

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.

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**DEFENDANT'S VERIFIED MOTION TO DISQUALIFY TRIAL JUDGE**

COMES NOW the Defendant, GEORGE ZIMMERMAN, by and through his undersigned counsel, and pursuant to *Florida Rules of Judicial Administration 2.330*, moves this Honorable Court to disqualify the trial judge, and as grounds therefore would state as follows:

1. The Defendant in this case, George Zimmerman, was arrested on April 11, 2012, and charged with the offense of Second Degree Murder in violation of *Florida Statute Section 782.04*, a first degree felony punishable by up to the maximum punishment of life in prison and a \$10,000.00 fine.
2. The above-noted arrest stems from an incident that occurred on February 26, 2012 and resulted in the tragic death of Trayvon Martin.
3. Since the incident on February 26, 2012, Mr. Zimmerman's case has become a national media focus featuring extensive coverage in local, national and international media outlets.
4. At some point prior to his arrest, and prior to undersigned counsel becoming attorney

of record, Mr. Zimmerman contacted the Nejame Law Firm to inquire about potential representation. Mr. Nejame spoke to Mr. Zimmerman, and members of his immediate family, and received certain privileged information pertaining to the case.

5. Mr. Nejame has now been retained by the CNN Headline News Network to offer his opinion on this case, and other media related cases.

6. On April, 11, 2012, Judge Recksiedler was appointed as the Circuit Court Judge to preside over this case.

7. Judge Recksiedler is married to a law partner at the Nejame Law Firm.

8. Undersigned counsel is of the good faith belief that the relationship of the Judge to the above-noted individual is the precipitating grounds for disqualification in this cause. The *Florida Bar Rules of Professional Conduct* 4-1.10 addressing those cases of conflict of interest suggest that there is an imputed disqualification of all members of a firm should there be a conflict of interest with one member of the firm. An extension of this rule would offer some insight in this case, and suggest that even the appearance of a conflict should be addressed and resolved in favor of the disqualification of the judge.

9. *Florida Rules of Judicial Administration* 2.330(d)(2) provides that a motion to disqualify shall show:

“that the judge before whom the case is pending, or some person related to said judge by consanguinity or affinity within the third degree, is a party thereto or is interested in the result thereof, or that said judge is related to an attorney or counselor of record in the cause by consanguinity or affinity within the third degree, or that said judge is a material witness for or against one of the parties to the cause.”

10. While undersigned counsel is not aware of any type of communication that occurred between Mr. Nejame and his law partner regarding this case, in an abundance of caution, and so that

the Defendant receives a fair and impartial trial, believes it is in the Defendant's best interest to file this Motion. With the extraordinary scrutiny that exists in this case, undersigned counsel can reasonably assume that such scrutiny will be visited upon this relationship. Any reaction to that scrutiny may have negative consequences on Mr. Zimmerman's right to a fair and impartial trial. It is anticipated that this case is going to continue to retain a very high national profile, and it is further anticipated that Mr. Nejame, on behalf of his media connections, will maintain an active interest in the analysis of all of the parties involved, including the presiding judge.

11. It is a canon of American Jurisprudence that an independent judiciary should maintain the dignity of the judicial office at all times. A judge shall avoid even the appearance of an impropriety at all times, and whether the conduct would create in reasonable minds a perception that the judge's ability to carry out judicial responsibilities with integrity, impartiality and competence is impaired, a judge shall disqualify himself or herself where his or her impartiality might reasonably be questioned. *See Fla. Code Canon 3, ABA Model Code of Judicial Conduct Canon 1 and Canon 2 (2007).*

12. A motion to recuse must be granted if the facts alleged would prompt a reasonably prudent person to fear that he could not get a fair and impartial trial from the judge. *Nunez v. Backman*, 645 So.2d 1063, 1064 (Fla. 4<sup>th</sup> DCA, 1994).

13. It is undisputed that, at some point during the infancy of this case, the Nejame Law Firm had significant contact with the Zimmerman family, and gained specific information regarding the case. The Nejame Law Firm is therefore, at the very least, "an interested person" under *Florida Rules of Judicial Administration 2.330(d)(2)*.

14. Because of these undisputed facts, disqualification is necessary in this case to avoid

even the appearance of an impropriety.

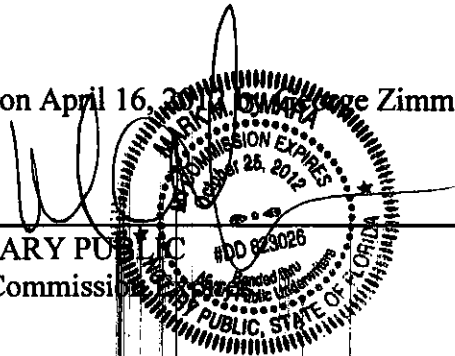
15. Undersigned counsel certifies that the assertions contained in this Motion, and any statements made herein by the Defendant, are made in good faith.

WHEREFORE, the Defendant respectfully requests this Honorable Court to enter its Order disqualifying the trial judge in this matter for the reasons stated above.

GEORGE ZIMMERMAN, Defendant

STATE OF FLORIDA  
COUNTY OF SEMINOLE

Sworn to or affirmed and signed before me on April 16, 2012 by George Zimmerman.



NOTARY PUBLIC  
My Commission

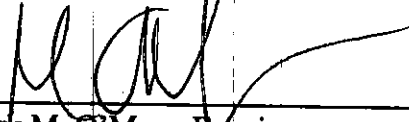
Personally known  
 Produced identification  
Type of identification produced \_\_\_\_\_

Respectfully submitted,

By: MARK M. OMARA, ESQUIRE  
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Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Defendant's Verified Motion to Disqualify Trial Judge has been furnished by U.S. Mail/Facsimile this 16th day of April, 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 the Honorable Jessica Recksiedler, Circuit Court Judge, Seminole County Courthouse, 301 North Park Avenue, Sanford, Florida 32771.



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Mark M. O'Mara, Esquire  
Attorney for Defendant