

)	In the Circuit Court of the
)	Ninth Judicial Circuit, in and for
)	Orange County, Florida
STATE OF FLORIDA)	
)	Case No.: 482008-CF-0015606-O
v.)	Division 16
)	
CASEY MARIE ANTHONY,)	Hon. Stan Strickland
)	
Defendant.)	
)	

DEFENDANT’S MOTION FOR A PROTECTIVE ORDER PROHIBITING ORANGE COUNTY JAIL FROM VIDEOTAPING ATTORNEY VISITS

COMES NOW the Defendant, CASEY MARIE ANTHONY, by and through her attorneys JOSE A. BAEZ and ANDREA D. LYON, and pursuant to Fla. Stat. § 90.502 requests that this Court grant her amended application for a protective order directing the Orange County Jail to:

1. Immediately cease and desist from monitoring and/or disclosing any communications between Casey Anthony and her attorneys or attorney’s agents;
2. Immediately cease and desist from video and/or audio taping the Defendant and Defendant’s counsel while meeting;
3. Immediately cease and desist from to anyone anything that occurred in the meetings or communications with counsel;
4. Destroy all video or audio tapes or reports or other methods of memorializing meeting between the attorney and client that occurred on any other dates besides those already turned over for December 11, 2008;
5. Any and all other relief that is within the power of this court.

In support of her application, Ms. Anthony states as follows upon information and belief:

1. An inmate's right to due process, including the right of access to courts, has been consistently protected by both the United States Supreme Court and Florida statutes and case law. The right of access includes protection of free and unmonitored conversation between an inmate and her attorneys.
2. Miss Anthony, who has never been convicted of any crime, does not present any danger to the order of the jail and yet is constantly chained around her stomach while conferring with her attorneys to further reassure the jail administration that all parties involved will be kept safe.
3. The area in which Miss Anthony and her attorneys visit is open to viewing and there are two security stations with unobstructed views. Every time there has been a visit, both of those security stations have been manned.
4. When balancing the prison's need for order against the prisoner's due process rights, the courts have been adamant that prisoner and attorney communications should continue to be private. Any monitoring or disclosure of prisoner communication with her attorney would have a "chilling effect" on their communications, thereby affecting the attorney's ability to adequately defend her client.
5. The need for more protection and privilege is especially important for Miss Anthony because of the extraordinary complexity of a capital case as well as the media's intensive coverage of this particular case. A capital case requires that the defense team conduct their own investigation while simultaneously preparing for the evidence against the client in trial and preparing for a penalty phase of trial. The preparation for the aggravating and mitigating factors that play into a penalty phase involves intensive investigation into the client's family, friends, and personal life. The State's recent

reversal of its original position and its new decision to seek the death penalty makes it even more difficult for the defense to adequately prepare for a case full of complex legal issues.

6. In support of her motion for a protective order and an order to cease and desist recording attorney visits to Miss Anthony, Defendant presents the attached Memorandum of Law.

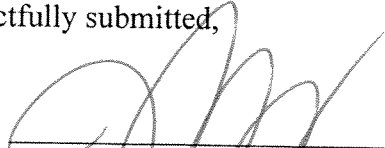
WHEREFORE, the Defendant CASEY MARIE ANTHONY respectfully requests that this Honorable Court grant her motion and issue a Protective Order directing the Orange County Jail to:

- i. Immediately cease and desist from monitoring and/or disclosing any communications between Casey Anthony and her attorneys or attorney's agents;
- ii. Immediately cease and desist from saving any video and/or audio taping Miss Anthony's meetings with counsel;
- iii. Immediately cease and desist from disclosing to anyone anything that occurred in those meetings or communications with counsel;
- iv. Destroy any and all video or audio tapes or reports or other records in its possession memorializing meetings between Miss Anthony and her attorneys.

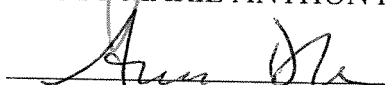
The Defendant further requests that this Court direct the prosecution to file a response motion and memorandum of law within thirty days of the filing of this motion and accompanying memorandum of law; allow Miss Anthony ten business days from the prosecution's filing of its responsive motion and memorandum of law to file a reply motion and memorandum of law; and

set a hearing date, at which time this Honorable Court may hear arguments relating to the defense and prosecution's motions.

Respectfully submitted,



JOSE A. BAEZ, one of the attorneys for
CASEY MARIE ANTHONY.



ANDREA D. LYON, one of the attorneys
for CASEY MARIE ANTHONY.

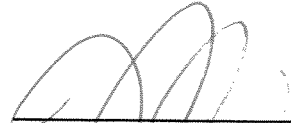
Dated: 9/17/09, 2009

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing has been furnished to the Office of the State Attorney, 415 North Orange Avenue, Orlando, Florida 32801, on this 17 day of September, 2009.



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I HEREBY CERTIFY that a copy of the above and foregoing was mailed to the Orange County Sheriff's Office, P.O. Box 1440, Orlando, Florida 32802; via U.S. Mail on this 17 day of September, 2009.



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