

**From:** Don West  
**To:** Bernie de la Rionda [REDACTED]  
**Cc:** Mark O'Mara [REDACTED]  
**Subject:** Discovery issues and Depos for August 30th  
**Date:** Thursday, August 23, 2012 1:45:00 PM

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Bernie,

Following up with some discovery issues:

-The CD you gave us at the evidence viewing containing Wit 9's two interviews on March 20, 2012 would not play on any of our machines. I'll bring it with me tomorrow to show you. Please provide us with another copy.

-As we have discussed, we want to have a complete set of unedited witness interviews. For example, we noticed that the Wit 9 call to the SPD was 30 seconds longer in the copy that you gave us at the evidence review than the one you initially gave us in discovery. I can see no reason why we wouldn't be provided with the complete recordings of all the witnesses and I thought you had already agreed to that. Obviously, your office has them since, as I understand it, your staff made the initial edits.

-We would like to have an inventory of the discovery provided to Judge Lester for his *in camera* review and how it got to him if you didn't deliver it to him personally.

-Also, we still don't have color images of the cell phone pictures taken of the back of Zimmerman's head, the flashlight found nearby and of Trayvon Martin laying facedown the night of the shooting. We only have been provided with black and white photocopies. Witness [REDACTED] took these pictures according to discovery reports and provided them to law enforcement.

-As well, we don't have the color image of Zimmerman's face that Ofc. Wagner took at the scene that was used for identification with neighborhood witnesses. I believe he also took a picture of Mr. Martin's face. We don't have a color image of that either. We have only been provided with a black and white photo copy. I thought you had previously agreed to provide those as well.

-We don't have the evidence inventory/log from FDLE that you had at the viewing. We need that in order to move forward with the depositions of the FDLE personnel.

-We don't have the SIM card information from Trayvon Martin's phone that was downloaded by FDLE analyst Steve Brenton that he talked about at the evidence viewing, nor have I seen any report prepared by him. I'm sure there must be a report outlining what he did and what he couldn't do with the phone.

-I am still unclear about the sketches various witnesses made during their interviews. At one point we gave you a list of those we didn't have. I can't remember where that stands, I don't think you gave us any of them at the evidence review. We need another copy and I apologize if you gave them to us at the evidence review and I've misplaced them. I assume they would be hardcopies and I can't find them.

-Several witnesses have been listed "c/o SAO". I want you to provide us with their actual

addresses so we can conduct our own investigation. I am not opposed to maintaining their privacy with the public and am not asking you to file a discovery response with their addresses. You can file a sealed pleading or just give them to us and we will keep the information confidential if you want.

-Much of the interview Mr. Crump did with [REDACTED] is unintelligible. I don't know if the recording was on tape or digital recorder or how it may have been recorded. Do you have an original tape of the interview? If so, please bring it with you so we can listen to it on Friday, perhaps it is better quality than our copy. Do you know if you have the original or if Mr. Crump retained the original recording and gave you a copy?

Please bring these items/information with you on Friday so we can move discovery along.

I wasn't clear from our conversation at the evidence viewing whether or not the Facebook accounts and Twitter accounts of Trayvon Martin and [REDACTED] have been requested by the state and are pending. I got the impression that the state has not attempted to retrieve that information. Please let me know if you plan to do that if you haven't, I believe it may take search warrant to accomplish.

Also, please advise if you have Trayvon Martin's school records, if so, we would like a copy of them. As well, do you have [REDACTED]'s hospital records that would confirm that she was hospitalized at the time of Trayvon Martin's wake as she told Mr. Crump and you during your interviews?

We got the total station diagram and photos, but don't have the location data captured by the software. Can you provide the raw data used to prepare the report?

Lastly, with regard to Trayvon Martin's phone, there is a reference in the reports that Tracy Martin was asked to provide the password to his son's phone so law enforcement could gain access to its contents and Mr. Martin indicated to law enforcement that he wanted to speak with his attorney first. I can't find a reference in the reports or in your interview with Mr. Martin that that the issue was addressed. Are you aware of what happened with that? We want to examine the contents of the phone and according to the FDLE analyst, it would be a simple thing to do with the password or even with the email account associated with the phone.

We are planning to go forward with depositions on, Thursday, August 30<sup>th</sup>. We plan to depose some SPD officers and SFD Rescue personnel so we shouldn't need your help getting them there at this point. We can work on the logistics on Friday.

Thanks,

Don

I'm around today if you want to follow up with anything by phone.

[REDACTED] cell

**Don West Law Group, P.A.**

636 W. Yale St.

Orlando, FL 32804

407 425-9710

[www.donwestlawgroup.com](http://www.donwestlawgroup.com)

