



Forensic Force Series®
The Trayvon Martin Shooting – Justice Unbalanced
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As a practicing forensic criminologist specializing in the forensic analysis of officer-involved and civilian self-defense shootings I am of course fascinated by the media's and public's insatiable appetite for details in the now infamous civilian-involved shooting of Trayvon Martin in Sanford, FL. However, I must confess that much of my interest and curiosity lies in the fact that rarely have I witnessed and reviewed so many news reports and articles; or listened to the comments of media talking heads, pundits and self-professed "experts" rendering opinions based on nothing short of falsehoods, half-truths, incomplete self-serving fraudulently edited forensics and outright wild speculation.

Day and night the media force feeds us with barrages of in your face "Breaking News!" details in the civilian shooting death of Trayvon Martin by private citizen and Neighborhood Watch volunteer George Zimmerman. Unfortunately for us all, the media's more prominent cable news hand-wringing talking heads, local news station anchors, news print reporters and race baiting extortionists have manipulated and/or manufactured so many details of this case to fit their racially divisive bent agenda that many Americans have already made up their minds on the guilt or innocence of George Zimmerman who was ultimately faced with a life and death decision whether or not to deploy deadly force.

Ruining almost any opportunity for a fair and impartial forensic investigation or trial are the painfully negligent efforts of some key and peripheral players in this saga. First, we have members of the Sanford Police Department who have stupidly leak-released critical items of forensic evidence during the course of an open investigation. As a result, 9-1-1 dispatch tapes and surveillance video of Mr. Zimmerman walking through the Sanford PD sally port provided some in the blatantly biased and unethical media like NBC opportunities to fraudulently edit this evidence to fan the flames of ever present racial disharmony by suggesting that Zimmerman may have engaged Martin simply because he was black and that Zimmerman had not been injured during their encounter.

Next, we have the self-serving, pre-positioned and unsolicited input from the "usual suspects" of racial dissonance, Al Sharpton, Jesse Jackson and Geraldo Rivera weighing in with factually incorrect and acrimonious speculation. These were the same people who also believed Tawana Brawley and Crystal Mangum, the so-called "victim" stripper who falsely accused members of the Duke Lacrosse team of raping them. Even President Obama has offered a premature and ill-advised comment of support for Martin suggesting that if he had a son he might look like Trayvon. Following the President's twisted race-based thought process, then double homicide suspects Darren Price and Jerard David who brutally



shot and killed OSU students Ethan Nichols (21) and Carissa Horton (18) for a backpack and cell phones in Tulsa, OK in September, 2011 might also resemble his sons, right? Is it no wonder that the Black Panther Party now has the temerity to publically offer a bounty for George Zimmerman dead or alive? President Obama's lackey U.S. Attorney General Eric "Narco-Cartel Gunrunner" Holder is nowhere to be seen to investigate and prosecute this obvious civil rights violation by the BPP because he is too busy shredding "Fast & Furious" documents. Is anyone getting how irrational and unnecessarily distracting this whole focus on race is in this case?

Now before some of the usual readers of my column and the media get the notion that this is an article in support of George Zimmerman, let me set you straight. This column is not entitled "Forensic Force" for nothing. My purpose in writing today's column is not to offer opinions but rather some factoids of forensic sanity. Here are important issues to consider:

Certainly, no matter how this case goes, the Martin family will be suing the City of Sanford and its police department alleging negligence in (1) the vetting process for the CCW given to Zimmerman and; (2) their investigation. That is not to say that either was negligent; but simply what the most likely 1983 USC civil rights allegations will be.

As anyone who practices in a criminal or civil court environment knows; it is not about what you say but what you can *prove* that matters in a court of law.

Ninety-five percent (95%) of all of the information presented by the print and electronic media, pundits and "experts" has been non-forensic speculation at best and much of that information has proven to be false on its face. Consider the following:

1. This incident occurred within the Sanford, FL Twin Lakes gated community on private property and not on a city street. Twin Lakes is an upscale 260 apartment unit neighborhood with multi-racial demographics. This is in no way a racially "segregated" community. This environmental issue may change the playing field because gated communities like Twin Lakes have Home Owners' Associations (HOA's) and rules (CCR's) that public neighborhoods do not have. If it were to be established that this gated community had experienced specific crimes of sleuth such as residential and/or vehicle burglaries then there would be an established "standing" and a rational explanation for community members to be naturally suspicious of persons they don't know walking within their private neighborhood.

Crime statistics for the City of Sanford, FL and the Twin Lakes neighborhood are revealing and may support the need for a Neighborhood Watch type patrol and additional police patrols to mitigate crime.

It appears that Sanford, FL is no bed of roses to reside in. Residents of Sanford (pop. 53,570) experience unique and excessive crime rates. Their citizens are victimized as a rate of one violent crime for every 150 residents compared to one violent crime for every 184 Florida residents. This places the city's statistics for violent crimes 22.6% higher than its state. Property crimes in Sanford average nearly 63/1,000 residents compared to the state's 35/1,000 residents. This means that property crimes in Sanford are 176% higher than the state's average per thousand population.

Burglaries in the city are over 16/1,000 compared to the national average 7/1,000 and thefts in Sanford average nearly 43/1,000 compared to the nation's theft rate of 20/1,000. This means that Sanford's burglary rate is a whopping 232% higher than the national crime average and its theft rate is 213% higher. When researching crimes per square mile, Sanford's overall crime rate is 59/sq. mile compared with the national average of 39/sq. mile; or 150% higher. Anyone ready to move to or retire in Sanford yet?

With respect to the Twin Lakes gated community, records indicate that during a thirteen month period from January 1, 2011 to February 26, 2012 there were 402 calls for police service to this relatively small neighborhood. That statistic is a bit lopsided considering that there are only 260 residential units there. One would want to know how often the Sanford PD patrolled inside the gated community. If it were determined that the community's crime rate was high but the local police had a poor crime mitigation strategy that failed to appreciably impact crime, then it might be argued that there was an obvious need for a Neighborhood Watch program.

2. Mr. Zimmerman has been repeatedly described by the media as a "Neighborhood Watch volunteer" and the Twin Lakes Neighborhood Watch "captain." Was there any acknowledged formal or informal relationship between Zimmerman and the private community's HOA whereby they either entrusted him and/or allowed him to act as a patrolling citizen to "observe and report" on suspicious and/or criminal activity. If such a relationship can be established, it might be legally argued that Zimmerman had additional standing to follow, observe, report and even to conduct a "consensual encounter" with Martin for the purpose of establishing who he was, why he was on the property, where he was going and who he was visiting on the private property.
3. Whether or not it is prudent or safe to do so, it is not against any law for a private citizen to follow a subject especially if they are on private property; they do not recognize the subject and they reasonably believe that the subject is acting suspiciously. Whether or not we may agree with this tactic is totally irrelevant. In the immediate case the critical legal issues will most likely be: (1) was it legal for Zimmerman to follow Trayvon Martin; (2) was it objectively reasonable for Zimmerman to believe that Martin was acting "suspiciously" sufficient to justify any contact with Martin; and



- (3) were there any existing HOA rules or covenants that required residents (Martin was visiting his dad) in the gated community to report his presence to the HOA. If there was such a reporting requirement and Martin's father failed to report that he was a guest, then it could be argued that any failure by him to report Trayvon's presence "contributed" to his ultimate death, as well as Zimmerman's injuries. However, the issue of "contribution" becomes more important in a civil tort.
4. Any private citizen has a legal right to conduct a "consensual encounter" in any public or private place with another citizen. For an encounter between citizens to be viewed as a "consensual," both parties need to consent to that encounter. When one party decides that they no longer wish the contact to continue they can merely walk away. Again, whether or not we agree with this tactic is completely irrelevant because it is certainly not unlawful to contact and speak to strangers. People do that all the time.
 5. One critical legal issue that will have to be investigated and forensically if not legally determined is whether or not George Zimmerman "detained" Trayvon Martin and whether or not Zimmerman had any legal standing to do so. As we know, police officers detain people on a daily basis; but what about private citizens under the circumstances of this case? Again, we must return to the question of Zimmerman's relationship if any with the gated community's HOA as a "Neighborhood Watch" volunteer. The issue of citizen's establishing and acting upon "reasonable suspicion" and whether or not Zimmerman has any legal right to detain Martin must also be determined.
 6. One key question that will have to be resolved if it is even possible to do so will be what exactly were Trayvon Martin's actions from the time that he left the mini-market where he purchased his drink and candy to the time of his encounter with Zimmerman? Investigators will no doubt have to establish a forensic timeline of Martin's actions and then attempt to reconcile this with any statements made by Zimmerman and any percipient witnesses; and the physicality of reconstructing Martin's travel and time it would normally take to walk from the store back to his relatives/friends' apartment. If Martin's objective as stated by family members was to visit the store for a snack and then quickly return back to the apartment to watch the basketball game; then any reconciliation of his travel actions and a time element will be as simple as measuring how long it would take sometime to walk from point A (store) to point (B) his apartment. Any significant variances from this timetable will become suspect and may enhance and provide validation to any representation Zimmerman may have made that he observed Martin to be off of a paved walkway and walking aimlessly in the dark between the apartment houses.



Any assertion that Martin may have been “lost” or was looking for a short cut is speculative at best because Martin is deceased and cannot explain his actions. Further, it only matters what Zimmerman was reasonably thinking at the time based upon his observations of Martin and any “collective knowledge” Zimmerman may have had at the time regarding past criminal and suspicious activity in his neighborhood. This collective knowledge forms the basis for establishing his “reasonable suspicion” as to whether or not Martin might be involved in suspicious and/or criminal activity. The argument that Zimmerman “was not a cop” holds no water because in every state citizens have the power to affect citizen’s arrests for crimes committed in their presence. Again, whether or not we agree with or think that Zimmerman’s actions were prudent under the circumstances is irrelevant. The legal question to be determined is whether his actions were legal under Florida law.

7. There has been significant reporting and speculative comment on the transcripts of the 9-1-1 dispatch taped conversations between Zimmerman and the police dispatcher. As mentioned earlier, NBC News even fraudulently edited the audio tape to create a racial motive for Zimmerman’s interest in Martin’s actions. Forensically, when the audio taped transcripts are reviewed none of Zimmerman’s comments to the police dispatcher are racially motivated. When asked by the dispatcher for a race classification of the subject he was following Zimmerman advised the dispatcher that the subject was black. This is a normal suspect description protocol inquiry by a dispatcher and a normal and accurate response by reporting person (RP) Zimmerman. There is no controversy here.
8. There has also been significant reporting and speculative comment on the 9-1-1 police dispatcher suggesting to Zimmerman that he not follow Martin any longer. However, it is important to recognize that the police dispatcher in this case was not a police officer and actually has no legal authority to provide Zimmerman with any directions, orders or commands that would require his compliance such as “stay in your car” or “don’t follow that man.” Whether or not one may agree or disagree with anything that Zimmerman actually did after speaking with the dispatcher which has yet to be forensically determined is irrelevant. The legal question is whether or not it was lawful for Zimmerman to continue to follow, observe, report and even consensually contact Martin.
9. Perhaps the most important issue in this case will be what if anything the reported percipient witness to a portion of the contact between George Zimmerman and Trayvon observed. Questions that will be important to reconcile will be: (1) where was the witness when they observed and heard the action; (2) what if any obstructions were present at the time of their observations that precluded them from observing the actions of both parties; (3) how much of the incident they did and did not observe; (4) is the witness credible; are their statements reliable and has their



statements been consistent or have they changed over time; and (5) do the statements of this witness reconcile with any already established and documented forensic evidence?

10. What forensic evidence have the police gathered and actually documented to date? Does this evidence allow us to forensically recreate accurately and objectively the “totality of circumstances” of the encounter between Zimmerman and Martin and the ultimate shooting of Martin? What evidence is exculpatory and what might be considered incriminating?

We must keep in mind that more often than not law enforcement investigators and prosecutors see themselves as “victim advocates” instead of advocates of the forensic facts and evidence. When they become overly focused on “victim” advocacy they easily lose scope of the presence of exculpatory evidence. Again, remember the Duke lacrosse rape case? Investigators and prosecutors are ethically and maybe legally bound to consider information and evidence that is both exculpatory and incriminating in nature. This case has already seen so much local and national political and media “spin” that investigators and prosecutors may have already painted themselves into a victim advocacy corner. If there is exculpatory evidence that they fail to reveal to the defense team a Trier of Fact may later punish them for this in court and they will have egg on their faces.

This case is unique in my experience because the media and the self-professed “experts” have spent an inordinate amount of time and energy on manipulating and/or manufacturing the circumstances and “evidence” of this shooting incident. This begs the obvious question, “For what purpose?”

Separate and apart from any witness statements; key items of forensic evidence that will be critical in objectively determining what most likely occurred between George Zimmerman and Trayvon Martin on that dark and rainy night in Sanford, FL will be evidence of physical trauma sustained by either subject; the presence of gunshot residue (GSR) and patterning such as stippling and tattooing; ballistics, projectile trajectory and any evidence of gunshot “shoring,” “blow-back” and ground blood pattern analysis; DNA and perhaps even fingerprint analysis.

Contrary to what various media outlets contrived and publically released early in their news stories that the Sanford PD sally port surveillance video provided no indication that George Zimmerman had not been injured; there is now forensic photographic evidence documenting that Zimmerman sustained physical traumatic bleeding injuries to at least the back of his head.

Medical records from initial triage provided by paramedics and later by any Urgent Care or hospital ER staff documenting Zimmerman’s injuries and medical treatment may provide a Trier of Fact (judge/jury) with convincing evidence of whether or not Zimmerman was assaulted by Martin. Certainly, forensic experts such as physicians, pathologists, forensic criminologists and



biomechanical specialists qualified to testify on body positioning and mechanisms of injury may be retained to render opinions on the most likely cause of Zimmerman's injuries. The obvious question to be resolved is how could George Zimmerman have acutely sustained these unique assault type injuries such as facial lacerations, a possible broken nose and bleeding lacerations to the back of his head?

11. Of central importance to the corpus of any criminal complaint of Second Degree Murder and any subsequent civil tort to be filed later by the family of Trayvon Martin is Florida's "stand your ground" self-defense law. This law in part states that citizens including armed citizens are not required to retreat in the face of a threat to their lives and can defend themselves with deadly force if forced to. Such laws have an "objective reasonableness" standard of proof component where the Trier of Fact is required to "stand in the shoes" of the citizen decision maker who deployed deadly force. The reviewers are precluded from the luxury of arm chair quarterbacking, using "20-20 hindsight" and woulda-coulda-shoulda type thinking in rendering their decisions as to guilt and culpability.

While admittedly the Trayvon Martin shooting case is a complicated forensic affair exacerbated by unneeded political intrigue and posturing; its salient issues can be simplified in a court of law to: (1) Did George Zimmerman and Trayvon Martin have a legal right to be where they were and doing what they were doing immediately prior to their meeting? (2) Did Zimmerman attempt to conduct a consensual encounter or a physical detention of Martin; and were his actions legal? (3) Who was the aggressor/assailant and who was the defender during this encounter? and (4) Based upon the "totality of circumstances" known to George Zimmerman at the time of his encounter with Trayvon Martin; was it objectively reasonable for Zimmerman to at one point believe that he was in imminent jeopardy of serious bodily injury or death at the hands of Martin at the time that he used deadly force and shot and killed Martin. Was Zimmerman's shooting of Martin an act of self-defense or was it cold-blooded murder?

Maybe as a career police investigator I may have missed something but my review of the State of Florida Attorney's "Affidavit of Probable Cause – Second Degree Murder" document appears to be lacking in criminal elements that would constitute a charge of Second Degree Murder. It will therefore be interesting to see how this case evolves for the prosecution and the defense.

However, I truly hope that the filing of charges by the State of Florida against Mr. Zimmerman will put an end to the unnecessary and undignified political posturing of prosecutors, politicians, pundits and exploitive race baiters. Those members of the unethical media who have spun this case into a racial issue have done no favors to the family of Trayvon Martin who have repeatedly stated publically that this case is about right vs. wrong and not race. Their efforts will only serve to



guarantee that in the end neither the Martin family nor George Zimmerman will receive a fair trial. One red flag to me is that the court venue for this trial will be Florida; the land that gave us “hanging chads” and the Caylee Anthony innocent verdict. Lord help us all if the ugly specter of “jury nullification” rears its ugly head. Does the O.J. Simpson homicide case ring a bell anyone?

There will be no justice for George Zimmerman or the family of Trayvon Martin unless the public and the potential jury pool in Florida takes a smart pill and breaks away from all the smoke and mirrors thrown up by a reckless media intent only upon ratings and racial division. In fact I fear that in this case any “justice” that is ultimately delivered may be more coincidental than it is intentional.

About the Author

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