

Judge in Zimmerman Trial Declares Verdict "A Miscarriage of Justice"

Jury Ignores Judge's Instructions in Setting Child Killer Free

That the jury in the trial of George Zimmerman got their verdict shockingly and damagingly wrong is not a matter of opinion. It comes straight out of the instructions that Judge Debra Nelson gave to the jury before they began deliberating, which they were required by law to follow.

The instructions Judge Nelson gave to the jury are very clear. In order to reach a verdict of guilty on the charge of manslaughter the State must prove that "George Zimmerman intentionally committed an act or acts that caused the death of Trayvon Martin." George Zimmerman intentionally pointed a gun at Martin and intentionally pulled the trigger, causing his death. This fact was not disputed by either side in the trial. Negligence as a possible defense is ruled out since negligence must be "without any conscious intention to harm." Another possible defense is "excusable homicide," but this only applies when the event causing death is "by accident and misfortune." Anything intentional cannot also be by accident and misfortune. What's left is "justifiable homicide," which allows the defendant to claim he feared "imminent death or great bodily harm" and that "the appearance of danger must have been so real that a *reasonably cautious and prudent person* under the same circumstances would have believed that the danger could be avoided *only* through the use of [deadly] force" (emphasis added).

Let's talk reasonable person. You are walking down the street minding your own business with no ill intent to do anyone any harm. It is dark and you are by yourself. A complete stranger (not a police officer) starts following you, then approaches you and does something that makes you feel the need to physically defend yourself. What would a reasonable person think that George Zimmerman probably did to Trayvon Martin to get a reaction like that?

So George Zimmerman starts a fight with a 17-year-old boy who was doing nothing wrong and minding his own business. But it's not a gun or knife fight, initially; it's the type of fight you see regularly on baseball fields, in hockey rinks, and in bars across the country. If one hockey player attacks and punches another and that other player hits the first player across the head with his stick and fractures his skull, the *second* player might be subject to prosecution because no reasonable person would think he was under threat of "imminent death or great bodily harm." The most dangerous weapon Trayvon Martin had on him was a can of iced tea, which no one even claims he'd used as a weapon. But even if he had, what kind of weak-kneed panty waste fears imminent death or great bodily harm from a can of iced tea? This is the sort of person who not only should never be allowed anywhere near a gun, he'd probably be better off not going out in public at all. But is Zimmerman that much of a weak-kneed panty waste? Or was there more method to his madness? It's either one or the other.

Finally we're left with this instruction from Judge Nelson: "It is *not* necessary for the State

to prove that George Zimmerman had an intent to cause death, only an intent to commit an act that was not merely negligent, justified, or excusable and which caused death" (emphasis added). In other words, for manslaughter to be proved, whether Zimmerman *intended* to kill Martin does not have to be considered at all, only what he *did* that caused Martin's death. Taking all of Judge Nelson's instructions together, the only thing necessary for the jury to legally convict and put Zimmerman away for a minimum of 9 1/4 years was to believe that he intentionally shot Martin (a fact not in dispute) *and that no reasonably cautious and prudent person would have done otherwise.*

A reasonable person would not have confronted Martin, as Zimmerman was instructed not to by the dispatcher; or a reasonable person would have approached Martin in a way that did not start a fight; or a reasonable person

would have met the physical threat with its appropriate counterpart. Time and again George Zimmerman proved he was not a reasonable person. And the jury, filled with his peers, ignored those parts of Judge Nelson's instructions. What this verdict does is lower the standard for the "reasonably cautious and prudent person" to a level where we might as well not have any laws at all.

And what does it say about the character of these jurors when they say the *only* way to deal with an unarmed teenager is with deadly force? Legal language is written very carefully; not a single word is added flippantly. So when a word like "only" is included, it means *only*. In the end, we are left with this haunting refrain from Judge Nelson's own words: "You must follow the law as it is set out in these instructions. If you fail to follow the law, your verdict will be a miscarriage of justice."



The New Bogeyman

For centuries parents have told their children to behave or else "the bogeyman will get you." The bogeyman was a child-eating monster that was allowed to roam free across the land, and he had a special hunger for those naughty boys and girls who failed to listen to their parents. Today, we can put a face to the concept. From now on parents can tell their children, "Behave or else George Zimmerman will get you."