

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR SEMINOLE COUNTY, FLORIDA

STATE OF FLORIDA

VS.

CASE NO.: 2012-001083-CFA
SA NO: 1712F04573

GEORGE ZIMMERMAN
_____ /

MOTION TO REVOKE BOND

The State of Florida, by and through the undersigned Assistant State Attorney, pursuant to Rule 3.131 and 3.132, Florida Rules of Criminal Procedure, moves this Honorable Court to enter an order revoking Defendant's bond. As grounds the State states:

1. On 4/12/2012, Defendant filed a Motion to set Reasonable Bond. Among the reasons cited by Defendant were:
 - a) Defendant does not have a current United States passport, and promises unto this Court not to attempt to secure one during the pendency of this matter.
 - b) Defendant has no significant financial assets, or savings, in that the funds for any bond will come from his family.
2. On 4/20/2012, this Court conducted a Bond Hearing in which Defendant was present and several of Defendant's family members testified via telephone under oath. At the Bond Hearing Defendant misrepresented, mislead and deceived the Court as to his possession of a United States passport, and Defendant and his family's financial circumstances.
3. On 4/27/2012, this Court held a Hearing regarding Motions filed by media attorneys. Defense Counsel informed the Court that at the Bond Hearing on 4/20/2012, Defendant's family members misinformed the Court (the State would use a much stronger and accurate word to describe what occurred -- Defendant's wife lied to the Court) about Defendant and his family's finances. Defense Counsel told the Court that the money had now been transferred into a trust account controlled by Defense Counsel.

4. At the 4/27/2012 Hearing, the State asked the Court to increase Defendant's bond. The Court ruled that before it could make a decision it would need to see who had control over the account, find out how the account was created, and who was in charge when payments were made into the account.

DEFENDANT'S PASSPORT

5. At the beginning of the Bond Hearing on 4/20/2012, Defense Counsel informed the Court that Defendant was surrendering his United States passport and tendered it to the Court, noting that the passport "expired in May 2012". Defense Counsel stated "this is my client's current passport and only passport that he has" (Transcript page 7, copy attached). Defendant's United States passport, # 301813125, issued 5/22/2002, was introduced into evidence. Defendant was present in the courtroom when this occurred.
6. Nothing could be further from the truth. As detailed in the attached certified records from the United States Department of State, Passport Services, the passport surrendered to the Court on 4/20/2012 was not the only passport that was issued and available to Defendant.
7. On 5/22/2002, Defendant obtained United States passport # 301813125, which was good for ten years, and expired in May 2012. See attached United State passport application. This was the United States passport that was introduced at the Bond Hearing.
8. On 3/8/2004, Defendant filed a claim with the Department of State Passport Office alleging that his United States passport was lost or stolen, and applied for another United States passport. See attached Form DS64 Statement Regarding a Lost or Stolen Passport.
9. On 3/26/2004, Defendant obtained another United States passport # 017355779. This passport is currently valid until 2014. See attached United States passport application.
10. On 4/17/2012 @ 1127 (call # 18587153), while Defendant was in custody in the Seminole County Jail on this charge, Defendant called his wife and spoke to her about his passport. The call was recorded. See attached Seminole County jail recording. At approximately seven minutes into the call the following conversation took place regarding the passport:
Defendant: Do you know what? I think my passport is in that bag.

Shelly Zimmerman: I have one for you in safety deposit box...

Defendant: Ok, you hold onto that.

Shelly Zimmerman: For you....

11. The State has notified the appropriate authorities regarding Defendant having an additional United States passport and they are on alert in case Defendant attempts to use the passport to flee the country.
12. The State would request that Defendant at a minimum be required to immediately turn over his United States passport to law enforcement if the Court needs additional time to rule on this Motion.

DEFENDANT'S FINANCIAL CIRCUMSTANCES AT THE TIME OF THE BOND HEARING

13. As Defense Counsel previously mentioned during the Media Hearing on 4/27/2012, Defendant's family did have access to money at the time this Court heard Defendant's Bond Motion on 4/20/2012.
14. During the 4/27/2012 Hearing the Court requested Defense Counsel provide the Court and State an accounting for the money Defendant had obtained through his website and PayPal records. Defense Counsel submitted a letter on 5/18/2012 with documents to this Court, and copied the State, explaining the money Defendant had available.
15. Defendant's wife, Shelly Zimmerman testified under oath at the Bond Hearing on 4/20/2012 about the family and Defendant's financial circumstances.
16. Shelly Zimmerman stated the following:
 - Questioning by Mr. O'Mara (Transcript page 15, copy attached).
 - Q: Other major assets that you have which you can liquidate reasonably to assist in coming up with money for a bond?
 - A: None that I know of.
 - Q: I have discussed with you the pending motion to have your husband, George, declared indigent for cost, have I not?
 - A: Yes, you have.
 - Q: Are you of any financial means where you can assist in those costs?
 - A: Not that I'm aware of.
 - Q: I understand that you do have other family members present with you, and I'll ask some more questions of them, but have you had discussions with them of at least trying to pull together some funds to accomplish a bond?

A: We have discussed that.

Q: Okay

A: Trying to pull together the members of the family to scrape up anything that we possibly can.

- Questioning by Mr. de la Rionda (Transcript pages 26 & 27, copies attached).

Q: You mentioned also, in terms of the ability of your husband to make a bond amount, that you all had no money, is that correct?

A: To my knowledge, that's correct.

Q: Were you aware of the website that Mr. Zimmerman or somebody on his behalf created?

A: I'm aware of that website.

Q: How much money is in that website right now? How much money as a result of that website was ---

A: Currently, I do not know.

Q: Do you have an estimate as to how much money has already been obtained or collected?

A: I do not.

17. As discussed previously, while Defendant was in custody in the Seminole County Jail, Defendant made telephone calls that were recorded. Defendant and the person he was talking to were aware that the calls were being recorded.

During some of the calls to his wife, Shelly Zimmerman, Defendant discussed the amount of money sent to PayPal through the website, which was deposited into Defendant's Credit Union account, and at Defendant's direction transferred into his wife's Credit Union account. Even though Defendant was in jail at the time, he was intimately involved in the deposit and transfer of money into various accounts. Defendant was directing the show and used his wife, who willingly participated, to complete the transfers. During two of the calls Shelly Zimmerman is at the Credit Union, and in one Defendant speaks directly to the Credit Union official. See attached Seminole County jail recordings.

- a) 4/12/12 @1643 (call# 18533166) at approximately four minutes into the call the following conversation took place regarding Defendant's financial circumstances:

Defendant : Take care of my account so you can log in

Shelly Zimmerman: Yeah I know

Defendant: I have 44 dollars and 46 cents

Defendant: Call him so he can re-set the password and the security question so you can use it

Shelly Zimmerman: Yeah

- b) 4/15/12 @1034 (call# 18568099) at approximately ten minutes into the call the following conversation took place regarding Defendant's financial circumstances:

Defendant: You're going to take out \$10 and keep it with you in cash, less than 10

Shelly Zimmerman: Like \$9

Defendant: Say about 10. I'm wondering you have more than \$10, right?

Shelly Zimmerman: Not with me

Defendant: You don't have access to more than \$10 in your account?

Shelly Zimmerman: I do

Defendant: I have access to

Defendant: In your account

Shelly Zimmerman: Yeah

- c) 4/16/12 @1334 (call# 18577118) at approximately one-minute and forty seconds into the call the following conversation took place regarding Defendant's financial circumstances while Shelly Zimmerman is at the Credit Union:

Shelly Zimmerman: Can I put you on speaker phone. Not going to say any personal information since it's recorded.

Credit Union Official: Need to reset password now. (Credit Union Official gets last four digits of SS number).

- d) 4/16/12 @ 1426 (call# 18577856) at approximately eight minutes into the call the following conversation took place regarding Defendant's financial circumstances while Shelly Zimmerman is at the Credit Union:

Defendant: In my account do I have at least \$100?

Shelly Zimmerman: No

Defendant: How close am I?

Shelly Zimmerman: \$8. \$8.60

Defendant: Really? So total everything how much are we looking at?

Shelly Zimmerman: Like \$155

- e) 4/16/12 @1632 (call# 18579780) at approximately fifteen minutes into the call the following conversation took place regarding Defendant's financial circumstances:

Defendant: If the bond is more than 15 pay the 15. If more than 15 pay 10% to the bondsman.

Shelly Zimmerman: You don't want me to pay \$100

Defendant: I don't know.

Shelly Zimmerman: All right just think about it.

Defendant: I will

Shelly Zimmerman: That's what it's for.

18. The Court is already aware from Mr. O'Mara's 5/18/2012 letter and documents, that Defendant family had access to over \$135,000 in cash. The State obtained Defendant and Shelly

Zimmerman's Credit Union records for April 2012 (copies attached) and agrees with Defense Counsel about the amount of money available in those accounts (money was also transferred to other accounts) at that time. The Credit Union statements show on 4/19/2012, the day before the Bond Hearing, Defendant and his wife had access to over \$135,000.00.

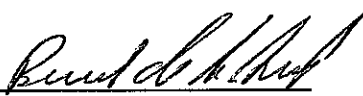
19. Defendant has intentionally deceived the Court with the assistance of his wife, Shelly Zimmerman. During the jail phone calls both of them spoke in code to hide what they were doing. And, Defendant fully controlled and participated in the transfer of money from the PayPal accounts to Defendant and his wife's Credit Union accounts. This occurred prior to the time Defendant was arguing to the Court that he was indigent and his wife had no money. In addition, Defendant through his attorney (who I am certain was unaware of what Defendant was doing) represented to the Court that he was turning in his United States passport. The State is not alleging that Mr. O'Mara was aware of Defendant having a second United States passport, but that he too, like the Court was misled by Defendant.
20. Defense Counsel argued to the Court during the 4/27/2012 Hearing and in the letter detailing the money transfer that only a small portion of the money was used to secure the bond. Why then was it necessary to lie at the hearing? Defense Counsel also argued that all the money that was not already spent was transferred into Counsel's trust account. The money still belongs to Defendant and he can demand it at any time.
21. In setting Defendant's Bond at \$150,000 the Court relied on false representations and statements by Defendant and Shelly Zimmerman. The Court should revoke Defendant's Bond or at a minimum increase it substantially.

WHEREFORE, the State requests this Honorable Court Grant this Motion.

CERTIFICATE OF SERVICE

I HERBY CERTIFY that a copy of the foregoing has been furnished by email to Mark O'Mara, Esq., and the Honorable Judge Kenneth R. Lester Jr. (Judicial Assistant Marilyn McAllister), this 1st day of June, 2012.

ANGELA B. COREY
STATE ATTORNEY

By: 

Bernardo de la Rionda
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Assistant State Attorney