

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

STATE OF FLORIDA,

Plaintiff,

vs.

CASE NO.: 2012-001083-CFA

GEORGE ZIMMERMAN,

Defendant.

MOTION TO REQUEST REVIEW OF CERTAIN DISCOVERY

COMES NOW, the Defendant, GEORGE ZIMMERMAN, by and through his undersigned counsel and files this his Motion to Request Review of Certain Discovery and as grounds therefore states as follows:

1. That the State forwarded a collection of discovery directly to the Court identified as the State's Discovery Exhibit and Demand for Reciprocal Discovery.
2. That this information was, at various times, reviewed by the Court in anticipation of certain hearings on motions, such as the Defendant's Motion to Set Bond and other matters.
3. That there has been an issue as to certain recordings forwarded to the court in that assortment of discovery.
4. That the defense was advised by the State that they had received an exact copy of the information forwarded to the Court. Upon review of the defense copy it was determined that certain recordings of the witness identified as Witness 9 were not included in the Defendant's copy of that discovery.
5. That in an attempt to accomplish copies of that seemingly missing discovery the defense has attempted on at least two occasions to accomplish copies of those missing recordings from the State. That in response to the Defendant's first request the State forwarded additional copies which turned out to be only those same copies initially received by the defense, but not the full contingent of recordings of that witness.

6. Upon a second request by the defense the State's second attempt (actually third attempt at disclosure) the tape of the missing, now mysterious third recording could not be played.

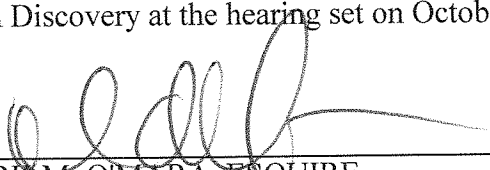
7. There is now an additional request pending with the State after now the fourth attempt by the defense to get that recording, it was disclosed by the State in its 8th Supplemental Discovery dated September 19, 2012.

8. The Defendant requests the opportunity to review, with the court, the recordings that this Court listened to (actually listened to by previous Circuit Judge Kenneth Lester) to ascertain whether or not the Court received an accurate recording as finally disclosed by the State in their eighth response, or if the Court received an inaccurate or inaudible recording, as the defense has received up until the filing of the State's eighth response.

9. The undersigned counsel believes that these recordings are still maintained in the Court's offices, either by personnel for Judge Kenneth Lester, or as may have been transferred to this Court, but nonetheless they are in the possession of the Circuit Court Offices and need to be reviewed.

10. The defense would ask that those recordings be presented at the hearing set on October 19, 2012, to clear up the confusion regarding which recording the Court examined. In an abundance of caution, undersigned counsel suggests that statements be listened to "in-camera".

WHEREFORE, the Defendant respectfully requests this Honorable Court grant the Defendant's Request and allow Review of Certain Discovery at the hearing set on October 19, 2012, as stated above.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Facsimile/E-Mail this 5th day of October, 2012 to Bernie de la Rionda, Assistant State Attorney and John Guy, Assistant State Attorney, Office of the State Attorney, 220 East Bay Street, Jacksonville, Florida 32202-3429, and to Donald R. West, Esquire, 636 West Yale Street, Orlando, Florida 32804.



MARK M. O'MARA, ESQUIRE