

Trial of killer of Trayvon Martin nears conclusion

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Wednesday afternoon, after two-and-a-half weeks of trial featuring 38 prosecution witnesses and 18 more called by the defense, George Zimmerman's attorneys rested without calling the gunman to testify about shooting 17-year-old Trayvon Martin as the youth was walking to his father's girlfriend's home in Sanford, Florida.

After Seminole County Judge Debra Nelson denied a defense motion to acquit Zimmerman, the prosecution began its rebuttal case. The attorneys are expected to argue within the next few days and a verdict is likely sometime next week.

Martin's February 26, 2012 death sparked national outrage after his parents, Tracy Martin and Sybrina Fulton, campaigned publicly to expose the refusal of local police and prosecutors to charge Zimmerman, a 28-year-old "neighborhood watch" volunteer. Zimmerman, who was wearing a pistol on his belt, as permitted by Florida's permissive gun laws, initially claimed he was protected by Florida's reactionary "stand your ground" law, which allows people to kill supposed aggressors rather than retreat to safety.

Yielding to intense national pressure, the Florida attorney general appointed a special prosecutor, who charged second degree murder, which means killing a person with "a depraved mind without regard for human life." The jury will also consider the "lesser included offense" of manslaughter, an unlawful killing without malice.

Zimmerman shot and killed Martin after the young man had walked to a convenience store to purchase candy and a beverage. The gunman, who chased down Martin and then got into a fight, claims he shot in self-defense, which requires a reasonable belief that deadly force was necessary to prevent his death or great bodily harm.

One cannot assess the impact of the evidence on the six-person jury. The talking heads who dominate coverage in the bourgeois media have tended to portray the prosecution as lackluster compared to Zimmerman's legal team, which appears better prepared and more focused.

The prosecution's opening statement, where the jury first hears the outline of evidence in the case—a crucial stage in any trial—was perfunctory, only a half-hour long. In contrast, defense attorney Don West spent two-and-a-half hours methodically setting out Zimmerman's defense, complete with maps and diagrams, claiming that he had to fire because Martin attacked him, pounding the back of his head into a cement walkway.

The evidence began with Zimmerman's call to 911 about a "real suspicious guy." Without any basis other than Martin's age and race, Zimmerman told the dispatcher, "This guy looks like he's up to no good, or he's on drugs or something. It's raining and he's just walking around, looking about."

After telling the dispatcher that "he's coming towards me" with "his hand in his waistband, and he's a black male," Zimmerman abruptly flip-flopped, claiming the youth was fleeing and bemoaning that "These a_____ always get away."

Moments later, Zimmerman said Martin was running away and called the youth a "f_____ punk." After confirming that Zimmerman was following Martin, the dispatcher said, "Ok, we don't need you to do that."

Within minutes, Martin lay face down with his arms spread out, dead from a single gunshot wound to the heart from Zimmerman's nine-millimeter Kal-Tac pistol.

Most of the evidence has concerned the fight between Martin and Zimmerman. A young woman with whom

Martin was chatting by cell phone, Rachel Jeantel, confirmed that Martin felt he was being stalked by a hostile white man. There were three neighbors who either saw or heard portions of the altercation. None was able to give a full description of what happened.

Experts on both sides described the physical evidence, which was inconclusive. There was none of Zimmerman's DNA on Martin's hands, and none of Martin's DNA on Zimmerman's pistol. On the other hand, Martin's fingers had abrasions consistent with having punched Zimmerman in the face, and Zimmerman had a bloody nose and abrasions on the back of his head. Both sides' experts called Zimmerman's wounds superficial and minor, not in any way life-threatening.

Taken as a whole, the eyewitness and physical evidence demonstrates that Zimmerman's aggressive pursuit of Martin culminated in a physical fight, during which Martin punched Zimmerman in the face, causing the back of his head to hit a hard surface.

Over a dozen witnesses, including all four parents, were called solely to identify the voice calling for help heard in the background of a 911 call placed by one of the neighbors.

That issue could turn out to be insignificant. Zimmerman had no cause to get out of his car in the first place and pursue Martin while wearing a firearm—especially after being told not to do so. The young man had every right to use force to defend himself against such a provocation, and the fact that Zimmerman may have been getting the worse in a fight he picked does not excuse lethal force.

The rest of the evidence related to Zimmerman's recorded statements and the police investigation.

Zimmerman described events to the Sanford police as if he were a police officer, calling Martin "the suspect"—there was no crime reported or underway—and employing the familiar clichés police often use to defend their unjustified shootings of workers and youth. The prosecution's extensive use of Zimmerman's statements, including a self-serving interview on the right-wing *Hannity* Fox News television hour, allowed Zimmerman to present his version of events to the jury on multiple occasions without having to take the witness stand, where he would have been cross-examined.

Nevertheless, Zimmerman's own words expose the

implausibility of his self-defense claim. Of particular interest is the glaring contradiction between Zimmerman's initial statement that Martin surprised him by attacking from behind a bush, and the reenactment video Zimmerman and the police investigators made the next day, where Zimmerman points to the location of the fight in the middle of a lawn, far from any foliage that could have conceal a human being.

If Martin was fleeing, as Zimmerman told the dispatcher, and the fight began out in the open, then it must have been initiated by Zimmerman. Any use of force by Martin was therefore provoked, making Zimmerman's shooting in response a criminal act.

While to a certain extent the prosecution's weakness on key issues can be attributed to gaps and other problems in the evidence itself, it is also apparent that the police apparatus as a whole—within which prosecuting attorneys play a crucial role—tends to sympathize with Zimmerman, a "wannabe" police officer whose only offense, in the eyes of the state, was perhaps excessive zeal in the defense of property.

The real lineup of class forces was revealed most clearly during the testimony of Sanford police officer Chris Serino, who testified that he believed Zimmerman was telling the truth when claiming the shooting was in self-defense. Credibility determinations are reserved for the jury, and the testimony was clearly objectionable, yet the prosecutors said nothing until the next day, far too late to remedy their blunder effectively. Normally, police officers go out of their way to shape their courtroom testimony to convict the defendant.

The list of witnesses who have testified, with links to their video testimony, can be found here: <http://trayvon.axiomamnesia.com/people/witnesses/>.



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