testifying to the court, George Zimmerman's father, Robert.

Let's listen.

O'MARA: -- counselor. And if he failed to do that, would you advise the state and the court?

R. ZIMMERMAN: Yes, I would.

O'MARA: Though it may lead to a violation of that bond condition against your son and may even lead to his incarceration.

R. ZIMMERMAN: Yes.

O'MARA: Another issue that needs to be considered by the judge is the financial means that George and to a certain extent his family, has available to him. How can you assist financially in securing a bond for George's release?

R. ZIMMERMAN: Well, I am a disabled veteran and don't have a great deal of income. My wife is retired. We have some savings but very little.

O'MARA: Thank you. Do you have any major assets, for example a home that you live in?

R. ZIMMERMAN: We have a home. We have a mortgage on the home.

O'MARA: If a condition of his release were to be that you might need to secure that home such that you couldn't sell it during the time of George's release and that any equity that might exist in that home, would be secured to be surrendered to a bail bondsman if he failed to appear, would you take on that responsibility?

R. ZIMMERMAN: Yes, sir.

O'MARA: In effect would you take on what we might call a second mortgage against your home to secure George's release?

R. ZIMMERMAN: Yes, sir.

O'MARA: There has been concern about the question over whether or not George is a violent person. Do you believe that your son is a violent person?

R. ZIMMERMAN: Absolutely not.

O'MARA: And can you expound on that?

R. ZIMMERMAN: I have never known him to be violent at all, unless he was provoked and then he would turn the other cheek.

O'MARA: Any concerns with your safety around George, for example?

R. ZIMMERMAN: No, none whatsoever.

O'MARA: Do you have a concern for your own safety based upon the emotions that exist in this case?

R. ZIMMERMAN: Absolutely.

O'MARA: Are you asking -- you're asking the court then to maintain if he's released on bond the secrecy around locations of family members and George?

R. ZIMMERMAN: Yes, sir, absolutely.

O'MARA: With that additional request, will you further take on responsibility to keep the court, the state, and me aware of George's whereabouts and what he's doing?

R. ZIMMERMAN: Yes, sir, I will.

O'MARA: So the court is listening to you and is potentially relying on that commitment. Is it sincere and undeniable?

R. ZIMMERMAN: Absolutely.

O'MARA: Nothing further your honor.

(INAUDIBLE)

UNIDENTIFIED MALE: If it pleases the court.

DE LA RIONDA: Good morning, Mr. Zimmerman.

R. ZIMMERMAN: Good morning.

DE LA RIONDA: I've never met you before so let me introduce myself. My name is Bernie de la Rionda, I'm the assistant state attorney.

You mentioned that you have no resources in helping your son out. You know that Mr. Zimmerman, your son, had a car?

R. ZIMMERMAN: I know he has a car.

DE LA RIONDA: Do you know if that was owned freely or if he owed money on it? Or --

R. ZIMMERMAN: I don't know. I would guess that it's being financed but I would have no idea.

DE LA RIONDA: How about your daughter-in-law? Does she have a car?

R. ZIMMERMAN: She does.

DE LA RIONDA: Do you know if there's money owed on that or not?

R. ZIMMERMAN: I know there was money owed on it. I don't know currently.

DE LA RIONDA: Yes, sir. You also said you mentioned your son was not a violent person, is that correct?

R. ZIMMERMAN: Absolutely.

DE LA RIONDA: In fact if I wrote it correctly you said that you've never seen him be violent unless he's provoked and even then you say he turned the other cheek, is that correct?

R. ZIMMERMAN: That's correct.

DE LA RIONDA: You're aware of what he's charged with in terms of murder, correct, and you were not a witness there, I'm assuming, correct?

R. ZIMMERMAN: I'm sorry?

DE LA RIONDA: You weren't there to see what happened, correct?

R. ZIMMERMAN: No, I was not.

DE LA RIONDA: You are aware of his prior arrests involving violence, are you not?

R. ZIMMERMAN: I am aware of an incident involving alcoholic beverage control officers in plain clothes.

DE LA RIONDA: Right.

And in terms of your background, were you not a magistrate somewhere in Virginia or Maryland or somewhere?

R. ZIMMERMAN: Yes, I was.

DE LA RIONDA: So did you discuss that matter of his prior arrest with your son?

R. ZIMMERMAN: Yes, I did.

DE LA RIONDA: OK. And did he tell you in that particular case, he turned the other cheek?

R. ZIMMERMAN: Well, he did. A friend of his was grabbed and thrown up against a wall by some people in civilian clothes.

DE LA RIONDA: Yes, sir. Did he tell you that they asked him to leave and he told them I don't care who you are when the officer identified himself as a law enforcement officer?

R. ZIMMERMAN: No.

DE LA RIONDA: Did you ever read the actual arrest file?

R. ZIMMERMAN: No, I did not.

DE LA RIONDA: Were you not curious out of being a magistrate in terms of whether your son was telling you the truth or just for curiosity sake?

R. ZIMMERMAN: I never questioned whether my son was telling me the truth.

DE LA RIONDA: So, you just believe him because he's your son?

R. ZIMMERMAN: No, I believe him because he's been honest his whole life.

DE LA RIONDA: Did you go to any proceedings involving that arrest?

R. ZIMMERMAN: No, I did not.

DE LA RIONDA: Were you aware he was put in a pretrial intervention program and specifically given anger management classes?

R. ZIMMERMAN: Yes.

DE LA RIONDA: And did you go to any of those anger management classes with him, sir?

R. ZIMMERMAN: No, I did not.

DE LA RIONDA: Did you ask him about that, how he did, whether he passed or failed or how long they were for?

R. ZIMMERMAN: No.

DE LA RIONDA: OK. Do you believe he has anger management problems?

R. ZIMMERMAN: No, I do not.

DE LA RIONDA: Okay. I'm assuming aside from being his father obviously and being a magistrate, you told him the importance of the law? Did you not?

R. ZIMMERMAN: I'm sorry.

DE LA RIONDA: You told him the importance of the law or following the law. In raising your son you stressed how important it was to follow the law?

R. ZIMMERMAN: Yes.

DE LA RIONDA: Okay. And in terms of calling police if there's a need for help, correct?

R. ZIMMERMAN: Yes.

DE LA RIONDA: And not to assume things not to assume that people are committing crimes when they may or may not be? Let me rephrase that, I apologize. Did he, your son, at one time want to be a police officer?

R. ZIMMERMAN: He's always been interested in criminal justice.

DE LA RIONDA: Okay. And did you ever have discussions with him in terms of arrest powers, civilians versus police officers, et cetera, having been a magistrate?

R. ZIMMERMAN: Not that I recall.

DE LA RIONDA: Did he ever inquire of you in terms of what laws there were in terms of self-defense or arresting people or following people, that kind of stuff?

R. ZIMMERMAN: No, sir.

DE LA RIONDA: Okay and were you aware that he was involved in a neighborhood watch program, sir?

R. ZIMMERMAN: Yes, I was.

DE LA RIONDA: Okay and did you know that those neighborhood watches in terms of procedures they tell people not to follow people?

R. ZIMMERMAN: Well, when they are performing neighborhood watch, that's correct.

DE LA RIONDA: Okay you were not involved in that neighborhood watch on that particular area where your son lived, is that correct?

R. ZIMMERMAN: No.

(END LIVE FEED)

(BEGIN LIVE FEED)

DE LA RIONDA: (inaudible)

R. ZIMMERMAN: Well, I've had fairly limited contact with my son since his head was beaten so I can't say now.

DE LA RIONDA: I'm talking about -- and you were there when his head was beaten allegedly?

R. ZIMMERMAN: No, I saw the scars on the back of his head and his face swollen and everything the next morning.

DE LA RIONDA: You did? Where did you see him?

R. ZIMMERMAN: At his house.

DE LA RIONDA: Okay. And so he told you about what had happened?

R. ZIMMERMAN: Yes, he did.

DE LA RIONDA: Okay. But I was inquiring prior to that in terms of whether he had filed any

psychiatric history or anything?

R. ZIMMERMAN: No.

DE LA RIONDA: May I have a moment?

UNIDENTIFIED MALE: Take your time.

DE LA RIONDA: I have no further questions, your honor. Thank you.

O'MARA: Mr. Zimmerman, it's Mark O'Mara again. Did George ever talk to you about why he had gone into criminal justice?

R. ZIMMERMAN: Well, at one point he said sometime in his life he would like to be a magistrate or a judge.

O'MARA: Did he talk about becoming a lawyer? R. ZIMMERMAN: No, he didn't.

O'MARA: So he sort of as he discussed it with you wanted to in effect follow -- follow in his father's footsteps, would that be accurate?

R. ZIMMERMAN: Well he's always been concerned about people in society so he wanted to be able to help somehow.

O'MARA: So what did George's head look like when you saw it the day after?

R. ZIMMERMAN: Well, his face was swollen quite a bit. He had a protective cover over his nose. His lip was swollen and cut and there were two vertical gashes on the back of his head.

O'MARA: Have you seen any pictures of that?

R. ZIMMERMAN: I'm sorry sir.

O'MARA: Did you take any pictures of that?

R. ZIMMERMAN: I -- I did not take any pictures.

O'MARA: Have you seen any of them?

R. ZIMMERMAN: Yes, I have.

O'MARA: Who showed them to you?

R. ZIMMERMAN: I saw one on the news today.

O'MARA: Did the state attorney's office ever show you any of those pictures?

R. ZIMMERMAN: No, they did not.

O'MARA: Did they ever talk to you?

R. ZIMMERMAN: I spoke to the state attorney's office briefly in Sanford.

O'MARA: How long after the event?

R. ZIMMERMAN: I don't recall the date. It was after the state attorney's took over the case.

O'MARA: Right after Miss Corey took up the case, the new state attorney?

R. ZIMMERMAN: The state attorney in Sanford.

O'MARA: At that point did they show you any of the pictures similar to the injuries that you had seen that next night?

O'MARA: No, they did not show me any pictures. O'MARA: The next day.

R. ZIMMERMAN: No they did not show me any pictures.

O'MARA: Thank you. No further questions, your honor.

UNIDENTIFIED MALE: No questions, your honor.

UNIDENTIFIED MALE: Defense?

O'MARA: Yes, your honor.

UNIDENTIFIED MALE: Thank you, sir. You're excused. You may call your next witness.

UNIDENTIFIED MALE: I call my client's mother, your honor, Gladys Zimmerman.

UNIDENTIFIED MALE: Gladys Zimmerman, please.

R. ZIMMERMAN: Gladys, Gladys.

GLADYS ZIMMERMAN, GEORGE ZIMMERMAN'S MOTHER: Hello.

UNIDENTIFIED MALE: Good morning, ma'am. Would you state your -

(END LIVE FEED)

(BEGIN LIVE FEED)

G. ZIMMERMAN: Gladys Zimmerman.

O'MARA: And you are George's mother? Correct?

G. ZIMMERMAN: Yes, sir.

O'MARA: You know he's being considered before the court, being charged with second degree murder correct?

G. ZIMMERMAN: Yes sir.

O'MARA: And that we are presently asking the court to allow him out on bond?

G. ZIMMERMAN: Yes, sir.

O'MARA: A couple of questions. What type of contact have you had with George over the past few years?

G. ZIMMERMAN: Hello?

O'MARA: Yes. Let me ask it. Do you stay in pretty frequent contact with your son George and his wife?

G. ZIMMERMAN: Yes, sir.

O'MARA: And do you know where he lives?

G. ZIMMERMAN: Yes, sir.

(CROSSTALK)

O'MARA: -- do you have any concern for George's safety upon release?

G. ZIMMERMAN: Yes, I do. I do because we have received a lot of threats.

O'MARA: Based upon those threats or concerns, are you asking the court to maintain secrecy or confidentiality over where George be released and where he's allowed to go?

G. ZIMMERMAN: Absolutely.

O'MARA: Based upon those threats or concerns, are you asking the court to maintain secrecy or confidentiality over where George will be released and where he's allowed to go?

G. ZIMMERMAN: Absolutely.

O'MARA: I asked your husband some of these questions, so I'll go through them quickly. But one condition the court has to consider is financial ability to pay bond. And if I might, just (inaudible) for a moment -- your husband testified that you're retired, that he's a disabled veteran and you do not have much savings. Is that correct?

G. ZIMMERMAN: Yes, that's correct.

O'MARA: But you do have a house that you own, correct?

G. ZIMMERMAN: Yes, sir.

O'MARA: And that there is some equity in that home, is that also correct?

G. ZIMMERMAN: Yes, sir.

O'MARA: Do you have any idea about the amount of equity that exists in that home? G.

ZIMMERMAN: No. No, sir.

O'MARA: Whatever it may be, would you be willing to pledge that in some form or fashion to secure George's release realizing that you could lose it if George did not come back to trial?

G. ZIMMERMAN: Yes, sir.

O'MARA: You would be willing to do so?

G. ZIMMERMAN: Yes, sir.

O'MARA: The court also has to in effect trust that George will return for hearings and trial to be released. Would you take on the appropriate obligation to advise the state attorney's office and the court, myself, should you find out that George has violated any conditions that may be given by the court?

G. ZIMMERMAN: Yes, sir.

Hello.

UNIDENTIFIED MALE: We're still here.

O'MARA: Just one moment.

G. ZIMMERMAN: Okay.

O'MARA: Ms. Zimmerman, there had been -- there's been testimony concerning George history

and suggestions that he's had violent evidences in his past. I want to ask you about some of those.

Did he discuss with you his arrest at the hands of Alcohol Firearm and Tobacco officers?

G. ZIMMERMAN: Yes, he did. That was a long time ago.

O'MARA: And what did he tell you about that?

G. ZIMMERMAN: He told me that he was with a friend and this friend was pushed around by civilian people and he tried to find out what was going on and he was pushed around. And they told them to move -- to get out and George wanted to defend his friend.

O'MARA: Is that something that you've come to know about George, that he will go to the defense of others?

G. ZIMMERMAN: Yes, sir.

O'MARA: How has that shown up to you?

G. ZIMMERMAN: That particular case or do you want to mention another case?

O'MARA: Other cases.

G. ZIMMERMAN: Another case?

O'MARA: Yes, since the issue of his violence is at hand.

G. ZIMMERMAN: For example in 2010, he saw -- well, he didn't saw, but he find out that s homeless person was being beaten by another man here in Sanford. He organized the whole community. He went to churches, he put flyers on cars, he did everything possible so the city of Sanford will organize and go to the council and ask for justice for this homeless man who was beaten up.

O'MARA: And that was at George's insistence?

G. ZIMMERMAN: Yes, sir, that was George. That was my son. And there are probably tapes in the Sanford council when he went and organized a meeting so that poor man will have justice. He was recognized also by the mayor.

O'MARA: Sanford's mayor recognized him for his efforts in that regard?

G. ZIMMERMAN: Yes, sir, I believe so.

O'MARA: In addition to that event, any other things that come to mind about George coming to the defense of others?

G. ZIMMERMAN: Another case?

O'MARA: If you know of any.

G. ZIMMERMAN: Off the top of my mind, no, I don't know. But I know that he's a very protective of people, very protective of homeless people, and very protective also of children no matter the race because he's very -- well, he was very active. He was mentor for a boy in the city of Orlando.

O'MARA: Tell me about that.

BEGIN LIVE FEED)

GLADYS ZIMMERMAN, GEORGE ZIMMERMAN'S MOTHER (via telephone): This program started like three years ago and when the problem started, you have to be committed to the program so you have to go to classes. And you have to sign like a contract that you will keep on with the program.

With the program was -- he sign up for the program, I'm sorry, and because of the economy, it closed after nine months. But George continued with the program. He continued that had whole year and after that year, he kept on with the program.

This was his second year going up to the city of Orlando and taking care of two kids because his wife also mentored. So the couple mentored these two kids for the last two years.

MARK O'MARA, GEORGE ZIMMERMAN'S ATTORNEY: And how old were those children?

ZIMMERMAN: I believe one is -- the boy is 14 and I had met them, it they are very nice kids. George tried his best to give help love and teach them, you know -- teach them good manners.

They are very lovely kids and they love so much George was George used to go to see them every two weeks, twice a month he would go and see them.

And I had begged George not to go. I'm sorry, I had told my son please don't go, it's too dangerous. And he said, mom, if I don't go, they don't have nobody.

O'MARA: Why were you concerned about George's safety in that program?

ZIMMERMAN: Because it was a very dangerous place where he goes to.

O'MARA: A very bad what?

ZIMMERMAN: Dangerous place.

O'MARA: Bad news place?

ZIMMERMAN: Dangerous place. O'MARA: I'm sorry, my apologies.

ZIMMERMAN: That's OK.

O'MARA: What was the racial background of the two children that he mentored?

ZIMMERMAN: African-American, sir.

O'MARA: Nothing further, your honor.

BERNARDO DE LA RIONDA, ASSISTANT STATE ATTORNEY: Good morning.

ZIMMERMAN: Good morning, sir.

DE LA RIONDA: I'm Bernardo De La Rionda on behalf of the state of Florida. I just have a few quick questions hopefully. You mentioned that he --

ZIMMERMAN: He tries to protect people.

DE LA RIONDA: And you are aware about this prior case in which he was arrested, right?

ZIMMERMAN: I didn't hear.

DE LA RIONDA: I turned my back. I apologize. You were aware of the prior case in which he was arrested, were you not?

ZIMMERMAN: Yes, sir, that was in 2005.

DE LA RIONDA: And that was in 2005, have you talked to your son about that?

ZIMMERMAN: Yes.

DE LA RIONDA: When you say your son from an authority standpoint when law enforcement tells him something, he'll abide by it?

ZIMMERMAN: Yes, he will.

DE LA RIONDA: Why didn't he leave when the police officer told him to leave?

ZIMMERMAN: George told me he didn't identify himself as a police officer.

DE LA RIONDA: Did he claim that he was defending himself, too?

ZIMMERMAN: I'm sorry?

DE LA RIONDA: Did he say regarding that arrest incident in 2005 regarding those officers, did he say he, Mr. Zimmerman, say, your son, say he was defending himself?

ZIMMERMAN: I don't recall that, sir. DE LA RIONDA: And you don't have any knowledge of the web site, do you in terms of the money?

ZIMMERMAN: No. I know I have seen the letter, but I don't have any answers to it.

DE LA RIONDA: OK, thank you very much.

ZIMMERMAN: You're welcome.

O'MARA: Thank you, your honor, for the questions. If I can have --

UNIDENTIFIED MALE: Can she be excused?

O'MARA: Yes, your honor.

UNIDENTIFIED MALE: Thank you, ma'am. You're excused.

(END LIVE FEED)

(BEGIN LIVE FEED)

O'MARA: I would call --

UNIDENTIFIED MALE: I don't mean to be rude. It's your motion, however you think it's best for you.

O'MARA: Thank you, your honor. I would call either Investigator Osteen or Investigator Dale Gilbreath.

UNIDENTIFIED MALE: Please state your full name for the record and spell your last name.

DALE GILBREATH, INVESTIGATOR, STATE ATTORNEY'S OFFICE: Dale Gilbreath.

UNIDENTIFIED MALE: State your occupation, if you will.

GILBREATH: An investigator with the state attorney's office in Fourth Judicial Circuit.

O'MARA: And you are one of the investigators on this case?

GILBREATH: Yes.

O'MARA: I would you consider yourself one of the lead investigators? How do you determine

your involvement, how do you define your involvement?

GILBREATH: I'm one of the two investigators working on the case with the state attorney's office.

O'MARA: And I note in the file that you brought up with you, did you bring a file with you?

GILBREATH: No, sir, I brought a copy of --

O'MARA: Sorry. Do you have anything other than what you just identify, the probable cause affidavit?

GILBREATH: No reports or anything, no.

O'MARA: Did you bring any supporting documentation with you to the courtroom on his bond motion at all?

GILBREATH: No, I was not planning on testifying.

O'MARA: OK, but you do have the probable cause affidavit?

GILBREATH: I have a copy of it.

O'MARA: I would like to spend a few minutes going over a copy of that, if I might. I'll try to make it easy for us with the court's indulgence to use blow up of that. You can see that?

GILBREATH: Yes.

O'MARA: Take a moment just to compare the two to make sure that that is in fact the affidavit that you are reviewing. May I examine the witness from the exhibit?

UNIDENTIFIED MALE: Whatever you're most comfortable with.

GILBREATH: It appears to be, yes.

O'MARA: At any time during this examination you're concerned that the probable cause affidavit that you have is different than the one I'm examining from, let me know. Starts out with two or three paragraphs preparatory telling the magistrate, the judge, who you are and what you do, correct?

GILBREATH: Yes.

O'MARA: And you and a fellow officer tell us that you're officer, you're investigator, correct?

GILBREATH: Yes.

O'MARA: For 35 years.

GILBREATH: Yes.

O'MARA: And you've taken sworn statements. Up here, there is no evidence, correct? This is an evidence for the court to consider beyond what your background is?

GILBREATH: Yes.

O'MARA: I'll call it substantive evidence, meaning by that evidence that relates to the facts of the case, OK?

GILBREATH: OK.

O'MARA: Great. So this -- we're not considering this evidence. Would we? Substantive evidence?

GILBREATH: No.

O'MARA: And the statements would be evidence, but this is not evidence, correct? The fact that you took them isn't substantive evidence, is it?

GILBREATH: The fact that they were taken, no.

O'MARA: And you say Trayvon Martin was temporarily residing at the retreat at Twin Lakes, Sanford, Florida. Certainly a piece of evidence substantive tells us where Trayvon Martin was living, correct?

GILBREATH: Yes.

O'MARA: Doesn't give us any indication as to what happened, though, correct, with the eventual event that led to Trayvon's death, correct. Just tells us where he's living.

GILBREATH: Correct.

O'MARA: That he had an ice tea and a bag of Skittles, that he walked back into the gated community, he was on his way back when he was profiled by George Zimmerman. If I say to you the word peanut butter, what do you think?

GILBREATH: Jelly.

O'MARA: OK, Moe, Larry and --

GILBREATH: Curly.

O'MARA: OK, when I say the word profiling, what do you think?

GILBREATH: I believe you're applying a predetermined thought pattern to a set of circumstances.

O'MARA: No other word comes to mind when I say profiled to you?

GILBREATH: I gave you my answer, sir.

O'MARA: OK, I appreciate the answer. Did you consider it to be some specific type of profiling?

GILBREATH: No.

O'MARA: Why did you use the word profiling rather than noticed, observed, saw, or anything besides the very precise word profiled? And by the way, was that your word?

GILBREATH: I don't recall. This was a collaborative answer -- excuse me, collaborative document.

O'MARA: Between who in addition to the two people who signed it as being true?

GILBREATH: Detective Osteen and I prepared the majority of this. It was reviewed by our supervisor. There were several mistakes in it. They were corrected.

O'MARA: Do you know whose word profiling was?

GILBREATH: No, I do not.

O'MARA: When you swore that to be true, what did you mean that to indicate?

GILBREATH: That Zimmerman saw Martin, formed an idea in his head and contacted the Sanford Police Department with no facts.

O'MARA: With no facts. And of course, you have available to you, Mr. Zimmerman's statements, correct?

GILBREATH: I did.

O'MARA: Again, you say that he lived in a gated community, driving his vehicle. Zimmerman felt that Martin did not belong in the gated community and called the police. Did you get that from your conversations with Mr. Zimmerman?

GILBREATH: I have never spoken to him.

O'MARA: From his sworn statements?

GILBREATH: From his non-emergency dispatch.

O'MARA: And you state that Mr. Zimmerman perceived that Trayvon Martin was acting suspicious, correct. Do his statements give us any insight into that? GILBREATH: When talking to the police dispatcher, I believe he indicated that he was suspicious.

O'MARA: Did he use that word?

GILBREATH: Without reviewing it right now and reviewing all the stuff we have, I can't honestly say if he used that word during the dispatch tape.

O'MARA: And they informed Zimmerman that an officer was on the way and to wait for the officer, correct?

GILBREATH: I believe so.

O'MARA: And you would have gotten that from the 911 tape that has been heard?

GILBREATH: The non-emergency tape, yes.

O'MARA: Non-emergency, sorry. Now, I'm curious, you then say Zimmerman made reference to people that he felt had committed and gotten away with things in the neighborhood. What was that that gave you that indication?

GILBREATH: I think he said the second line that you -- before you stopped, part of that is included in that statement.

O'MARA: How many different statements existed, the non-emergency, the emergency, how many phone calls existed of George Zimmerman's communication with law enforcement?

GILBREATH: On this evening?

O'MARA: Yes.

GILBREATH: I believe one.

O'MARA: Was it your determination or decision to put it in quotes that by suggesting it's his words precisely, and the only quotes you use, two phrases that use expletives. Was that an affirmative decision by you?

GILBREATH: I don't disagree with it, but I'm not one that person quotation marks on.

O'MARA: Why did you do it? But you swore to it.

GILBREATH: True, but I did not type it.

O'MARA: OK, did someone else make the decision to put in two quotes and the only two quotes that suggest that my client was using expletives?

GILBREATH: I don't know the decision making process, but as far as I recall, those were the quotes. O'MARA: Absolutely true. I'm not denying that her quotes. I'm just asking everything else that he did, why those didn't make into quotes for a probable cause affidavit. And since you signed it I'm curious if you can give us any insight.

GILBREATH: I didn't put them in quotes. I can't give you insight into that.

O'MARA: But that is your signature.

GILBREATH: I agree with that.

O'MARA: And you swear this is true.

GILBREATH: I don't believe those statements are untrue.

O'MARA: But you don't know who made the decision to solely put those two phrases in quotes?

GILBREATH: No.

O'MARA: Who was in this decision making process?

GILBREATH: As I said, Detective Osteen and myself and Bernie.

O'MARA: During this time, Martin was on the phone with a friend and described what was happening. How did you get that information?

GILBREATH: From Detective Osteen.

O'MARA: How did he get it?

GILBREATH: He interviewed the witness.

UNIDENTIFIED MALE: I'll object to that witness' name being disclosed.

UNIDENTIFIED MALE: I apologize.

(END LIVE FEED)

(BEGIN LIVE FEED)

GILBREATH: Zimmerman on this affidavit, and there again, we're adding to what she had said, but Zimmerman said he didn't want him to get away because they always get away.

O'MARA: This thing you falsely accused who was going to commit a crime, who made that determination?

GILBREATH: It was the three of us throughout the process. I don't recall who did which sentence in this. This was not everybody sitting in one room. This was proof given to somebody else and then prepared.

O'MARA: When the responding officer said he disregarded the responding officer, how do you know he was trying on return to his home?

GILBREATH: Because the location he was found in is probably -- and I don't have exact measurements, it's in the path to the back door of where he was staying. He came from there. I'm assuming he was going back there.

O'MARA: When you say he disregarded the police dispatcher, in your investigation, did he at that point hang up the phone and just do whatever he was going to do, did he disconnect with dispatch?

GILBREATH: He did disconnect with dispatch --

O'MARA: I want to keep it on the time line. You said that Zimmerman disregarded the police dispatcher? Continue to follow Martin who is trying to return to him home. Did he disconnect at that point?

GILBREATH: No, he did not. He stayed on the phone for a short period of time. Yes, he did.

O'MARA: Zimmerman confronted Martin, those words. Where did you get that from?

GILBREATH: That was from the fact that the two of them obviously ended up together in that dog walk area. According to one of the witnesses that we talked with, there were arguing words going on before this incident occurred. But it was between two people.

O'MARA: Which means they met. I'm just curious with the word confronted and what evidence you have to support an affidavit you want in this judge to rely on that these facts with true and you use the word confronted. And I want to know your evidence to support the word confronted if you have any.

GILBREATH: Well, it's not that I have one. I probably could have used dirty words. O'MARA: It is antagonistic word, would you agree?

GILBREATH: It could be considered that, yes.

O'MARA: Come up with words that are not antagonistic, met, came up to, spoke with.

GILBREATH: Got in physical confrontation with.

O'MARA: But you have nothing to support the confrontation suggestion, do you?

GILBREATH: I believe I answered it. I don't know how much more explanation you wish.

O'MARA: Anything you have, but you don't have any, do you?

GILBREATH: I think I've answered the question.

O'MARA: A struggle ensued. We have witnesses concerning struggling, correct? You have evidence of that, right?

GILBREATH: Yes.

O'MARA: Witnesses heard people arguing, sounded like a struggle. During this time, witnesses heard numerous calls for help. Some of this was recorded. Trayvon's mom reviewed the 911 calls and identified the cry for help and Trayvon Martin's voice. Did you do any forensic analysis on that voice tape?

GILBREATH: Did I?

O'MARA: Did you or are you aware of anything?

GILBREATH: The "Orlando Sentinel" had someone do it and the FBI has had someone do it.

O'MARA: Is that part of your investigation?

GILBREATH: Yes.

O'MARA: Has that given any insight as to the voice?

GILBREATH: No.

O'MARA: Did Trayvon Martin's mom identify that voice as soon as she heard it or were there concerns as to the identity of that voice?

GILBREATH: I did not speak with her.

(END LIVE FEED)

(BEGIN LIVE FEED)

O'MARA: How about the dad's ability to identify whether or not that was Trayvon's voice?

GILBREATH: No.

O'MARA: You're not aware of any inquiries made to Trayvon's dad as to whether or not he could identify that voice as being his son's?

GILBREATH: No.

O'MARA: Nothing further, your honor.

LESTER: Proceed.

DE LA RIONDA: Mr. O'Mara doesn't mind, may I use that same --

O'MARA: All yours. Sorry for the blue marks.

DE LA RIONDA: Mr. O'Mara talked about the first two prepared affidavits being irrelevant. How long were you a detective in homicide?

GILBREATH: Twenty years.

DE LA RIONDA: And how about Detective Osteen?

GILBREATH: I believe directly in homicide for maybe six.

DE LA RIONDA: So you have a total of how many years experience if you combine them both?

GILBREATH: As detectives alone --

DE LA RIONDA: Just say police officers.

GILBREATH: Police officers, probably in excess of 65, 70 years.

DE LA RIONDA: And in terms of Mr. O'Mara asking you about the third paragraph or fourth paragraph in that affidavit, you along with Investigator Osteen had an opportunity to review other document, photographs, other stuff?

GILBREATH: Yes.

DE LA RIONDA: Isn't it true, sir, that at least one witness described first chasing another person in the back of that --

GILBREATH: Yes.

DE LA RIONDA: Now you were asked about this paragraph regarding on Sunday, it starts on Sunday, February 26th, that Mr. Martin was temporarily living at the residence there. He had a right to be there in that gated community did he not?

GILBREATH: Yes sir.

DE LA RIONDA: I mean, he wasn't -- is there any evidence at all that he was breaking into anybody's house or committing any type of crime sir?

GILBREATH: No.

DE LA RIONDA: So he had the perfect right to be walking down the street that evening did he not?

GILBREATH: Yes, sir.

DE LA RIONDA: And isn't it a fact to prove that and you have verified that he actually went to that 7-Eleven store and bought some Skittles and a can of tea? Did he not?

GILBREATH: Yes.

DE LA RIONDA: And there's a video of that?

GILBREATH: Correct.

DE LA RIONDA: And he paid for it. He didn't steal or anything. Is that correct?

GILBREATH: Yes.

DE LA RIONDA: Ok and then he ended up walking back to the community? Is that correct?

GILBREATH: Yes.

DE LA RIONDA: Now the defendant, Mr. Zimmerman, also lived in that community, correct?

GILBREATH: Yes.

DE LA RIONDA: And isn't it true that and we're relying on the 911 reporting where he said he called up the police and he stated we've had some breakings in my neighborhood and there's a real suspicious guy he referred to Mr. Martin, did he not?

GILBREATH: Correct.

DE LA RIONDA: And the defendant Mr. Zimmerman stated that it's raining and so in his mind, he assumed or he profiled Mr. Martin as a criminal? Correct?

GILBREATH: Yes, sir.

DE LA RIONDA: Because Mr. Zimmerman perceived that Martin was acting suspicious in his

mind, in Mr. Zimmerman's mind. Correct?

GILBREATH: Yes.

DE LA RIONDA: And did -- isn't the 911 reporting, the police dispatcher informed him that an officer was on the way and to wait for the officer?

GILBREATH: Yes.

DE LA RIONDA: But isn't it true that Mr. Zimmerman did not wait for that officer?

GILBREATH: Correct.

DE LA RIONDA: In fact he continued to follow or to pursue Mr. Martin, isn't that true?

GILBREATH: Yes, sir.

DE LA RIONDA: And during your reporting there was mention of two fork marks, those are actually the language, the words that Mr. Zimmerman used to describe Mr. Martin or the people he felt were breaking in to those houses? Correct?

GILBREATH: Yes sir.

DE LA RIONDA: And I'm not going to repeat the word, for the purpose of the record but they should speak for themselves.

Isn't it true also that you verified through Detective Osteen, Investigator Osteen that Mr. Martin was on the phone with a lady who was out of town?

GILBREATH: Yes.

DE LA RIONDA: Ok and in fact that young lady provided a sworn statement but also you verified through phone records that that conversation actually took place? GILBREATH: Yes.

DE LA RIONDA: Ok and what is described in that next paragraph exactly that Mr. Martin was describing to the lady that he was scared because he was being followed throughout the complex by an unknown male and did not know why this man, Mr. Zimmerman was following him?

GILBREATH: To my understanding, yes.

DE LA RIONDA: Obviously Mr. Martin didn't refer to the male as Mr. Zimmerman.

GILBREATH: Yes and also this came from Osteen informing me of this. We had split work and had done different things.

DE LA RIONDA: And isn't it true that the route that Mr. Martin was going to or I should say the 17-year-old young man was going to was in the direct -- he was going directly to where he was living, where he's -- where he was staying, is that correct?

GILBREATH: Yes.

DE LA RIONDA: Ok and isn't it true that this young man was unarmed?

GILBREATH: Yes.

DE LA RIONDA: And isn't it true that Mr. Zimmerman was armed?

GILBREATH: Yes.

DE LA RIONDA: And isn't that true that in fact in the recording to the 911 or to the non-emergency operator or dispatcher that you can actually tell when Mr. Zimmerman leaves the vehicle and continues to pursue Mr. Martin?

GILBREATH: Yes.

DE LA RIONDA: And isn't it true that the dispatcher or operator tells Mr. Zimmerman, hold on -- that's my word -- but said something to the effect of you don't need to be following him, and he still continues to follow him?

GILBREATH: Yes.

DE LA RIONDA: And sir, you were asked about the next paragraph here that Zimmerman confronted Martin and a struggle ensued and you were asked a lot about what "confronted" means. If Mr. Martin was minding his own business and was going home and somebody comes up to him and starts accusing him (inaudible), wouldn't you consider that a confrontation?

GILBREATH: Yes.

DE LA RIONDA: That is, Mr. Martin didn't turn around and start -- he was minding his own business and Mr. Zimmerman's the one that approached Mr. Martin, correct?

O'MARA: Let me object at this point you honor. Though great leeway is given and I guess this is cross-examination, the concern is that he's talking now about evidence that is completely not in evidence.

LESTER: What's the objection?

O'MARA: The objection is he is presenting facts that are not in evidence to the witness.

LESTER: Sustained.

DE LA RIONDA: Why did you use the word "confronted" sir?

GILBREATH: Because Zimmerman met with Martin and it was compiling the facts that we had along with the witness statements of the argumentative voices and the authoritative voice being given from one of the witnesses and then the struggle that ensued that came from several witnesses.

DE LA RIONDA: But prior to that confrontation, Mr. Martin was minding his own business? Is that correct?

O'MARA: Again, your honor, we point to -- and this is not in evidence and he cannot present it that way to the witness.

LESTER: Sustained.

DE LA RIONDA: Mr. Martin, the route he was taking was towards his house, correct?

GILBREATH: Yes.

DE LA RIONDA: And he was unarmed?

GILBREATH: Yes.

(END LIVE FEED)

O'MARA: -- or who they were or anything.

GILBREATH: They -- I cannot identify who they were, but it was at the same time frame this occurred.

O'MARA: Ok. Besides that any other evidence to support your conclusion that Mr. Zimmerman continued to follow?

GILBREATH: Other than his call and that witness?

O'MARA: Yes.

GILBREATH: And the fact that where it ended up. No.

O'MARA: Well you do have some other evidence don't you? We had Zimmerman's statement, don't you?

GILBREATH: We have Mr. Zimmerman's statements, we have the shell casings and we had Mr. Martin's body.

(CROSSTALK)

UNIDENTIFIED MALE: Right and let's -- let's talk about Mr. Zimmerman's statements to you and to law enforcement that night.

Now --

UNIDENTIFIED MALE: We object as to hearsay?

O'MARA: It's not part of the proper cause of affidavit and on purpose was left out. I apologize. I'm not trying to make an argument that --

UNIDENTIFIED MALE: Overruled.

UNIDENTIFIED MALE: So do you know who started the fight?

GILBREATH: Do I know?

O'MARA: Right.

GILBREATH: No.

O'MARA: Do you have any evidence that supports who may have started the fight?

GILBREATH: No.

O'MARA: Mr. Zimmerman gave a statement that very night, did he not?

GILBREATH: Yes.

O'MARA: And within that statement, he said that he saw somebody, he was concerned, he got out of his car, he called non-emergency, and began to go towards the person. Is that paraphrasing but pretty correct so far?

GILBREATH: Paraphrasing, yes.

O'MARA: Ok. And if I go wrong, stop me and let me know where I wrong.

GILBREATH: I will.

O'MARA: And then he said he went back around and went towards his car, did he not? In his statement.

GILBREATH: In his statement after he was told not to talk by the dispatcher.

O'MARA: Got you.

GILBREATH: He says that he continued on to find a street sign and then went back to his car.

O'MARA: So he said before he knew anyone else saw or did not see what had happened, he gave a statement saying he went back to his car, correct?

GILBREATH: No. Towards his car.

O'MARA: Sorry. You're right. He went towards his car. Seemingly away from Mr. Martin, though, correct?

GILBREATH: That part of the interview I don't recall because I don't know that he indicated where Martin was.

O'MARA: Did he tell you who started the fight? Did he give you any indication what happened?

GILBREATH: No.

O'MARA: Not you. I apologize. Are you aware of any information of the statements that he had given regarding that?

GILBREATH: Yes.

O'MARA: Ok. And in those statements that you're aware of and were part of your foundation for coming up with this probable cause affidavit, what did he tell the officers?

GILBREATH: That he was the victim in this, and that it was Martin that confronted him and assaulted him.

O'MARA: When did he say that? When was the first in relation to when the event happened. When did he say that?

GILBREATH: The initial interview that was conducted at Sanford Police Department.

O'MARA: How long after the event?

GILBREATH: Within an hour and a half.

O'MARA: Had it been disclosed before he made that statement any information about what other evidence the police had gathered regarding this investigation?

GILBREATH: You mean to him? O'MARA: Yes.

GILBREATH: Not to my knowledge.

O'MARA: Would it be safe to assume then in giving him, and him giving that statement to the police wherein he said one, "I turned around and went back to my car"; and two, that he did not start the fight and that he was assaulted by Mr. Martin. When he gave that statement, did he have any indication that there were or were not half a dozen witnesses who saw the whole thing?

GILBREATH: I have no knowledge of that. I don't know what --

O'MARA: any insight you can give us as to --

(CROSSTALK)

GILBREATH: I have no indication what he picked up from other officers at the scene. I know from reading reports there were witnesses gathered around while he was still at the scene. And this was prior to their having statements taken from them. So I don't know what he picked up from overheard conversations.

O'MARA: That statement that he had given you -- sorry, law enforcement that day, that we just talked about, turning around and that he was assaulted, do you have any evidence in your investigation to date that specifically contradicts either of those two pieces of evidence that were in his statement given several hours after the event?

GILBREATH: Which two?

O'MARA: That he turned back to his car. We'll start with that one.

GILBREATH: I have nothing to indicate he did not or did not to that.

O'MARA: My question was do you have any evidence to contradict or that conflicts with his contention given before he knew any of the evidence that would conflict with the fact that he stated I walked back to my car?

GILBREATH: No.

O'MARA: No evidence. Correct?

GILBREATH: Understanding -- are you talking about at that point in time?

O'MARA: Since. Today. Do you have any evidence that conflicts with his suggestion that he had turned around and went back to his car?

GILBREATH: Other than his statement, no.

O'MARA: Any evidence that conflicts with that.

UNIDENTIFIED MALE: He answered it. He said no.

O'MARA: Any evidence that conflicts any eyewitnesses, anything that conflicts with the contention that Mr. Martin assaulted first?

GILBREATH: That contention that was given to us by him, other than filling in the figures being one following or chasing the other one, as to who threw the first blow, no.

O'MARA: Ok. Now, you know as one of the chief investigators that is the primary focus in this case, is it not?

GILBREATH: There are many focuses in this case.

O'MARA: That would be considered the primary, would it not, in your opinion, 35 years experience?

GILBREATH: I don't know that it's primary. It's one of the concerns, yes.

O'MARA: Nothing further.

UNIDENTIFIED MALE: Mr. Gilbreath, I didn't know we were going to be trying the case, I'm going to add up -- I apologize. I want to add some questions to -- you had reviewed or other members of the team had reviewed his interviews, is that not true.

GILBREATH: That is --

UNIDENTIFIED MALE: And he gave -- he the defendant gave numerous interviews to the police did he not.

GILBREATH: Yes.

UNIDENTIFIED MALE: And isn't it true that a lot of statements that he made do not make sense in terms of the injuries that he described. Did he not describe to the police that Mr. Martin had him on the ground and kept bashing his head on the concrete over and over and just physically beating him with his hands?

GILBREATH: He has said that, yes.

UNIDENTIFIED MALE: And isn't it true that there is evidence that indicates that's not true?

GILBREATH: Yes.

UNIDENTIFIED MALE: Did he also not state that at some point, he the defendant -- did he not state or claim that the victim in this case, Mr. Martin, put both hands one over his mouth and one over his nose so that he couldn't breathe?

GILBREATH: Yes.

UNIDENTIFIED MALE: And all of sudden that's when he was able to get free and grab the gun. Or I'm sorry, Martin was grabbing for the gun, did he not claim that too at some point. climb that?

GILBREATH: Yes.

UNIDENTIFIED MALE: But -- and I'm going to get into every little contradiction but wouldn't you agree that a lot of his statements can be contradicted by the evidence either witnesses or just based on what he says himself?

GILBREATH: Yes.

[BREAK]

GILBREATH: Managed to scoot away from the concrete sidewalk and that is at that point is when the shooting subsequently followed. That is not consistent with the evidence we found.

O'MARA: The injuries seem to be consistent with his story, though, don't they?

Dale; The injuries are consistent with a harder object striking the back of his head than his head was.

O'MARA: Could that be cement?

GILBREATH: Could be.

O'MARA: Did you just say it was consistent or did you say it wasn't consistent?

GILBREATH: I said it was.

O'MARA: Ok. Have you ever had your nose broken?

GILBREATH: No.

O'MARA: Have you ever had your nose fractured or broken.

GILBREATH: No.

O'MARA: You know that that was an injury that Mr. Zimmerman sustained, correct?

GILBREATH: I know that that is an injury that is reported to have sustained. I haven't seen any medical records to indicate that.

O'MARA: Have you asked him for them?

GILBREATH: Have I asked him for them? No.

O'MARA: Do you want a copy of them?

GILBREATH: Sure.

O'MARA: I'll give them to the state. It's a more appropriate way to do it. If you haven't had them yet, I don't want to cross you on them.

Nothing further, thank you, your honor.

UNIDENTIFIED MALE: I don't have any further questions, your honor.

(inaudible)

UNIDENTIFIED MALE: Yes sir. Anything further, Mr. O'Mara?

O'MARA: No thank you.

UNIDENTIFIED MALE: -- anything further?

UNIDENTIFIED MALE: No, your honor.

O'MARA: My client wants on make a statement to the court, your honor.

UNIDENTIFIED MALE: Please have a seat (inaudible). Please state your full name for the record, spell your last name.

George Zimmerman, charged with Trayvon martin's MURDER: George Michael Zimmerman, Z-i-m-m-e-r-m-a-n.

O'MARA: I think an inquiry is probably appropriate by the court just (inaudible) that he is a criminal defendant with a second-degree murder charge --

(CROSSTALK)

O'MARA: We want to make sure that (inaudible). State your name.

ZIMMERMAN: George Michael Zimmerman

O'MARA: You advised me that you wanted to make a short statement, is that correct?

ZIMMERMAN: Correct.

I wanted to say I am sorry for the loss of your son. I did not know how old he was. I thought he

was a little bit younger than I am. And I did not know if he was armed or not.

O'MARA: Nothing further, your honor. UNIDENTIFIED MALE: I'm sorry, sir, you're not really addressing that to the court. You're doing it here to the victim's family, is that correct?

ZIMMERMAN: They are here in the court, yes.

UNIDENTIFIED MALE: I understand. But I thought you were going to address your honor, Judge Lester, not -- so that's really addressed to the family and where the media happens to be, correct, Mr. Zimmerman?

ZIMMERMAN: No, to the mother and the father.

UNIDENTIFIED MALE: Ok. And tell me, after you committed this crime and you spoke to the police, did you ever make that statement to the police, sir? That you were sorry for what you've done or their loss?

ZIMMERMAN: No sir.

UNIDENTIFIED MALE: You never stated that, did you?

ZIMMERMAN: I don't remember what I said. I believe I did say that.

UNIDENTIFIED MALE: You told that to the police?

ZIMMERMAN: In one of the statements, I said that I felt sorry for the family.

UNIDENTIFIED MALE: You did.

ZIMMERMAN: Yes, sir.

UNIDENTIFIED MALE: So that would be recorded because all those conversations were recorded, right?

ZIMMERMAN: Yes, sir.

UNIDENTIFIED MALE: And you're sure you said that?

ZIMMERMAN: I'm fairly certain.

UNIDENTIFIED MALE: And so which officer did you tell that to? You made five statements I believe, total.

ZIMMERMAN: Yes, sir, I'm sorry, all the names run together.

UNIDENTIFIED MALE: And do you remember if it was a male or a female?

ZIMMERMAN: There were both males and females.

UNIDENTIFIED MALE: At the time you made that statement that you were sorry?

ZIMMERMAN: Yes, sir.

UNIDENTIFIED MALE: And let me make sure the record's clear, you stated exactly what to those detectives?

ZIMMERMAN: I don't remember exactly what -- verbatim.

UNIDENTIFIED MALE: But you're saying you expressed concern for the loss of Mr. Martin, or that you had shot Mr. Martin, that you actually felt sorry for him.

ZIMMERMAN: I felt sorry that they lost their child, yes.

UNIDENTIFIED MALE: And so you told detectives that you wanted them to convey that to the parents?

ZIMMERMAN: I don't know if they were detectives or not.

UNIDENTIFIED MALE: Officers, I apologize.

ZIMMERMAN: I didn't know if they were going to convey it or not. I just made the statement.

UNIDENTIFIED MALE: Ok. And then you said that you called them or you left a message for them to tell them that?

ZIMMERMAN: No, sir.

UNIDENTIFIED MALE: Why did you wait 50 something days to tell them -- that is, the parents?

ZIMMERMAN: I don't understand the question, sir.

UNIDENTIFIED MALE: Why did you wait so long to tell Mr. Martin and the victim's mother, the father and mother, why did you wait so long to tell them?

ZIMMERMAN: I was told not to communicate with them.

UNIDENTIFIED MALE: Ok. So even through your attorney, you didn't ask to do it right away? Your former attorneys or anything.

ZIMMERMAN: I did ask them to express that to them. And they said that they were going to.

UNIDENTIFIED MALE: But before you committed this crime on February 26th, you were arrested -- I'm sorry, not arrested. You were questioned that day, right, February 26th?

ZIMMERMAN: That evening into the 27th.

UNIDENTIFIED MALE: And then the following morning. Is that correct?

ZIMMERMAN: Yes, sir.

UNIDENTIFIED MALE: And the following evening, too. ZIMMERMAN: Yes, sir.

UNIDENTIFIED MALE: Ok. Would it be fair to say you were questioned about four or five times?

ZIMMERMAN: I remember giving three statements, yes sir.

UNIDENTIFIED MALE: And isn't it true that in some of those statement when you were confronted about your inconsistencies, you started "I don't remember"?

O'MARA: Outside the scope of direct examination. I will object your honor.

JUDGE LESTER: We'll give you a little bit of leeway. Not a whole lot but a little bit here, ok.

UNIDENTIFIED MALE: Isn't it true that when you were questioned about the contradictions in your statements that the police didn't believe it, that you would say "I don't remember"?

JUDGE LESTER: I'm going to grant his motion at this time.

O'MARA: Thank you, your honor.

UNIDENTIFIED MALE: Would you agree you changed your story as it went along?

ZIMMERMAN: Absolutely not.

UNIDENTIFIED MALE: Ok. Now, sir, you had a phone at some point and you agreed to turn over that phone to the police so they could make a copy of what was in there, right?

ZIMMERMAN: Yes, sir.

UNIDENTIFIED MALE: And in that phone did you receive or send text messages sir.

ZIMMERMAN: Yes, sir.

UNIDENTIFIED MALE: Did you ever make any reference to a reverend?

O'MARA: Objection, your honor. Outside the scope.

JUDGE LESTER: Sustained.

UNIDENTIFIED MALE: Did you ever make any reference to Mr. Martin, the father of the victim?

JUDGE LESTER: Sustained. You're getting a little bit far away.

UNIDENTIFIED MALE: I apologize your honor. My question is he was asked in terms of apology to the family and I'd like to be able to address that if I could. JUDGE LESTER: I think you can classify that whether or not he asked the apology. I don't want to get into other areas.

UNIDENTIFIED MALE: Yes, sir.

JUDGE LESTER: Thank you.

UNIDENTIFIED MALE: My question is, Mr. Zimmerman, do you recall sending a message to someone, an e-mail, about referring to the victim's father?

ZIMMERMAN: No, sir. I don't.

UNIDENTIFIED MALE: And just to anticipate, I guess -- is the court ruling that I can't ask him about the statements he made to the police in terms of his limited testimony? I just want to -- before I get that out don't want to be trying to ask the question and objections being made.

JUDGE LESTER: You've already anticipated and you can anticipate my ruling.

UNIDENTIFIED MALE: Thank you very much, your honor. I have no further questions, your honor.

JUDGE LESTER: Thank you. You may step down.

UNIDENTIFIED MALE: No further presentation.

JUDGE LESTER: The state anything further?

UNIDENTIFIED MALE: No sir.

JUDGE LESTER: Argument.

O'MARA: Yes, your honor. Though there is a presumption against bond initially with a felony like this; in order to maintain that the state would have to convince that you to a standard that I

don't think they attempted to reach today --

(END LIVE FEED)

(BEGIN LIVE FEED)

MARK O'MARA, ATTORNEY FOR GEORGE ZIMMERMAN: ... second-degree murder case because I say it is and that is what they present to you as evidence of second-degree murder, then I would ask that you consider the anti-author (ph) argument which is not only could the state not prove this case to the author (ph) standard that proof is evidence and presumption great, but that as of today, you and I know now more about what happened or may not have happened that day.

And I (INAUDIBLE) with that in considering whether or not you'll allow bond and then the amount of it.

JUDGE KENNETH LESTER, FLORIDA: Thank you, Mr. O'Mara.

Mr. De La Rionda?

BERNARDO DE LA RIONDA, ASSISTANT STATE ATTORNEY: May it please the court?

(INAUDIBLE), obviously, we differ and I know that the court be at somewhat of a disadvantage because we haven't tried the case, and what occurred here maybe was an attempt by defense council to try it in terms of just the probable cause, but we obviously have much more than that.

But our position is that the court should consider in terms of what he is facing, that is, life in prison, so it's a felony, a life felony, and that obviously makes it different than what it was before in terms of when he was out. He wasn't charged with a crime in terms of his flight risk.

You also have the fact that it is an unarmed 17-year-old boy. I mean, the court has to consider the fact itself. This young man was minding his own business, was not committing a crime. And I know we're not going to litigate a case in front of the court at this time, but that is a factor in terms of you have an innocent young man whose life is no longer among us.

His ties to the community, I don't know how good they are. Quite frankly, I think he has a nice family, but, you know, where is he going say about if the court lets him out and will he be a threat to other people? Quite frankly, some people may want to get at him, in fairness to him, in fairness to the defense.

But our position is that you have a person, Mr. Zimmerman, who in the past has committed violent crimes. Now, it was minimized, I guess, by the fact he was allowed in some diversion courtroom, but it shows a lack of adhering to authority, which I think is an important factor. The court is the obviously most authoritative figure in this courtroom and, for this case.

But you have a law enforcement who told him to abide by his commands and he just disregarded and, as a result, he confronted that officer and now I guess the family are saying the defendant is saying some kind of self-defense or something. He didn't really mean to do it.

But the bottom line, you have a prior violent act and then you have the consideration of the injunction. Granted, he did end up putting an injunction, but meaning he has prior violence in his past. So it's not somebody who has never been in trouble with the law before and I think the court has to factor that in, in terms of the consideration and safety of the community.

He has violence in the past and obviously he committed this crime, or he's charged with committing this crime. I know the court hasn't heard all the facts and the court can't adjudicate them at this time.

Our position is that he still will be a danger to the community and, based on the crime, he should be kept on no bond or the bond should be \$1 million, quite frankly. We feel that we've established at least probable cause if not more based on the facts. What it boils down to, he shot somebody.

Now, his defense is, which is an affirmative defense which he's obligated to put and which there is no evidence to the court of that right now since the defense chose not to ask Mr. Zimmerman about that nor was I able to inquire of him. So, quite frankly, that is not before this court.

The facts before the court is you have a 17-year-old young man who was minding his own business and was walking home when he was confronted by the defendant who felt that Mr. Martin was committing a crime of some type. Unfortunately, he made the wrong assumption and that's why the word profile was used for no other way. That's the reason the word is there.

And he confronted Mr. Martin. Why else would Mr. Martin want to confront Mr. Zimmerman? Mr. Martin was on his way home, minding his own business. If anything, you could argue that the self-defense is really Mr. Martin trying to defend himself, but I'm not here to argue all the facts, obviously.

Our contention is, Your Honor, that this is a serious crime and that he should be held under no bond or, if the court were to set a bond, it would be \$1 million. I thank you for the court's indulgence.

LESTER: Thank you. Anything further, Mr. O'Mara?

O'MARA: I have numerous cases to present, but you're more familiar than I, so I'm not going to bore you with those. I just ask you to consider the case law in making your determination.

LESTER: Thank you very much.

The good thing about practicing law in Florida as a judge, as a prosecutor, and as a defense attorney is that we have lots of experience. I don't think there are too many jurisdictions in the

country that get the wealth of cases, the amount of cases like this, not this particular one, but just cases in general in the criminal justice system, so we're all very experienced with this.

This is a very common type hearing and we're all familiar with this topic. It's a regular hearing but for the media involved in the particular case and circumstances associated with Mr. Zimmerman's record are something that the court and anybody who practices in the Central Florida area is familiar with the situations that go on at those establishments on the UCF corridor is the way I'll describe it. I think that's the best way.

And so we're familiar with those particular situations. I won't say it's standard, but it's a run-of-the-mill type run-in with the alcohol and beverage agents at the library, I believe it was. They're fairly common, so I'm familiar with those, even though it's in another jurisdiction.

The injunction was somewhat mild compared to the injunctions that I'm familiar with and so really what this revolves about is the facts of this particular situation as presented to the court.

What I'm going to do is I'm going to find that the motion is well taken. I'm going to grant the motion, set bond in the amount of \$150,000 with the following conditions, electronic monitoring, GPS. I'll require the state and the defense to meet with the sheriff's department to accomplish that.

That means Mr. Zimmerman will not be released today, but I'll make sure that the state and the defense can work out those assurances and then, if we need further hearing again to preserve the secrecy and to establish safety as long as the state and the defense can agree, that's fine with the me and the sheriff department agree, that's fine.

If we can't, we can have another meeting with respect to that. There is to be no contact, directly or indirectly, with the victim's family or through an intermediary in any way. There is to be no possession of firearms, be they rifles, shotguns, handguns, pistols, revolvers, any type of firearm or destructive device.

There is to be no consumption of alcohol. There is to be a curfew from 7:00 p.m. to 6:00 a.m. He is to advise the monitoring supervisor and the sheriff's department as to his location every three days.

Are there any other special considerations the state wants me to invoke at this time?

DE LA RIONDA: Your Honor, we would request that he -- obviously his attorney has the right -- but have no contact with any of the witnesses in this case. He doesn't know who the witnesses are at this time, but ...

LESTER: No contact with the witnesses. He can actually go and meet with Mr. O'Mara. That's between Mr. O'Mara and his client how they arrange that due to the facts of this particular situation. Anything else you want me to consider?

DE LA RIONDA: No, your honor.

LESTER: No use of controlled substances other than those lawfully prescribed to you by a licensed medical doctor. I've mentioned no consumption of alcohol.

Mr. O'Mara, anything else you need?

O'MARA: I'm asking that Mr. Zimmerman be allowed to reside out of state, Your Honor.

LESTER: That's why I'm saying you need to talk with the state and that sheriff's department, work that out and see if it can be accomplished and then, if there's further discussion, you can bring it before me, OK?

O'MARA: Yes, your honor.

LESTER: All right, there were other issues. I think yesterday the press was somewhat concerned that we were holding a hearing outside of their presence. I think by virtue of the order that I entered, they saw what the purpose of that meeting was.

It was purely for logistical purposes to figure out how to get Mr. Zimmerman dressed for the hearing and how to secure the appearance of the witnesses in a manner which preserves their safety.

The state has indicated they're very concerned about that with respect to their witnesses. The defense has indicated they're very concerned with that with respect to their witnesses. In light of that, I'm going to have to work and I'm going to rely upon the state and the defense to assist me as far as what to do with the court file because the media absolutely has a right to the court file. The state understands that. The defense understands that.

I think at a preliminary we need to work toward getting that information to the media with the redacted version as far as addresses and names. Can the state and defense advise me if you have any objection with me working toward that right now?

I'll give you the final product, so you can OK it before anything's released. We can get that to the media as quickly as possible and then we'll tentatively set a hearing for next Friday at 9:00 to allow the media to go ahead and, if they any further concerns at this time, to go ahead and voice them.

But I think if we can get that product to them immediately, I think that will alleviate a lot of the concerns they have with not being kept up to speed and being able to (INAUDIBLE). Is that OK with you?

DE LA RIONDA: Your Honor, if I may address the court, in fairness to defense council, I have not provided discovery and I think, quite frankly, (INAUDIBLE) until I provide Mr. O'Mara discovery and I know Mr. O'Mara and I have spoken before.

There's some issues that I think both sides - I know I will concur with Mr. O'Mara - should not be subject to the public knowing about, including statements, et cetera, and I think we can address those with the court at a later date.

LESTER: All right, I think what we can do there, Mr. O'Mara, if you agree that you two can work it out and if you think there's an area of concern, you can go ahead and approach the court by motion and we can have that heard and then we can discuss it.

But with respect what's in the file here today, it's fairly thin as far as ...

DE LA RIONDA: I apologize. I agree as to what's in the file right now. I apologize. That's correct.

O'MARA: My only concern, yes, I agree working towards that goal is good and we need to get to it quickly. I have gotten or received some notice of hearing that told me of a hearing before a Circuit Judge Tuesday at 9:00 on motions filed by the media.

LESTER: I don't know about that, but I'm just telling you I'm more than happy to -- most of the file consists of motions filed by the media, so you can look to your own files if you want to do that.

But I think the best way to get it is for me to work through this, give you the products, both of you - all the attorneys -- look at that, make sure I'm OK, get that to them as quickly as possible and then, if they have any further concerns, we can address it at that hearing on Friday at 9:00.

O'MARA: And we don't need to be here Tuesday at 9:00?

LESTER: I'm not going to hear it Tuesday at 9:00. I still have a working division. I'm still doing other trials. The state attorney's offices has thousands of cases up in Duval County. You have an active present.

O'MARA: Thank you for the time. LESTER: Anything further from the state at this time?

DE LA RIONDA: Thank you very much, Your Honor.

LESTER: Anything further from the defense at this time?

O'MARA: No, thank you, your honor.