

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

STATE OF FLORIDA

vs.

CASE NO.: 48-2008-CF-0015606-O
DIVISION: 16

CASEY MARIE ANTHONY
_____ /

**MOTION FOR ORDER REQUIRING
PROPER NOTICE TO ORANGE COUNTY**

THE ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS, (hereafter ORANGE COUNTY), by and through the undersigned Assistant County Attorney, hereby requests this Court for an Order Requiring Proper Notice and timely service on Orange County and states as follows:

1. The case of *State of Florida v. Casey Anthony, 48-2008-CF-15606-O* has been on-going for over a year.
2. Defendant/Inmate Casey Anthony is currently housed in the Orange County Jail.
3. The Orange County Jail has been operated by the Orange County Board of County Commissioners since the Sheriff of Orange County relinquished control of the jail to the Board of County Commissioners in 1987. The Orange County Corrections Department, a department of Orange County Government, handles the daily operation of the Orange County Jail. Therefore, the Sheriff of Orange County has nothing to do with the operation of the Orange County Jail and is not the proper party upon which to serve notice for matters pertaining to the Orange County Jail.

4. The Orange County Attorney's Office provides legal service to all departments and divisions of Orange County Government.

5. While the Orange County Jail, the Orange County Corrections Department and the Orange County Board of County Commissioners are not usually parties to criminal prosecutions, Orange County has been repeatedly drawn into the litigation of the above cited criminal case due to Defendant/Inmate Anthony's motions requesting the Court to enter Orders affecting the Orange County Corrections Department which have necessitated the appearance of counsel from the Orange County Attorney's Office on behalf of Orange County in hearings regarding those various motions.

6. Occasionally, Defendant/Inmate Anthony has provided proper written notice to Orange County on her motions. However, there have been several occasions where the Defendant/Inmate Anthony has failed to serve Orange County with motions and notices of hearings affecting the jail. The undersigned counsel has, on several occasions, contacted counsel representing Defendant/Inmate Anthony to advise that they failed to properly notice the County and to provide the proper address and fax numbers. Yet the failure to properly notice Orange County persists.

7. Defendant/Inmate Anthony's current Motion for Protective Order Directing Orange County Jail to Destroy Videos of Family Visits and Motion for a Protective Order Prohibiting Orange County Jail From Videotaping Attorney Visits, both filed on September 17, 2009, are the most recent examples of the blatant lack of notice afforded to Orange County. The certificates of service of both motions clearly omit Orange County. Neither the motions nor any notice of hearing has been served on Orange County by the Defendant/Inmate Anthony.

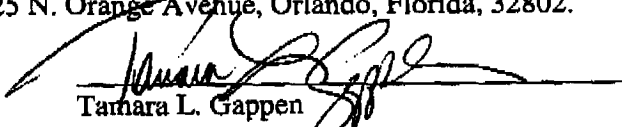
8. Basic Due Process requires that Orange County be provided with proper service and notice of pending Motions affecting Orange County. Notice through news media coverage is not proper notice. It is equally inappropriate for Orange County to have to request copies of such motions from counsel for Defendant/Inmate Anthony, the State, the Clerk of Court, or the Judicial Assistant of the Judge hearing the matter after learning about the existence of such motions through the news.

9. Orange County Government, including the Orange County Jail, is entitled to due process just like everyone else.

WHEREFORE, Orange County respectfully requests this court for an Order requiring Defendant/Inmate Anthony and/or her counsel to provide proper written notice to Orange County on matters affecting Orange County.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent via facsimile or U.S. Mail on this 15 day of October, 2009, to: Jose A. Baez, Esq., The Baez Law Firm, 522 Simpson Road, Kissimmee, Florida 34744, and Andrea D. Lyon, Esq., DePaul University College of Law, 1 E. Jackson Blvd., Chicago, Ill 60604, and via inter-office mail and/or e-mail to: Linda Drane Burdick, Assistant State Attorney, Office of the State Attorney, 425 N. Orange Avenue, Orlando, Florida, 32802.



Tamara L. Gappen
Assistant County Attorney
Florida Bar Number 826715
ORANGE COUNTY ATTORNEY'S OFFICE
Orange County Administration Center
P.O. Box 1393
Orlando, Florida 32802-1393
Telephone Number (407) 836-7320
Fax No.: (407)836-5888