

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF MCLEAN

THE PEOPLE OF THE STATE OF
ILLINOIS,

Plaintiff,

v.

KIRK ZIMMERMAN,

Defendant.

No. 2015-CF-0894

MCLEAN
FILED
JAN 07 2019
CIRCUIT CLERK
COUNTY

DEFENDANT'S SECOND MOTION TO MODIFY CONDITIONS OF RELEASE

COMES NOW the Defendant, Kirk Zimmerman, by and through undersigned counsel, and hereby files the following Motion to Modify Conditions of Release, and in support thereof states the following:

1. Mr. Zimmerman is accused of murder, arising out of the death of his ex-wife, Pamela Zimmerman, who was found dead on the morning of November 4, 2014.
2. Mr. Zimmerman was detained at the McLean County Jail after being arrested on July 21, 2015.
3. After posting \$200,025.00, Mr. Zimmerman was released on bond on November 24, 2015.
4. The charges against Mr. Zimmerman have substantially impacted his financial health.
5. The conditions of Mr. Zimmerman's pretrial release include that Mr. Zimmerman is to remain on electronic leg monitoring at his home, [REDACTED] Bloomington, IL 61704-8432, and that Mr. Zimmerman is limited in travel to medical and legal appointments. These conditions prevent Mr. Zimmerman from seeking employment.

6. The case against Mr. Zimmerman is circumstantial and is heavily dependent on forensic evidence from phones and other electronic devices. This evidence involves a number of complicated, technical issues that necessitate the use of expert witnesses at trial.

7. Mr. Zimmerman has incurred and expects to continue to incur substantial expenses in preparing his defense, including expenses from arranging for the hiring and retaining of expert witnesses to analyze and testify about the forensic evidence.

8. Recent motion hearings have highlighted the technical nature of the evidence, the need for expert analysis from experts familiar with the particular technology at issue in the case, and the sizeable costs of litigating these highly technical issues.

9. Mr. Zimmerman cannot fund these necessary portions of his defense with his current resources.

10. In order to fund his defense and to provide for the retention an testimony of expert witnesses, Mr. Zimmerman is asking this Court to reduce his bond amount by \$100,000, and to release these funds to allow Mr. Zimmerman to retain the expert witnesses necessary for his defense.

11. The objective of bail is to make certain the defendant's appearance in court to abide the judgment of the court. *People ex rel. Sammons v. Snow*, 340 Ill. 464, 467 (S.Ct.Ill. 1930). In terms of ensuring that Mr. Zimmerman appears for trial and in light of the substantive depletion of his financial resources during the pendency of this case, Defendant submits that there is no material difference in this instance between a \$100,000 bond and a \$200,000 bond.

12. Mr. Zimmerman has demonstrated that his intention is to appear in court and to abide by the judgment of the court.

13. Since his release, Mr. Zimmerman has followed the conditions of his bail without any issues, with the exception of an unauthorized stop at a fast food restaurant.

14. Mr. Zimmerman has lived in Illinois for the majority of his life and has significant family ties to Illinois. Mr. Zimmerman's girlfriend and children reside in the Bloomington area.

15. Mr. Zimmerman does not pose a risk of flight, and a bond of \$100,000, together with electronic monitoring, is sufficient to assure Mr. Zimmerman's appearance in court.

16. In the alternative, Mr. Zimmerman asks this court to order the clerk of court to pay litigation costs out of Mr. Zimmerman's bond amount upon receipt of bills of cost from under-signed counsel.

WHEREFORE, Mr. Zimmerman respectfully requests this Court to modify the conditions of Mr. Zimmerman's release by reducing his bond amount by \$100,000, and releasing those funds to him, or in the alternative to order the clerk of court to pay bills of costs from undersigned counsel out of the current bond amount posted that are proven to be associated with the current litigation.

Respectfully submitted,

ROGERS, SEVASTIANOS & BANTE, LLP

By:



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