

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

v.

CASEY MARIE ANTHONY,

Defendant.

CASE NO.: 48-2008-CF-0015606-O

DIVISION: 16

Hon. Stan Strickland

DEFENDANT, CASEY MARIE ANTHONY'S, AMENDED MOTION
TO DISQUALIFY TRIAL JUDGE
(amended as to correct notary)

COMES NOW the Defendant, CASEY MARIE ANTHONY, by and through her undersigned attorneys, Jose A. Baez, Esquire and J. Cheney Mason, Esquire, and, pursuant to Florida Rule of Judicial Administration 2.330, moves this Court to disqualify himself, and shows:

1. The Defendant, CASEY MARIE ANTHONY, reasonably fears that she will not receive a fair trial because of the conduct and apparent prejudice and bias of the judge, the Honorable Stan Strickland, because of the following reasons:
 - a. The precipitating grounds for disqualification is the revelation that the judge has apparently developed a personal relationship with a journalist/blogger known fictitiously as "Marinade Dave", who has historically presented numerous stories of severe bias and prejudice against the Defendant. The revelation of the involvement between the judge and the journalist, "Marinade Dave", includes the fact that recently the judge, learned of said journalist's illness, apparently from a blog, and thereafter, in some method or manner, learned the journalist's phone number and said judge thereupon

called the journalist to express his personal concern for his well-being. This relationship was not disclosed to counsel for the Defendant until said journalist was interviewed by an investigator working for the defense on Sunday, April 11, 2010. Said revelations made by "Marinade Dave", confirmed the truth of various statements made by the judge to said journalist and blogs posted by the journalist. This discovery was within ten days of the filing of this Motion for Disqualification, as required by the aforesaid Rules of Judicial Administration.

- b. The gravamen of the statements and the prejudice created results from Judge Strickland at a judicial proceeding in this case apparently recognizing the face of the journalist and requested the said journalist approach the bench. At that time the judge essentially validated the journalist's opinions and blogging actions by telling said "Marinade Dave" how he (the judge) admired "Marinade Dave" and thought him to be fair, posting the best blogs that he had read on the internet.
- c. Examples of the blogs written by journalist "Marinade Dave" that the Court apparently approved of and validated included such titles as: "Casey Anthony must die!" (April 20, 2009); "Caylee's murder: Premeditated and pretty stupid, too" (February 1, 2009); and "Guilty as charged" (June 23, 2009). Copies of said blogs are attached hereto as "Exhibit A", "Exhibit B", and "Exhibit C".
- d. These specifically titled blogs and numerous other pro-prosecution assertions were posted by Mr. Dave Knechel, a/k/a "Marinade Dave", prior to the

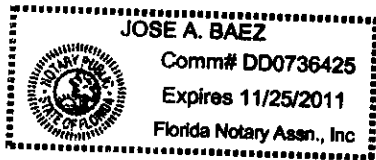
judge's statements of how fair he thought "Marinade Dave" was, etc.

- e. The approval by Judge Strickland of "Marinade Dave" blogs is incomparable and chilling at a minimum as to the Defendant's expectation of a fair trial.
 - f. Mr. Knechel has also been interviewed by investigators working for the prosecution and may well be a witness in this case.
2. Defense counsel, in an effort to ascertain the facts of postings by "Marinade Dave" and involvement with said website prompted undersigned counsel to have investigator, Jeremiah Lyons, locate and interview "Marinade Dave". Said interview occurred on Sunday, April 11, 2010, with a subsequent phone call between Lyons and Knechel on the following day, Monday, April 12, 2010.
 3. The Affidavit of investigator Lyons, together with a transcript of the recorded interview with Mr. Knechel, is attached hereto as "Exhibit D" in support of this Motion.
 4. The cumulative effect of this recent revelation of the judge's activities and relationship with blogging, when considered in light of numerous other challenged statements of the Court, demands disqualification of this Court.
 5. Attached hereto is a Memorandum of background and law in this case culminating, with the recent discovery of revelations as set forth above, establishing absolutely clear and compelling support for the fear of the Defendant, CASEY MARIE ANTHONY, in that she cannot receive a fair trial before this judge.

(THIS SPACE INTENTIONALLY LEFT BLANK)

STATE OF FLORIDA
COUNTY OF ORANGE

Sworn to or affirmed and signed before me, the undersigned authority, on April 18, 2010 by the Defendant, CASEY MARIE ANTHONY, who is personally known to me, and who having been duly placed under oath states that the allegations set forth in the aforesaid Amended Motion to Disqualify Trial Judge, with accompanying Memorandum supporting her well-founded fear that she cannot obtain a fair trial before this Court, are true and correct.

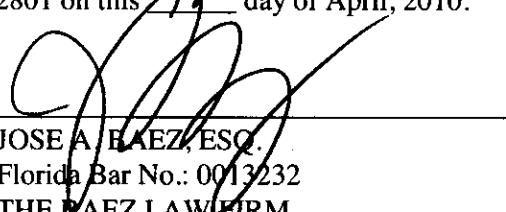


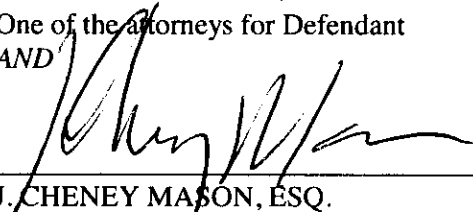

CASEY MARIE ANTHONY
Defendant

NOTARY PUBLIC

CERTIFICATION OF ATTORNEYS

Your undersigned attorneys hereby certify that this Motion and the client's statements are made in good faith and that said Motion has been hand delivered to the Honorable Stan Strickland, Circuit Judge in and for the Ninth Judicial Circuit in the above cause, and to Office of the State Attorney, 415 N. Orange Avenue, Orlando, Florida 32801 on this 17 day of April, 2010.


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← [When a mother kills CBS interview with George & Cindy, Parts 1 & 2](#) →

Casey Anthony must die!

April 20, 2009 · [237 Comments](#)

From the Florida Department of Corrections Web site, here are some fun facts:

The case of **Furman vs. Georgia** was decided by the Supreme Court of the United States (SCOTUS) in June 1972. In that landmark case, the Court held that capital punishment was unconstitutional and struck down state death penalty laws nationwide. As a result, the death sentences of 95 men and one woman on Florida's Death Row were commuted to life in prison. However, after the *Furman* decision, the Florida Legislature revised the death penalty statutes in case the Court reinstated capital punishment in the future. In 1976 the Supreme Court overturned its ruling in *Furman* and upheld the constitutionality of the death penalty in the case of **Gregg vs. Georgia**. Executions resumed in Florida in 1979 when **John Spenklink** became the first Death Row inmate to be executed under the new statutes.

In January 2000, the Florida Legislature passed legislation that allows lethal injection as an alternative method of execution in Florida. Florida administers executions by lethal injection or electric chair at the execution chamber located at **Florida State Prison**. The three-legged electric chair was constructed from oak by Department of Corrections personnel in 1998 and was installed at Florida State Prison (FSP) in Starke in 1999. The previous chair was made by inmates from oak in 1923 after the Florida Legislature designated electrocution as the official mode of execution. (Prior to that, executions were carried out by counties, usually by hanging.) The apparatus that administers the electric current to the condemned inmate was not changed. It is regularly tested to ensure proper functioning.



Old Sparky - made of oak constructed by inmates

OR



Gurney used for lethal injections

Since the middle of July of last year, the name Casey Marie Anthony has permeated the airwaves, earwaves and print media of this country and many parts of the civilized world on a daily basis. Every day, something must be reported on the case against Casey, and no one has titillated more than Nancy Grace. All of her loyal followers must be tickled pink since the State Attorney's Office of Florida announced last week that the prosecution will seek the death penalty against her for the murder of her daughter, Caylee Marie. State Attorney Lawson Lamar's office said they want to kill Casey because, as the official explanation says, "sufficient aggravating circumstances" have come to light. Please take

note that Lamar did not ask for the same thing against George, Cindy and Lee and some of you won't sleep until the entire family is dead by the wheels of justice. How ironic that nearly 2,000 years ago and for hundreds of years, the idol worshippers of Rome demanded the heads of Christians as they begged for their lives. Now, it is the Christians making the same kinds of demands. There should be no trial. *Casey Anthony must die!* I am not going to delve into the pros and cons of this sort of punishment and I don't really want to hear opinions one way or the other. This article is meant to just give you a taste of things to come.

Sentencing Casey to death might be what minions of people from around the globe are hoping for, but Lamar knows it's no easy task. Here is a case I remember well: On November 25th 1998, police were called to the Central Florida home of Kayla McKean and told that she was missing. They began a search and as the story hit the news, hundreds more people gathered to help. Countless people spent Thanksgiving Day searching and continued through the weekend to no avail. On Monday, November 30, searchers were ready to begin again when Kayla's father, Richard Adams, came forward and confessed that he had killed her the previous Tuesday in a fit of rage because she had soiled her underpants. In his confession, he told the police where her little battered body was buried. Kayla's stepmother, Marcie Adams, took police to the Ocala National Forest where Richard buried her. He was immediately arrested on charges of first-degree murder, aggravated child abuse, tampering with evidence and medical neglect. Like Casey, he faced the death penalty, but on May 15, 2000, Adams was sentenced to life without parole, plus 28 years. Because of her death, Florida enacted the Kayla McKean Child Protection Act.

Casey's team will go to trial with a credible cast of legal experts, something Adams did not have. Although you may scoff at Jose Baez's credentials, he's got some strong talent behind him, including New York defense attorney Linda Kenney Baden, famed criminologist Dr. Henry Lee, forensic scientist Dr. Larry Kobilinsky and Todd Macaluso, who excels at cross-examining technical experts. This will make the death penalty a tough win for Lamar, and he's got to be concerned.

Some people feel this is nothing more than an old prosecutor's trick. Well known law professor Alan Dershowitz, of Harvard Law School, claimed that Texas prosecutors used the same ploy to get a conviction against Andrea Yates, who drowned her 5 children in 2001.

"The prosecutors... never really expected, nor even wanted, the jury to return a death sentence," Dershowitz wrote. "They manipulated the death sentence processing order to get a pro-prosecution jury, more likely to reject the insanity defense and return a verdict of guilt. This tactic, well known to those who practice criminal law, is becoming more widespread in states which authorize the death penalty."

In Yates' case, her conviction was overturned on appeal and she was ruled not guilty by reason of insanity. Because of the nature of choosing juries in death penalty cases, a potent problem exists for the defense. The selection process may give potential jurors an impression of guilt by merely asking for death instead of a lesser penalty. Ultimately, the State Attorney's Office may be looking for a plea deal now that Casey faces being strapped down on a gurney to one day be fed intravenous shots of killer medications. No doubt, this will be a very long and costly trial since it doesn't look like Casey is readying herself for some sort of confession. With this in mind, let's examine how the death penalty works in Florida.

First off, death penalty trials are not cheap. The stakes are much higher because we are talking about taking a life. Because of that, more motions are filed, more interviews are conducted and lots more research is performed. The possibility of execution will prolong and complicate this trial and make it 10 times more expensive for the prosecution and defense than a maximum life in prison sentence.

Capital punishment cases need a very select type of person to sit in the jury box because they must be willing to sentence someone to die. Also, cases like these are two-parted: the guilt/innocence phase and the penalty phase, and that could almost double the length of the trial. Time costs money.

Unlike non-death penalty cases where potential jurors are questioned in groups, these jurors are interviewed individually. Sometimes, a process like this can take weeks. Once a jury is seated, the trial begins with the

guilt/innocence phase, and like any other criminal trial, the state presents its case and the defense does its best to poke holes in the evidence presented against their client. After that, the jury decides guilt or innocence and if found guilty, the trial moves into the second stage, the penalty phase.

You'll notice that in the State Attorney Office's explanation of why it asked for the death sentence, "sufficient aggravating circumstances" was cited. These aggravating factors, all outlined by law, must outweigh the mitigating circumstances as put forth by the defense. Aggravating factors would include whether the killing was committed in a cold, calculated and premeditated manner. Mitigating circumstances would encompass areas such as whether the defendant acted under duress and why this life should be spared. It becomes a second trial within the trial and it is where the costs really start to add up.

Most of the time, it's the defense that has to work harder and spend more time working out the reasons to spare their client's life. To prepare for this phase, they must do extensive research into that person's background. They must dig up every school record, medical record, where they were born and what doctor delivered them. If mental health issues never factored into the main trial, they will here. Mitigator specialists may be called in. I'll bet you never even knew this type of career exists. All of this is very time consuming and expenses can soar into the 100s of thousands of dollars for this phase alone, just to pay for experts.

As of today, with the trial set for mid-October and more likely to be a year or two away, it's impossible to say how much it will cost the state, but the bill will rise tremendously now that it has asked for the death penalty. Prosecutors' spokesman Randy Means said that death penalty cases are not budgeted separately from other cases, but because they take longer, they cost more. Anywhere from 3 to 10 times more effort is put into this type of case. If the defense puts many experts on the stand during the penalty phase, the state must counter those arguments.

Many of those aggravators have already been shown during the guilt/innocence phase and the mitigating circumstances will need to be fought again, with new testimony. We, the taxpayers, must fund the state. The money set aside to prosecute cases has already been budgeted and because of this, it takes away from other trials. That means someone else might not be prosecuted to the fullest extent of the law. Keep this in mind as the state readies itself because prosecutors had better be sure they know what they are doing. Before you throw any "Lawson Lamar lament" my way, this is not meant to argue the pros and cons of the death penalty, nor is it to trash Casey for not fessing up. This is just to let you how the process works.

If she is found guilty and sentenced to death, she will go to the **Lowell Correctional Institution Annex** in Lowell, FL, outside of Ocala in Marion County. Her cell will be 6 x 9 x 9.5 feet high. She will be served meals three times a day, at 5:00 am, from 10:30 am to 11: am and from 4:00 pm to 4:30 pm. All food is prepared by prison staff and transported in insulated carts to the cells. Prior to execution, she will be able to ask for a last meal and the cost to prepare it must cost no more than \$40.00 and all ingredients must be purchased locally. As for the final cost of arrest, trial, incarceration, appeals and execution, the price will run into the millions, a lot more than just a life sentence, and in the end, Lawson Lamar knows that a death sentence in Florida may end up being more about dying of old age in a stark jail cell than anything else.

To those of you so hellbent on Casey's execution, I ask you where you were when Kayla McKean's father sat on trial, charged with her brutal murder. I ask you where you were when he was sentenced to life instead of death. I guess you didn't care. Perhaps that's not it at all. Ten years ago, this precious child, every bit as beautiful and angelic as Caylee Marie, didn't have Nancy Grace fighting for her. No Geraldo, no cable shows and no public. Who cried for Kayla? Think about it.

x

Possibly related posts: (automatically generated)

- [Andrea D. Lyon – Casey's new death penalty qualified attorney](#)

- Orlando Sentinel poll: Given the national media coverage, can Casey Anthony...
- Jeff Ashton was aggravated, given the circumstances
- State Won't Seek Death Penalty For Casey Anthony

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237 responses so far ↓



Ina // April 20, 2009 at 1:50 pm

Thank you. A very good post! Let's hope it won't come to this.



Ina // April 20, 2009 at 1:55 pm

Next to my avatar it says now : CA must die!
 ☹ Not nice David.
 This of course will bring pro's and contra's here.
 I thought... O well.
 How are you doing?



Marinade Dave // April 20, 2009 at 1:58 pm

I'm not feeling all that chipper today, but I will be talking to a Social Security rep soon.



Ina // April 20, 2009 at 1:59 pm

Hope it will work out ☺



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Caylee's murder: premeditated and pretty stupid, too

February 1, 2009 • [220 Comments](#)

I was the only father Hannah ever knew. I remember when she used to come up with every excuse in the book. She was about 10 or 11 when it all began and, God knows, how hard she tried to get away with murder. Her mother and I were much too quick, despite the fact that she never believed it. When children are around 13 years of age, they suddenly turn 30. Not all children, mind you, but Hannah sure felt that way. Some children are so confident at this stage of life, in spite of hormonal imbalances, they think they are unmatched in the smarts department. Perhaps it is nature's way of attempting to create a balance. In any event, it seems to be around this time that they begin to hone their manipulative skills and think they are way superior to their parents. They rebel and lose interest in cleaning their rooms and stop helping with the chores. We call them lazy. To make matters worse, they become obsessed with learning more about the opposite sex. It is a natural rite of passage and most children outgrow it by their late teens. Some, much later. Casey never did and because of her complex feelings of superior intellect combined with inferior power and confidence, she resented her mother and hated her father all of her teen and adult life. She overcompensated and never came back down to earth. "Mom and Dad are so stupid," she's thought for so long now. "I should be in charge."

Casey's goose began cooking years ago

Dissecting Casey's youth is difficult. None of us were there to witness the treatment she got from her parents, but looking from the outside in, what seems to unfold are a whiny, demanding mother who Casey readily outsmarted, and a father bombarded by inner conflicts with moral correctness and the wont of punishment for her lack of respect, especially towards her mother. Oh, how many times he wanted to slap her hard across that foul mouth that also spewed

despicable lie after despicable lie. Sometimes, he felt worthless and powerless to stand up to this little wench, watching and waiting to pounce if not for the wall of protection Cindy built around her. Out of frustration, he gave up and looked the other way. Cindy was never any help, but oh, how he loved her so.

George Anthony told law enforcement that the last time he saw Caylee was on June 16, when Casey put her in the Pontiac and drove off. That was the day she made a lot of cell phone calls to family and friends that no one seemed to want to answer and it was the day police think something happened to Caylee. No one saw her after that fateful Monday. *Except Zuni*. Later that night, Casey went to see her boyfriend who, when later interviewed, told police she acted as if nothing was wrong. From forensic reports, it was determined that the body was in the trunk for 2 days. Of course, the defense will adamantly disagree, but plant and bug specialists brought to the scene of where Caylee was found have determined the date she was placed in the woods to be June 18, from those analyses. I contend the body was stuffed into the laundry bag and placed in the vehicle until Casey found fluid leakage in the trunk. It was then that she put the cloth bag into the plastic garbage bag and decided it was time to get rid of the goods.

Why Casey would stash the trash bag coffin of her daughter in the same woods where she used to play as a child somewhat eludes me. Sure, I understand the "nearby" angle, so Caylee is never too far, as she may have inferred in cryptic messages, but all it proves is her own stupidity and laziness. She was *too lazy* to drive it somewhere else, she was *too lazy* to dig a hole after she borrowed a neighbor's shovel, and she was *too stupid* to realize that little Caylee would eventually be found in such a convenient location. Had she dug a hole in those woods like she may have begun to do in her own back yard, Caylee might never have been found. (Maybe, she was smart enough to figure that the back yard is the first place the police would look.) In an odd twist, the cruel method of taking her daughter's life was nearly matched by her complete lack of thought and concern that other children would one day play in there and find her little skeleton. She didn't care because she was *too lazy* to walk even a few feet into those woods, so she just gave the bag a heave. *See ya, you little bitch. Good riddance. Time to party!*

Out to party she went with her friends, but were they really friends? No. By the looks of the photographs found on her computer and elsewhere, none of those people thought of her as anything more than just another dumb party girl willing to do just about any dumb thing to maintain her dumb party girl image. She seemed to enjoy the reputation of a girl willing to allow others to party with her body, too. For party favors, of course. (To set the record straight, I am basing this on evidence of public record, not on anything I personally know about or from any inside information, but even her father said he didn't want to describe some of the disgusting photographs found on her computer.) What prompts a girl to be that way? By the sound of things, it wasn't because she never got attention as a child. Though not wealthy, her parents fed and clothed her. They sent her to school and it was her decision to quit. No, I think it was of her own accord because she wanted to escape a world she thought was mediocre. She wanted to live the flamboyant lifestyle with lots of socializing and boyfriend after boyfriend who would spoil her silly. She lived in a fantasy world where she held a good job at Universal, home of glamorous movie stars. They all knew her there. But, they didn't. This almost sounds like a psychopath. Psychopaths tend to be low in self-esteem and social cognition. When her party friends take the stand at her trial, they will probably describe her as whimsical, self-centered and always wanting to be the center of attention. Look at me! Whee! Psychopaths sometimes have a violent side. They have a terrible time keeping a job and stink in long term relationships, including friendships. They are shallow. They are impulsive, and that may lead to why she killed Caylee. Something finally ticked her off, but it was a festering anger and lack of conscience that may have triggered her into doing it. She had finally had enough. The foundation was set soon after Caylee was born, when she was no longer the star she had to be. It was now Caylee, and her fantasy world was crumbling away as reality tried to force itself in. No way. Something's got to give and it wasn't going to be her. Everything was now conceivable, even murder.

A premeditated crime is one that is plotted out beforehand. Things are set in motion so when it's time to do the crime, everything runs smoothly. After Caylee's body was found, several search warrants were issued to look for evidence in the Anthony home. Police told the press that plenty of items were taken that strongly incriminated Casey, evidence that could have come from no where else. Caylee was found inside a plastic garbage bag, the kind you use in your home. Inside that bag was duct tape and some of that tape was covering Caylee's mouth. I don't know if her hands and feet were bound or not, or whether it sealed the bag, but that's not the most important thing to prove premeditation. All it proves is hatred for the deceased and hatred usually means that the victim and murderer were a lot closer in life than

mere strangers. What may prove premeditation are the search terms on her computer and whether Casey walked out of that house with duct tape, most likely planted in the trunk, prior to taking Caylee that fateful and final time. *Prior*. What a chilling word it becomes in this case and it may be a key piece of evidence proving premeditation.

There is speculation about the duct tape. Word leaked that Casey borrowed some from her party friend, Amy, to hold up the sheet she wore at a naked party with her and some of her other naked party friends. Wherever the tape came from is not of importance if the tape holds evidence, such as Casey's DNA and/or fingerprints. Where there may be a problem with premeditation, and an avenue the defense will not want to travel down, is how Casey never did quite think things through properly. OK, she planned how to kill her, but it may have been something that made her snap in the end. Planning something doesn't necessarily prove premeditation because we all plan things on impulse and never follow through. What is the piece of the puzzle that doesn't fit is that she stopped at the killing level. After that, she didn't have a clue what to do next, so she haphazardly plotted how to deal with the mess she created and never let on what she had done. She did a lousy job of cleaning up that mess, too, as the police will prove by the abundance of evidence against her.

The goose is cooked

Whether premeditated or not, which I believe it was, Casey acted like nothing happened the entire month before her mother called 911 to report her grandchild missing. The state will prove to the court just what her state of mind was from the middle of June leading up to her arrest through key testimony from friends, relatives and mainly, by her own actions. She did not act like a mother in distress. She did nothing out of desperation to find her daughter, instead, partying night after night. She lied to her parents and brother about Caylee's whereabouts. She lied at every turn to law enforcement officials, trying to confuse them at every turn. She has never shown an ounce of remorse. There are no pictures of Caylee in her jail cell and the only time she burst into tears was when Caylee's body was discovered. They were tears of fear. Fear that her hiding place was no longer a secret and afraid that more evidence would be found and an odd fear that the party was over. Premeditation or not, at the end of her trial, when the jury walks back into the court room, her goose will be cooked. The state will say "well done!" and the judge will sentence her. Good bye and good riddance. She will become a footnote in history; another murderer who deserved her just dessert – to eat candy for the rest of her life in the confines of prison and to party no more.

In the end, it was freedom from responsibility that Casey wanted. No work, all play, and Caylee's death was her way of returning to the carefree days of her childhood. She never wanted to grow up and this was her chance to punish her parents for taking it away from her for denying an abortion. I don't want her and you can't have her. Free at last! Soon, the only freedom she will ever have again is the freedom to reminisce about her past, to dream about what might have been and to think about why she didn't get away with it. After all, she's still way smarter than her parents. Right?

Categories: Human Interest

Tagged: [Body positively identified as Caylee Marie Anthony](#), [Brad Conway](#), [Casey](#), [Casey Anthony](#), [Casey Anthony Trial](#), [Caylee](#), [Caylee Anthony](#), [Cindy Anthony](#), [Commentary](#), [Crime](#), [George & Cindy Anthony](#), [George Anthony](#), [Homicide](#), [Hopespring Drive](#), [Jose Baez](#), [Lee Anthony](#), [Leonard Padilla](#), [Marinade Dave's Caylee Anthony Posts](#), [Missing Children](#), [Murder](#), [OPD](#), [Opinion](#), [Orange County Corrections Department](#), [Orange County Sheriff's Office](#), [Orange County Sheriff's Office](#), [Orlando](#), [Orlando Police Department](#), [Suburban Drive](#), [The Caylee Daily](#), [Zenaida Gonzalez](#)

220 responses so far ↓



[thinkingoutsidethecircle](#) // February 1, 2009 at 11:40 am

Are you writing a book based on your interpretation of George's interpretation of this sad story?

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Guilty as CHARGED?

June 23, 2009 · [442 Comments](#)

When Casey Anthony's friend, Amy Huizenga, went on vacation last year she loaned Casey her car. When she returned, she learned her checks were missing from the car. Soon after, she found out her bank account was cleaned out and her balance was zero. Casey was charged with check fraud soon after her daughter was reported missing and now prosecutors want that case to go to trial within the next two months.



Casey is charged with more than a dozen fraud charges. Those include fraudulent use of personal identification, forgery of a check (1) and uttering a forged check (2). Authorities say that

Casey used her former friend's checks to purchase more than \$400 worth of clothes and groceries at Target and Winn-Dixie stores around the area where she lived. She also withdrew \$250 in cash from Amy's bank and tried to pay a \$574 phone bill, but at that point there wasn't enough money in the account to pay the bill.

Recently, Linda Kenney Baden said the murder trial probably won't start until June of next year and prosecutors don't want to wait that long to resolve the fraud case. Assistant State Attorney Frank George said, "*Given the complexities of the two cases, it is unreasonable to allow the forgery case to languish another year without a resolution.*"

No date for the fraud charges has been set yet and Orange Circuit Court Judge Stan Strickland has not yet responded to the request.

Also, prosecutors want a picture of Anthony's tattoo of the words "**Bella Vita**," which is Italian for "**Beautiful Life**." She got the tattoo about two weeks after Caylee disappeared. Assistant State Attorney Frank George said a picture of the tattoo "*would be relevant and material in evaluating issues to be presented in connection with the upcoming trial.*"

The first-degree murder charge was filed separately.

(1) **831.01 Forgery.** Whoever falsely makes, alters, forges or counterfeits a public record, or a certificate, return or attestation of any clerk or register of a court, public register, notary public, town clerk or any public officer, in relation to a matter wherein such certificate, return or attestation may be received as a legal proof, or a charter, deed, will, testament, bond, or writing obligatory, letter of attorney, policy of insurance, bill of lading, bill of exchange or promissory note, or an order, acquittance, or discharge for money or other property, or an acceptance of a bill of exchange or promissory note for the payment of money, or any receipt for money, goods or other property, or any passage ticket, pass or other evidence of transportation issued by a common carrier, with intent to injure or defraud any person, shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) **831.09 Uttering forged bills, checks, drafts, or notes.** Whoever utters or passes or tenders in payment as true, any such false, altered, forged, or counterfeit note, or any bank bill, check, draft, or promissory note, payable to the bearer thereof or to the order of any person, issued as aforesaid, knowing the same to be false, altered, forged, or counterfeit, with intent to injure or defraud any person, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Categories: Human Interest

Tagged: 9th Circuit Court, Amy Huizenga, Assistant State Attorney Frank George, Beautiful Life, Bella Vita, Casey, Casey Anthony, Casey Anthony Trial, Caylee, Caylee Anthony, Check Fraud, Cindy Anthony, Commentary, Crime, Dave Knechel, Death Penalty, Forgery, Frank George, George & Cindy Anthony, George Anthony, Homicide, Hopespring Drive, Judge Stan Strickland, Linda Drane Burdick, Marinade Dave, Marinade Dave's Caylee Anthony Posts, Murder, Opinion, Orange County Circuit Court, Orange/Osceola State Attorney's Office, Orlando, Stan Strickland, Suburban Drive, Tattoo, Uttering a Forged Check

442 responses so far ↓



Dee // June 23, 2009 at 9:41 am

Good morning Dave – Good article. BTW, the link above, George Anthony “Bad Vibes” goes to MM’s site but nothing is there. I am very busy – no time to comment further – will try to get back later. Hello everyone 😊



Sophie // June 23, 2009 at 9:47 am

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF ORANGE

Comes now, JEREMIAH LYONS, and who first being duly sworn deposes and says as follows:

1. I am over the age of eighteen years and a citizen of the United States of America.
2. I am a licensed private investigator holding a current license in good standing in the state of Florida.
3. I am an investigator for the defense team in the case of the State of Florida v. Casey Anthony, pending in the Circuit Court in and for Orange County, Florida, case number: 48-2008-CF-0015606-O. Part of my assignment on behalf of Miss Anthony was to locate a person known as "Marinade Dave" who hosts a website and has been "blogging" stories about the Casey Anthony case.
4. On Sunday, April 11, 2010, I did locate Mr. Dave Knechel, a/k/a "Marinade Dave", and personally interviewed him at his home.
5. With Mr. Knechel's permission, I did tape record the interview.
6. On Monday, April 12, 2010, I did personally supervise the transcription of said tape recording.
7. The following is the transcription of the interview with Mr. Knechel, a/k/a "Marinade Dave", and your undersigned Affiant on April 11, 2010:

JL: Kudos to you with this... because I always found judges, I did twenty years in law enforcement, I've been in many a courtroom, and judges have always been standoffish, they're like Gods, in their own, or Kings and that courtroom is their kingdom... and, you know, for a judge to be not standoffish or, you know, to have a personality, so to speak, and to call you up, and I thought that was outstanding.

MD: Well, thank you.

JL: I really did.

MD: Well, he did, and he did call me up, and tell me what a great blog I have... and we since communicated, briefly, but I don't want to talk about that.

JL: No, that's alright, but he said he even mentioned how fair you were.

MD: Yes, he did, he mentioned it.

JL: Does that mean he thinks the other people are unfair.

MD: A lot of them are, I mean, a lot of them are... like there's another blogger with a lot of a scientific... from that kind of standpoint, and, uh, she is really good...

(BREAK in transcription - off subject)

JL: Did Judge Strickland mention any other sites that he reads, any other blogs that he reads? ... cause he says he goes onto the internet... and...

MD: No, not really, I mean, no, he just said he doesn't know much about the internet. First he said "I don't know much about computers", then he said, first, when he came out behind the bench and he said "Are you Marinade?" and I said "yes"... I used to make a marinade that I sold in stores, ok, so and I started the blog to write about food and marinade, so, and then I just kinda diversified. But, uh, I thought maybe he used to buy my product and that he remembered me from a food demo, it was something I used to do at Petty's meat market, or somewhere, and uh, then he said "Dave?" and I said "Yes", and he said "you know, I'm not on the computer much and I don't know much about the internet...", something like that, and, uh, he said "...but I gotta tell you, you know, you've got the best blog going out there, you've got the best one, really fair, you know..", so I was really honored by his Honor, so, and, uh, from what I know, he is just a really nice, fair guy, and, uh, some of the lawyers I have talked to about him, say the same thing and that's why he is so good at what he does. He is not going to be the one who has the final word, except for if she's found guilty, it's going to be the jury's job... but, uh, I think that you will be able to see a good jury, a fair jury...

(BREAK in transcription - off subject)

JL: ..but you weren't kidding around when he said that you have the best blog going?

MD: No, no.

JL: That's the truth?

MD: Oh, yeah, he did say that...

(BREAK in transcription - off subject)

JL: When he said that you have the best blog out there... that means, you know...

MD: You know, it doesn't take long to read something that I'm writing and say, you know, this guy is giving it from all sides, then he goes to another one, and just kind of spending a few minutes a day or whatever and he says, hey, there is nothing but hate in here and then he turns away from it...

(BREAK in transcription - off subject)

JL: How many times do you think you talked to him about this?

MD: I just talked to him that one time.

JL: Just that one time?

MD: Yeah, so, uh, he called me when I was in the hospital and he called me... I was in the hospital with a heart problem, I'm a diabetic and I gotta a lot of like conditions now.

JL: When was this?

MD: In February, I was in for six days.

JL: Just two months ago?

MD: Yeah.

JL: Gee, whiz.

MD: And, uh, he called me when I got out and just said "I just wanted to check in, you know, wish you well."

JL: That means he's a nice guy.

MD: Oh, he is a real nice guy.

(BREAK in transcription - off subject)

JL: When you first spoke to Strickland, when was that?

MD: It was the first hearing I went to, I'd have to, uh, look it up.

JL: Is that when he said, about...

MD: That's when he saw me and called me up.

JL: But that was, that wasn't in February when he...

MD: No, no, no, no, no. When he called me in February, it was just to say hello, he said I saw that you were, you know...

JL: How long before that did he speak to you personally?

MD: Oh, it was months, it was October.

JL: Oh okay.

MD: I think it was...

JL: Was February the only time you heard from him?

MD: No, no, no, that's it. Yeah. Just in October and February, oh yeah, he is a busy man. I think it's nice that he cares about me.

JL: Oh, yeah, evidently, he does.. or else he wouldn't have called you.

MD: ...and he looks at me as being very fair, which I think is, uh, is nice that he feels that way, that means that he is very fair.

JL: Right.

(BREAK in transcription - off subject and recording eventually ends)

8. On the following day, April 12, 2010, I spoke with Mr. Dave Knechel by telephone.

Mr. Knechel provided the following information during this conversation:

"He told me that in February while he was in the hospital, he posted his hospital stay on his blog along with a picture of his room. He again said that he never told Judge Strickland that he was in the hospital and that this is most likely the only way he could have known that he was."

9. I reviewed some of the blogs from Mr. Knechel's website, including one dated

October 19, 2009 titled "It was my honor, your pleasure...". Mr. Knechel confirmed that:

"Judge Strickland told him that he was not a computer person, nor was he very good on the internet." "Needless to say I go on the internet to read about this case." "I must say that you have the best web site regarding this case." "You investigate and you are very fair to everyone." "You are a very good writer and you stick to the facts." "You are very fair and I'm impressed."

10. During the April 12, 2010 conversation, Mr. Knechel confirmed that the statements attributable to Judge Strickland as set forth above are "absolutely true".
11. On Sunday, April 11, 2010, I relayed the general information regarding my personal interview with Mr. Knechel to Mr. J. Cheney Mason, one of the attorneys representing Casey Anthony. On Monday, April 12, 2010, I went to Mr. Mason's office to arrange for the transcription of the interview and, further, advised Mr. Mason of the above-referenced content pursuant to my telephone call with Mr. Knechel on April 12, 2010.

FURTHER AFFIANT SAYETH NOT.


JEREMIAH LYONS

BEFORE ME, the undersigned authority, the foregoing instrument was sworn to and subscribed this 14th day of April, 2010, by Jeremiah Lyons, who has provided his Florida driver's license, which number is L520-433-51-456-0, as identification, and has acknowledged before me that he read and executed the same and that the facts contained therein are true and correct.

WITNESS my hand and official seal in the state and county first above written.




NOTARY PUBLIC

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

v.

CASEY MARIE ANTHONY,

Defendant.

CASE NO.: 48-2008-CF-0015606-O

DIVISION: 16

Hon. Stan Strickland

**MEMORANDUM IN SUPPORT OF DEFENDANT'S MOTION
TO DISQUALIFY TRIAL JUDGE**

COMES NOW the Defendant, CASEY MARIE ANTHONY, by and through her attorneys, Jose A. Baez, Esquire and J. Cheney Mason, Esquire, and respectfully submit this Memorandum in Support of her Motion to Disqualify Trial Judge, and shows:

STATEMENT OF FACTS

1. CASEY MARIE ANTHONY was arrested on July 16, 2008. The charge was Child Endangerment, a Third Degree Felony, and Making False Statements to Law Enforcement.
2. Soon after Miss Anthony's arrest, her case became a national media-driven phenomenon featuring extensive coverage in both local and national media outlets.
3. The Honorable Stan Strickland, Circuit Judge, was assigned to Miss Anthony's case. On July 22, 2008 Judge Strickland conducted a bond hearing and set bail for Miss Anthony on the Third Degree Felony and misdemeanors of five hundred thousand dollars (\$500,000.00). During that proceeding, the judge, on the record, stated that "...the truth and Miss Anthony are strangers". Miss Anthony had not testified in any capacity.

4. At Miss Anthony's bond hearing, Judge Strickland further stated that it was Miss Anthony's Constitutional Right not to speak, yet, in the same hearing, the judge stated "and normally she would be entitled to a reasonable bond...[but] not a bit of useful information has been provided by Miss Anthony".
5. Judge Strickland referred one of Miss Anthony's attorneys to the Florida Bar for disciplinary investigation based upon an untrue hearsay statement of an investigator at that time hired by the Defendant's parents, which statements, even if true, was entirely legal and did not constitute grounds for disciplinary action.

The attorney was cleared by the Bar Association.
6. Judge Strickland has made off the record comments to both the prosecution and Miss Anthony's defense lawyers that he (the judge) would like to wait until after his re-election is over to set the trial in Miss Anthony's case. Such action reveals the judge's concern about politics and is a violation of Canon 2 of the Code of Judicial Conduct.
7. In November of 2008, Dave Knechel, also known as "Marinade Dave", began writing posts about Miss Anthony and her case on his blog, "Marinade Dave's Mindblogging". By January of 2009, eleven out of Marinade Dave's fifteen posts during the month were about Miss Anthony's case. See Dave Knechel, "Entries from January, 2009", Marinade Dave's Mindblogging, "Available at <http://marinadedave.wordpress.com/2009/01/>".
8. On October 19, 2009, Mr. Knechel posted an entry on his blog describing an encounter he had with Judge Strickland after a Motions hearing in Miss Anthony's case that Mr. Knechel attended on October 16th. See Dave Knechel, "It was my

honor, your pleasure...”, Marinade Dave’s Mindblogging, available at <http://marinadedave.wordpress.com/2009/10/19/it-was-my-honor-your-pleasure/>.

9. The blog posts allege that following the Motions hearing, Judge Strickland sent a bailiff to collect Mr. Knechel from the gallery and had him brought before the bar to where Judge Strickland was standing. *Id.* Mr. Knechel further described how Judge Strickland said “Needless to say, I do go on the internet and read about this case... I must say that you have the best website regarding this case.” *Id.*
10. On April 10, 2010, Mr. Knechel was interviewed by Miss Anthony’s defense team investigator. In that interview, Mr. Knechel described how, in February of 2010, he had been hospitalized for a few days. According to Mr. Knechel, he later received a telephone call at home from Judge Strickland, wishing him well. See Jeremiah Lyons’ Affidavit, “Exhibit D” to Motion to Disqualify.
11. Upon learning, on April 11, 2010, of Judge Strickland’s second initiation of contact with a media figure covering Miss Anthony’s case, (“Marinade Dave”), defense counsel prepared the Motion to Disqualify Trial Judge. Said Motion is within the ten days prescribed by law. Florida Rules of Judicial Administration 2.330 (requiring Motion to disqualify to be filed within ten days after **discovery of facts** constituting the grounds for the Motion). This recent discovery has precipitated the filing of this Motion. References to the other improprieties give support to the fear of the Defendant in having a fair trial before Judge Strickland.
12. Judge Strickland’s deliberate courting of a well known media figure raises the inference that Judge Strickland seeks publicity in his own right, and that his rulings

and decisions from the bench could be improperly influenced by his desire to secure the outcome that maximizes that publicity.

13. Due to Mr. Knechel's relentless pro-prosecution bias, as evidenced in his blog posts, any reasonable observer could conclude that Judge Strickland's endorsement of Mr. Knechel's blog is evidence of Judge Strickland's own pro-prosecution slant in this case.
14. Furthermore, Judge Strickland's telephoning Mr. Knechel at home, after Mr. Knechel's hospitalization, shows that the courting of Mr. Knechel in October of 2009 was not a one-time aberration. To the contrary: Judge Strickland did so after Mr. Knechel had already publicized the first interaction with the judge in court and that shows that the judge is less interested in maintaining a perception of impartiality than he is in maintaining his contacts among the media, which is a violation of Canon 2 and 3 of the Code of Judicial Conduct.
15. Judge Strickland's courting favor with media sources violates Canon 2(a) and 3(b) of the Code of Judicial Conduct.

ARGUMENT

The role of an independent judiciary is paramount to American concepts of justice and the rule of law. The American legal system is firmly based upon the principle that an independent, fair and competent judiciary will interpret and apply governing law. Fla. Code Jud. Conduct (2010) (hereafter "Fla. Code"). Judges should aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence. ABA Model Code of Jud. Conduct (2007) (hereafter "ABA"). Judges, individually and collectively, must respect and

honor the judicial office as a public trust and strive to enhance and maintain confidence in our legal system. Fla. Code. Judges should maintain the dignity of judicial office at all times, and avoid public perception of impropriety in their professional and personal lives. ABA Rule 1.2 cmt. 1 (2007).

An independent judiciary requires that judges decide cases according to the law and facts and not according to the views and opinions of outside sources, including that of the public and the media. *See* Fla. Code Canon 3. A judge shall avoid even the appearance of 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. ABA Rule 1.2 cmt. 5 (2007). A judge shall disqualify himself or herself where his impartiality might reasonably be questioned. ABA Rule 2.11 (2007). 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. 4th Dist. Ct. App. 1994). In such a circumstance, the facts alleged are to be taken as true and their veracity should not be considered by the judge. *State Farm Mut. Auto. Ins. Co. v. Penland*, 668 So. 2d 200, 204 (Fla. 4th Dist. Ct. App. 1995).

I. Judge Strickland Should Recuse Himself Because His Decisions Show A Bias In Favor Of Media Coverage At The Expense Of Miss Anthony's Constitutional Rights.

Both the Florida and ABA rules of ethical conduct for judges do not merely require the trial judge to show no bias toward either *party*. Rather, the rules clearly require that the judge avoid creating the public perception of *any* external influence on the judge's behavior and, ultimately, decisions. *See* ABA Rule 2.4 (2007). A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the

judiciary. Fla. Code Canon 2A. A judge shall not be swayed by partisan interest, public clamor, or fear of criticism. See Fla. Code Canon 3B. This includes any perception that the judge is biased in favor of publicity and media coverage. The unparalleled access of the media in today's world can give rise to the very real fear that a judge might cater to the media and deliver judgments that seek to maximize publicity. *Novartis Pharms. Corp. v. Carnato*, 840 So. 2d 410 (Fla. 4th Dist. Ct. App. 2003) (remanded on other grounds) (Klein, J., dissenting). Even the mere perception that judicial decision making is subject to inappropriate outside influences can severely erode confidence in the Judiciary. ABA Rule 2.4 cmt. 1 (2007).

Miss Anthony will not receive a fair and impartial trial from Judge Strickland because his rulings contemplate media opinion and reaction and are biased in favor of media coverage. Even if a judge's courting of the media covering his case indicates no particular bias toward either party, it can still raise the specter of the judge's interest, intentional or not, in securing the highest level of publicity. The public's faith in the justice system can be equally shaken by a perception that a judge's behavior and decisions are influenced by his desire for media coverage.

Judge Strickland's inappropriate relationship with the media gives rise to a reasonable belief that his rulings are influenced by improper outside sources. This creates an inevitable inference that the media's beliefs, thoughts, and concerns are playing an inappropriate role in his decision-making. A motion to recuse must be granted when a reasonable person would believe that she would not receive a fair decision from a judge who considers media opinion and reaction during a case. See *Coleman v. State*, 866 So. 2d 209.

II. Judge Strickland's Contacts With Dave Knechel ("Marinade Dave") Inescapably Leads Reasonable People To Conclude That He Is Biased In Favor of Publicity-Enhancing Outcomes.

Judge Strickland's deliberate courting of Mr. Knechel gives rise to just such an inference of bias. His conduct therefore fatally undermines Miss Anthony's interest in receiving a fair trial. First, a reasonable person could conclude from Judge Strickland's conduct that he has been attempting to court a friendly voice in the blogosphere and to secure positive commentary on his handling of this controversial case. Second, Mr. Knechel's subsequent glowing treatment of Judge Strickland following the judge's solicitation of his goodwill could reasonably raise an inference that Judge Strickland has an interest in maintaining his standing in Mr. Knechel's, and by extension, the public's, eyes. The actions by the judge validating and expressing approval of "Marinade Dave's" articles calling for the Defendant to die and proclaiming her guilty as charged, as set forth in Exhibits A, B, and C of the Motion, are likely unprecedented in responding to public clamor for conviction and execution of Miss Anthony, long before having a trial.

A. Judge Strickland's deliberate solicitation of Mr. Knechel raises the reasonable inference that his performance of his judicial duties is compromised by his desire for publicity.

This case is remarkable for the media attention it has attracted ever since Miss Anthony's initial arrest in July 2008. All the major media outlets in the Orlando area have web pages devoted solely to Miss Anthony.¹ Dozens of blogs have forums established exclusively to dissect and analyze Miss Anthony's legal proceedings.² One network has hired an in-house attorney for the sole purpose

¹ See, e.g., The Orlando Sentinel, <http://www.orlandosentinel.com/news/local/caylee-anthony/>; WFTV-9, <http://www.wftv.com/caseyanthony/index.html>; WESH-2, <http://www.wesh.com/caseyanthony/index.html>; WOFL-35, http://www.myfoxorlando.com/subindex/news/anthony_case; Central News Florida 13, <http://www.cfnews13.com/Features/CaseyAnthony/Default.aspx>.

² See, e.g., "The Caylee Daily," available at www.cayleedaily.com; "Caylee Anthony," available at www.cayleeanthony.wordpress.com.

of analyzing the legal issues of Miss Anthony's pre-trial proceedings.³ Many of these web sites provide lively discussion boards where posters discuss and dissect every aspect of Miss Anthony's court appearances, from Miss Anthony's clothes⁴ to the behavior of counsel⁵ to the rulings and demeanor of the judge.⁶

As the judge in this case, Judge Strickland must be aware of the intense media scrutiny surrounding Miss Anthony and her upcoming murder trial. Prudent adherence to Florida's Code of Judicial Conduct should have led Judge Strickland to refrain from any contact with the bloggers who follow the case on a day-by-day basis and provide written commentary on nearly every aspect of what transpires in his courtroom. "A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding." Fla. Code Jud. Conduct Canon 3(B)(7). Moreover, Florida courts have held that a judge's communications with the media can lead a reasonable person to believe that the judge's impartiality has been compromised. *Coleman v. State*, 866 So. 2d 209, 211 (4 DCA 2004).

In *Novartis Pharms. Corp. v. Carnato*, 840 So. 2d 410 (Fla. 4th Dist. Ct. App. 2003), the defendant sought a writ of prohibition to disqualify the trial judge based on the judge's comments to the media. *Id.* Although the Court of Appeal did not decide the merits of the motion, instead

³ See William J. Sheaffer, "Breaking My First Blog," WFTV-9, November 10, 2009, available at <http://www.wftv.com/caseyanthonyblog/index.html>.

⁴ See, e.g., "Scared Monkeys" comment thread, March 12, 2009, available at <http://scaredmonkeys.net/index.php?topic=4660.265;wap2>.

⁵ See, e.g., Topix.com comment thread, April 5, 2010, available at <http://www.topix.com/forum/source/wtvr/TIFF7FN76U1O75SOD>.

⁶ See, e.g., *Orlandosentinel.com* comment thread, January 25, 2010, available at http://blogs.orlandosentinel.com/entertainment_tv_tvblog/2010/01/casey-anthony-wkmg-studies-judge-stan-stricklands-sentencing-record-hints-at-whats-ahead-today.html.

reversing the trial court's dismissal on procedural grounds and remanding, one judge would have reached the merits to hold that the judge's comments required recusal. *Id.* at 411. Judge Klein's opinion quotes the Court of Appeals for the District of Columbia Circuit to the effect that "[m]embers of the public may reasonably question whether the District Judge's desire for press coverage influenced his judgments, indeed whether a publicity-seeking judge might consciously or subconsciously seek the publicity-maximizing outcome." *Id.* (quoting *United States v. Microsoft Corp.*, 253 F.3d 34, 115 (D.C. Cir. 2001)). The danger that a judge's decisions, rulings, or behavior on the bench might be influenced by a conscious or even subconscious desire for publicity and positive press coverage should function as a constraint on his interactions with the media.

Here, Judge Strickland's purposeful and repeated courting of Mr. Knechel indicate that he has not followed those constraints. Mr. Knechel is a prominent blogger covering Miss Anthony's case. His page carries near-daily updates of all the minutiae involved in Miss Anthony's court appearances and the various publicity-seeking characters who have attached themselves to this case. Mr. Knechel's blog post describing his first encounter with Judge Strickland is instructive. First, Judge Strickland sent a court employee, the bailiff, to collect Mr. Knechel from the gallery and bring him to the judge's exit door. According to Mr. Knechel, Judge Strickland said, "Needless to say, I do go on the Internet and read about this case." *Id.* The judge then further said, "I must say that you have the best Web site regarding this case." *Id.*

Taken together, these comments indicate that Judge Strickland a) follows the intensive and non-stop media coverage of Miss Anthony's case, and b) has weighed the relative merits of the various blogs and websites to come to the conclusion that Mr. Knechel's website is "the best." This communication on its own would lead a reasonable person to infer that Judge Strickland has an

interest in courting positive media coverage from a friendly source. For him to have taken the extraordinary measure of calling Mr. Knechel over to the bench in order to solicit his goodwill could lead a reasonable observer to conclude that Judge Strickland may, even subconsciously, be performing his duties in a manner calculated to maximize the publicity and favorable coverage of his handling of this difficult and controversial case. Like the defendant in *Coleman*, Miss Anthony thus reasonably has “a fear that [s]he could not receive a fair decision from a judge who considers media opinion and reaction during a case.” 866 So. 2d at 210.

Judge Strickland’s second contact with Mr. Knechel only strengthens the inference of media bias and Miss Anthony’s concurrent fear of not receiving a fair trial. Judge Strickland should have known that his contact with a prominent blogger, focusing nearly exclusively on Miss Anthony’s case, could create the impression that his judicial conduct is influenced by his desire for positive coverage. Moreover, Mr. Knechel responded to Judge Strickland’s solicitation by posting a long blog post describing the encounter, positively gushing about his having been selected from all the media figures present for special treatment. In spite of the long post, and the commentary that Mr. Knechel’s perceived special relationship with the judge inspired on the blog, Judge Strickland continued the relationship when he telephoned Mr. Knechel at home in mid-February 2010. Mr. Knechel did not post his home telephone number on his blog on February 16, 2010. It is unknown how Judge Strickland learned the number. Although of course Judge Strickland’s concern for Mr. Knechel’s health is commendable, the Florida Judicial Ethics Committee has recently issued an ethics opinion treating the issue of judge-attorney friendships. The Committee warned that “a judge must expect to be the subject of constant public scrutiny, and the impressions that arise from such a relationship.” Florida Judicial Ethics Committee, Opinion 2009-20. Here, Judge Strickland’s

continuing of the relationship—even if purely personal—with a prominent blogger further erodes a reasonable person’s belief in his ability to rule from the bench without regard for media reaction.

B. Mr. Knechel’s subsequent treatment of Judge Strickland raises the reasonable inference that his performance of his judicial duties is compromised by his desire to maintain the good opinion of the media.

Judge Strickland’s initiation of contact with Mr. Knechel raises a reasonable inference that he seeks positive media coverage of his conduct in Miss Anthony’s trial. Mr. Knechel’s subsequent treatment of Judge Strickland on his blog, however, raises another inference: that Judge Strickland has an interest in maintaining the good favor of the press he has cultivated. Based on Mr. Knechel’s glowing descriptions of Judge Strickland in the months since the October 19, 2009 encounter, an observer could reasonably conclude that Judge Strickland has an interest in maintaining that positive coverage. Miss Anthony thus has a reasonable fear that Judge Strickland’s rulings may reflect his desire to sustain his positive reputation in the press and on the blogs, and not his impartial, considered judgment.

After the October 16, 2009 conversation between Mr. Knechel and Judge Strickland, Mr. Knechel’s blog posts increased the number of times he mentioned Judge Strickland. Not only did he increase the number of times he talked about Judge Strickland, he became fervent in his enthusiasm for the judge’s performance in the courtroom. On October 27, 2009, a mere nine days after his conversation with Judge Strickland, he wrote a posting titled “They could never ask for a better judge”. In this post, he writes how about watching Judge Strickland in the courtroom and how he found “his candor quite refreshing and I welcomed his open-mindedness. I saw live how sharp and focused he remains at all times. He is very well-mannered, well-informed, highly intelligent and because of his personality, humble to boot.” (Dave Knechel, “They could never ask for a better

judge," Marinade Dave's Mind Blogging, October 27, 2009, *available at* <http://marinadedave.wordpress.com/2009/10/27/they-could-never-ask-for-a-better-judge/>. He then attached a supplement from criminal defense lawyers writing positive mentions about Strickland.

Id.

His subsequent blog entries continue stating zealous pro-Strickland statements, rhapsodizing about Judge Strickland with comments such as "this man is all about integrity and fairness" and "instead of letting each side argue this motion, he patiently waited until the right moment to gracefully interject. That's what I really, really like about him." Dave Knechel, "A lot of good lawyering today," Marinade Dave's Mind Blogging, December 11, 2009, *available at* <http://marinadedave.wordpress.com/2009/12/11/a-lot-of-good-lawyering-today/>. He also describes how Judge Strickland made wise decisions when he "denied a motion to dismiss double jeopardy charges of check fraud, he denied a motion to stop the Orange County Jail from videotaping meetings with her attorneys and he denied the defense's request to destroy video of any and all visits from her family." Dave Knechel, "Motion Sickness," Marinade Dave's Mind Blogging, December 18, 2009, *available at* <http://marinadedave.wordpress.com/2009/12/18/motion-sickness/>. Mr. Knechel later showed ardent admiration of how "Judge Strickland is not a TV crime solving judge although I'm sure he could get his own show when the trial is over." Dave Knechel, "Dear Concerned Citizen," Marinade Dave's Mind Blogging, January 16, 2010, *available at* <http://marinadedave.wordpress.com/2010/01/16/dear-concerned-citizen/>. Mr. Knechel also opined that "Judge Stan Strickland rules!" and "he is the best judge around." Dave Knechel, "A Personal Reflection," Marinade Dave's Mind Blogging, January 25, 2010, *available at* <http://marinadedave.wordpress.com/2010/01/25/a-personal-reflection/>. He later opined, "Judge

Strickland will have a lot to say on this matter and we all know safe, sane and reasonable he is.” Dave Knechel, "Casey Anthony, Guilty of Indigence?", *Marinade Dave's Mind Blogging*, March 6, 2010, *available at* <http://marinadedave.wordpress.com/2010/03/06/casey-guilty-of-indigence/>. Only a few weeks later, he described how he notices how Judge Strickland's "relaxed demeanor translates well in court and that he may be larger than life in the scheme of this case he sits in judgement of, but he is far from intimidating. Everyone likes and respects him. He is approachable." Dave Knechel, "Will Mason Jar the State?", *Marinade Dave's Mind Blogging*, March 19, 2010, *available at* <http://marinadedave.wordpress.com/2010/03/19/will-mason-jar-the-state/>. These enthusiastic blog entries after the October 16, 2009 conversation shows how Dave is keeping Judge Strickland in press in a positive manner.

A reasonable observer, then, could easily infer from Judge Strickland's solicitation of Mr. Knechel's good will and the resulting dramatic increase in positive coverage of Judge Strickland on Mr. Knechel's blog that the judge has a publicity interest in maintaining that coverage. Judge Strickland has admitted that he follows the blogs covering Miss Anthony's case and Mr. Knechel's blog in particular. He also initiated the contact with Mr. Knechel, a prominent blogger whose coverage of Miss Anthony's case has garnered him an award for "Central Florida's Best News Blog." *See* Dave Knechel, "Orlando's Rockin' Blogs," *Marinade Dave's Mind Blogging*, December 19, 2009, *available at* <http://marinadedave.wordpress.com/2009/12/19/orlandos-rockin-blogs-the-orlando-sentinel-orbbies-winners/>. A reasonable observer could thus conclude that Judge Strickland has an interest in slanting his conduct on the bench in favor of a publicity-maximizing outcome. *See Novartis Pharms. Corp. v. Carnato*, 840 So. 2d at 411.

III. Judge Strickland's Endorsement of Mr. Knechel's Pro-Prosecution Blog Gives Rise To A Reasonable Inference That Judge Strickland Is Biased Toward The State.

As argued above, Judge Strickland's interactions with Mr. Knechel give rise to a reasonable inference that he has an interest in both creating and sustaining positive media coverage of his role in the case. That interest, or publicity bias, is unrelated to Judge Strickland's treatment of either party in and of itself; instead, it merely creates a reasonable fear in Miss Anthony that the judge's rulings are affected by his perceptions of the media reaction and opinion.

However, Judge Strickland's solicitation and maintenance of his relationship with Mr. Knechel also raises another, and more sinister, inference: that Judge Strickland's interactions with Mr. Knechel reflect or could be perceived to reflect a pro-prosecution bias. The tenor of Mr. Knechel's coverage of Miss Anthony's case displays a strong pro-prosecution slant on his part, repeatedly offering his opinion as to Miss Anthony's guilt and nefarious character. Judge Strickland's public courting of Mr. Knechel could reasonably be seen as an endorsement of those opinions.

Mr. Knechel has written extensively about the Anthony case. His writings are posted to his blog and accessed by Judge Strickland through the Internet. Mr. Knechel's prior writings, of which Judge Strickland feels are "really fair" and the "best blog out there," have titles which include "Casey Anthony must die!," "Caylee's murder: premeditated and pretty stupid too," and "Guilty as CHARGED." The contents of these blog posts—prior to October of 2009, when Judge Strickland first approached Mr. Knechel—predominately include pro-prosecution assertions. In Mr. Knechel's blog posting on February 1, 2009 he gives a synopsis of his theory of the case in which he paints Casey Anthony as a lazy, foul-mouthed liar who killed her child and was too stupid to realize that the body would be found when she disposed of it so close to the Anthony home. Mr. Knechel's theory paints Ms. Anthony as just another dumb party girl willing to do anything to maintain her

dumb party girl image. He asserts his belief that Caylee's death was the result of a premeditated crime and that murdering Caylee was the way for Ms. Anthony to return to her carefree days of her childhood. Mr. Knechel goes as far as to assert that Ms. Anthony was a psychopath with low self-esteem who sometimes has a violent side and whose impulsive nature is what led her to kill Caylee. The blog entry concludes by asserting that Ms. Anthony is another murderer who deserves punishment and that when she does, Ms. Anthony will become a footnote in history. *See* Dave Knechel, "Caylee's murder: premeditated and pretty stupid, too," *Marinade Dave's Mind Blogging*, February 1, 2009, *available at* <http://marinadedave.wordpress.com/2009/02/01/caylees-murder-premeditated-and-pretty-stupid-too/>. These are the very assertions to which Judge Strickland was presumably referring when he concluded that Mr. Knechel has "the best blog going out there," one that is "really fair."

Mr. Knechel's pro-prosecution bias is not limited to his antipathy for Miss Anthony. His blog has also repeatedly attacked the members of Miss Anthony's defense team. In one blog posting, he accused a member of the defense team of being a liar and that a Bar Grievance Committee's finding "insufficient evidence" against the lawyer as "impossible". Dave Knechel, "Baez beats bar," *Marinade Dave's Mind Blogging*, September 1, 2009, *available at* <http://marinadedave.wordpress.com>). In another posting, Mr. Knechel refers to another member of the defense team joining the case as "someone new to hate." Dave Knechel, "Hearing Updates," *Marinade Dave's Mind Blogging*, May 28, 2009, *available at* <http://marinadedave.wordpress.com/2009/05/28/andrea-d-lyon-caseys-new-death-penalty-qualified-attorney/>). These posts indicate that the blogger so assiduously courted by Judge Strickland harbored not only a bias against Miss Anthony but, by extension, against the members of her defense

team—and that Judge Strickland, who apparently had been reading Mr. Knechel’s blog for some time before the October 19, 2009 encounter, knew or should have known of that bias.

A judge must perform judicial duties impartially and fairly. A judge who manifests bias on any basis in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute. Clearly, Judge Strickland’s perception of this case is pro-prosecution. His bias is evident by his assertion that Mr. Knechel’s has a “fair” account of the facts in this case. A judge shall disqualify himself where his impartiality might reasonably be questioned. Fla. Code Jud. Conduct, Canon 3(E)(1). In this case, Judge Strickland should be disqualified. His bias impairs the fairness of the proceedings in this case and violates Ms. Anthony’s rights.

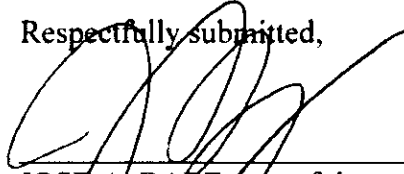
When a Motion to disqualify is filed, the judge is required to immediately rule on the Motion. Shah v. Harding, 839 So.2d 765 (3 DCA 2003). In ruling on the Motion, the judge shall determine only the legal sufficiency of the Motion and shall not pass on the truth of the facts alleged. Knarjck v. State, 866 So.2d 165 (2 DCA 2004). The Court must view the alleged facts from the perspective of the moving party, Frengel v. Frengel, 880 So.2d 763 (2 DCA 2004), and not the Court’s own perception of his ability to act fairly and impartially. Valdes-Fauli v. Valdes-Fauli, 903 So.2d 214 (3 DCA 2005). It is a feeling that resides in the movant’s mind, not a question of how the judge feels. Wargo v. Wargo, 669 So.2d 1123 (4 DCA 1996).

CONCLUSION

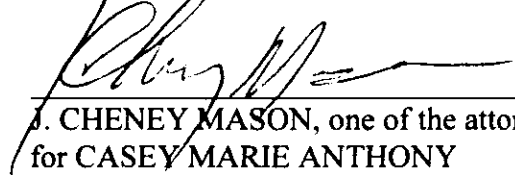
Judge Strickland’s duty to preside over this case with impartiality is of utmost importance. His repeated and deliberate courting of a prominent media figure in this case has undermined the appearance of impartiality to the degree that Miss Anthony has a reasonable fear that she may not receive a fair trial. Because Judge Strickland’s actions and comments have raised the inference of

judicial bias, this Court should grant Miss Anthony's Motion to Disqualify Trial Judge.

Respectfully submitted,



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Dated: April 16, 2010

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