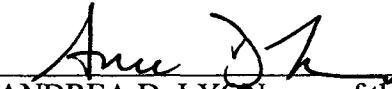


6. The prosecution's Notice of Intent to Seek the Death Penalty does not indicate which, if any, statutory aggravators the state intends to attempt to prove should this case reach a sentencing phase.
7. Miss Anthony has previously argued that the prosecution's decision to seek the death penalty in a case where it cannot determine a cause of death, and where it can allege no circumstances of the death itself, is a bad-faith tactic to put pressure on the defendant.
8. It is Miss Anthony's position that her due process right to a fair trial requires the prosecution to provide her with notice of the aggravating circumstances it will attempt to prove. The Florida Supreme Court, however, has not accepted that this notice is required by Florida law.
9. The Florida Supreme Court has held, however, that the decision to require the prosecution to provide notice of aggravating circumstances lies within the trial court's discretion.
10. Given the vagueness of the indictment against her, and the lack of any information in the State's Notice of Intent to Seek the Death Penalty, Miss Anthony therefore respectfully asks this Court to require the prosecution to provide her with notice of the aggravating circumstances it will attempt to prove at any sentencing phase which might ensue.
11. Such notice would enable Miss Anthony to fully prepare for the charges against her, and would help to ensure the fairness of her trial.
12. In support of her motion, Miss Anthony presents the attached Memorandum of Law.

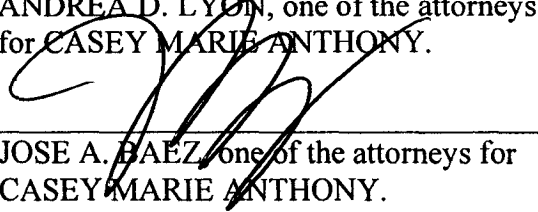
WHEREFORE, the Defendant CASEY MARIE ANTHONY respectfully asks this Court to enter an order requiring the prosecution to provide her with notice of the aggravating

circumstances the prosecution believes to exist and intends to prove at any future sentencing phase.

Respectfully submitted,



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



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

Dated: 11/25/09, 2009

Andrea D. Lyon
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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; via facsimile and /or U.S. Mail on this 25 day of October, 2009.



JOSE A. BAEZ, ESQUIRE
FL Bar No.: 0013232
JOSE L. GARCIA, ESQUIRE
FL Bar No.: 0026020
THE BAEZ LAW FIRM
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)	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.)	
)	

MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT’S MOTION FOR A STATEMENT OF PARTICULARS PROVIDING NOTICE OF AGGRAVATING CIRCUMSTANCES

COMES NOW the Defendant, CASEY MARIE ANTHONY, by and through her attorneys ANDREA D. LYON and JOSE A. BAEZ, and respectfully submits the following Memorandum of Law in support of her Motion for a Statement of Particulars Providing Notice of Aggravating Circumstances. In support of thereof, Miss Anthony states as follows:

Statement of Facts

The Defendant Casey Marie Anthony was charged with first-degree murder on October 14, 2008. See Exhibit A. The indictment alleges in pertinent part that “CASEY MARIE ANTHONY, between the 15th day of June, 2008, and the 16th day of July, 2008, in [Orange] County and State [of Florida], did in violation of Florida Statute 782.04(1)(a)(1), from a premeditated design to effect the death of CAYLEE MARIE ANTHONY, a human being, unlawfully kill CAYLEE MARIE ANTHONY.” *Id.* The charging statement does not describe any circumstances of the alleged crime, nor does it indicate any manner or cause of death.

On December 8, 2008, the State announced its intention not to seek the death penalty against Miss Anthony. See Exhibit B. In its Notice of Intent Not to Seek the Death Penalty, the prosecution stated that “after due consideration of the facts and law applicable to this case, it is

not in the best interest of the people of the State of Florida to pursue the Death Penalty as a potential sentence.” *Id.*

On December 11, 2008, the skeletonized remains of a child were discovered in a wooded area just off Suburban Drive in Orlando. The State has since identified the remains as those of the child Caylee Marie Anthony. An autopsy was conducted, and the Orange County Medical Examiner reported that no cause of death could be determined. Drug tests of the remains were also negative.

On April 13, 2009, the State filed a Notice of Intent to Seek the Death Penalty. *See Exhibit C.* The Notice stated, in pertinent part, “that, based upon additional information which has become available since the waiver of intent to seek the penalty of death filed on December 5, 2008, sufficient aggravating circumstances exist to justify the imposition of the Death Penalty pursuant to Florida Statute 921.141, as to this Defendant in this case.” *Id.* The Notice did not identify which “additional information” the State relied upon in changing its course, nor did it specify which aggravating circumstances it believes to exist.

Summary of Argument

Miss Anthony’s position is that her due process right to a fair trial requires that the prosecution provide her with notice of aggravating circumstances.¹ The Florida Supreme Court has established that trial courts may require the State to provide the defendant with pre-trial notice of the aggravating circumstances the State proposes to prove at sentencing in order to secure a death sentence. *State v. Steele*, 921 So.2d 538, 540 (Fla. 2005). According to the Court, the decision to issue such an order is within the trial court’s discretion. *Id.* at 543. This Court should exercise its discretion to order the State to provide such notice because the vagueness of

¹ This argument in no way concedes or retreats from that position. *See* Def.’s Memorandum of Law In Support of Motion to Declare Fla. Stat. § 921.141 Unconstitutional Under *Ring v. Arizona*.

the indictment, the circumstantial nature of the evidence against Miss Anthony, and the concerns over the State's motivations in seeking the death penalty have harmed Miss Anthony's ability to prepare for and defend against the charges she faces. A statement of particulars indicating which statutory aggravating circumstances the State seeks to prove will therefore help assure Miss Anthony's Due Process right to a fair trial.

I. This Court Should Require Notice Of Aggravating Circumstances Because The Indictment Does Not Give Sufficient Notice Of The Charges The Defendant Faces.

Florida Rule of Criminal Procedure 3.140 provides:

The court, on motion, shall order the prosecuting attorney to furnish a statement of particulars, when the indictment or information upon which the defendant is to be tried fails to inform the defendant of the particulars of the offense sufficiently to enable the defendant to prepare a defense. The statement of particulars shall specify as definitely as possible the place, date and all other material facts of the crime charged that are specifically requested and are known to the prosecuting attorney, including the names of persons intended to be defrauded. Reasonable doubts concerning the construction of this rule shall be resolved in favor of the defendant.

Fla. R. Crim. P. 3.140. The indictment in this case does not sufficiently inform Miss Anthony of the particulars of the charges against her. *See* Def.'s Motion to Dismiss Defective Indictment, filed November 3, 2009. The indictment gives Miss Anthony no notice whatsoever of the circumstances of the offense with which she is charged. The charging language merely refers to a month-long period and a "premeditated design," accusing Miss Anthony of having unlawfully killed her daughter but offering no indication as to when, where, and how the alleged crime took place. *See Exhibit A.* The indictment also offers no indication whatsoever of what aggravating factors Miss Anthony can expect the State to rely upon in any sentencing phase which might ensue.

The Florida Supreme Court has maintained that a failure by the State to inform the defendant of the statutory aggravating circumstances it will seek does not violate the defendant's Due Process right to a fair trial under either the Florida or United States Constitution.² According to the Court, such notice is not affirmatively required because the statute listing the aggravators provides defendants with sufficient notice. *Hitchcock v. State*, 413 So.2d 741, 746 (Fla.1982); see also *Lynch v. State*, 841 So.2d 362 (Fla. 2003) (“[B]ecause ‘[t]he statutory language limits aggravating factors to those listed, ... there is no reason to require the state to notify defendants of the aggravating factors that the state intends to prove;’” quoting *Vining v. State*, 637 So.2d 921, 928 (Fla.1994)).

In *Steele*, however, the Court noted that the justification for a trial court's decision to require a statement of particulars as to aggravating circumstances had become stronger since its decision in *Hitchcock*. In particular, the Court pointed to the addition of six new aggravating circumstances in the years since *Hitchcock*, and to the broader scope accorded to several pre-existing aggravating circumstances. *Steele*, 921 So.2d at 543. Concluding that “the notice provided by the list of aggravators in the statute is broader, and therefore less specific, than when we addressed the issue in *Hitchcock*,” the Court held that a trial court's decision to require the State to provide a defendant with pre-trial notice of aggravating circumstances does not violate Florida law. *Id.*

The vagueness of the charging document in this case, combined with the “less specific” nature of the statutory aggravators noted by the Florida Supreme Court, have hampered Miss Anthony's ability to prepare a defense. She cannot know, for example, whether or how to prepare to defend against the “committed for pecuniary gain” aggravator, because the State has

² As stated in note 1, *supra*, this argument in no way concedes or retreats from Miss Anthony's position that the Due Process Clause of the Fourteenth Amendment to the United States Constitution does in fact require the State to provide Miss Anthony with notice of the aggravating circumstances it plans to attempt to prove.

given no indication whatsoever of the theory of the case it expects Miss Anthony to defend against. Fla. Stat. § 921.141(5)(f). Similarly, Miss Anthony cannot know whether or how to prepare to defend against the “especially heinous, atrocious or cruel” aggravating circumstance, should the State decide to seek it, because the charging document offers her no inkling of the prosecution’s theory as to how, where, and in what circumstances Caylee Anthony died. Fla. Stat. § 921.141(5)(h) (2008); *see also Brown v. State*, 721 So.2d 274, 277 (Fla.1998) (“[T]he HAC aggravator focuses on the means and manner in which death is inflicted and the immediate circumstances surrounding the death.”). In fact, the vagueness of the indictment leaves open the possibility that the State will base its request for the death penalty on *every* aggravating circumstance detailed by statute (except those which are based on the victim’s status as law enforcement officer or public official; *see* Fla. Stat. § 921.141(j)-(k))—or upon a single aggravator.

The Florida Supreme Court has stated that Florida law does not require notice of aggravating circumstances because the indictment, read together with the statute defining and limiting such circumstances, should provide the defendant with sufficient notice. *Sireci v. State*, 399 So. 2d 964, 970 (Fla. 1981). In this case, however, the indictment is so vague as to preclude Miss Anthony from gleaning any such notice as to the aggravating circumstances upon which the prosecution its decision to seek the death penalty. In order to secure Miss Anthony’s right to know the charges against her, and to be able to prepare a defense, this Court should order the prosecution to provide Miss Anthony with a Statement of Particulars indicating which aggravating circumstances it will seek to prove.

II. This Court Should Require Notice of Aggravating Circumstances To Ensure That The State Is Properly Fulfilling Its Role As Guarantor Of Justice.

The prosecution in this case has reversed course as to the appropriateness of the death penalty. After first having stated that “it is not in the best interest of the people of the State of Florida to pursue the Death Penalty as a potential sentence,” *see Exhibit C*, the prosecution then decided, five months after the discovery of Caylee Anthony’s remains, that it would in fact seek the death penalty. Its Notice of Intent to Seek the Death Penalty referred vaguely to “additional information” it had received in the intervening five months which enabled it to decide that what had previously not been in the best interest of the people of Florida was now, in fact, in that best interest. *See Exhibit C*. As Miss Anthony has argued, this sequence of events raises the troubling specter of bad faith on the part of the prosecution in its decision to reverse course. *See Def.’s Motion To Preclude Death Procedures, filed September 30, 2009.*

The prosecutor plays a critical and unique role in the American system of justice. *State v. Huggins*, 788 So.2d 238, 244 (Fla. 2001) (Pariente, J., concurring). As representative of the sovereign, the prosecutor’s obligation is “not that it shall win a case, but that justice shall be done.” *Id.* at 245 (quoting *Strickler v. Greene*, 527 U.S. 263 (1999)) (citation and internal quotation marks omitted). Because of this solemn responsibility on the part of the prosecution, courts have on occasion inquired into the prosecution’s decision to seek the death penalty. For example, in *Reed v. State*, the Court of Appeal reversed the defendant’s conviction because the State had improperly sought the death penalty where the defendant was ineligible by law. *Reed v. State*, 496 So.2d 213, 214 (Fla. 1st Dist. Ct. App. 1986). As a result of its improper decision, the prosecution was able to death-qualify the jury. *Id.* The Court stated forcefully that “[i]t strains credulity to believe that the State acted in good faith when it argued for death qualification of the jury” and pointed out that “the State could not point to any facts in this case

that it felt could support imposing the death penalty on Reed.” *Id.* Other courts have similarly invoked a trial judge’s “inherent authority to make a pretrial determination on whether [a defendant is] legally ineligible to receive the death penalty.” *State v. Ballard*, 956 So.2d 470, 473 (Fla. 2d Dist. Ct. App. 2007) (Villanti, J., concurring); *see also Smith v. State*, 568 So.2d 965, 967-68 (Fla. 1st Dist. Ct. App. 1990) (Barfield, J., concurring).

In this case, the Statement of Particulars Miss Anthony is requesting would therefore serve the additional purpose of clarifying the prosecution’s intentions in seeking the death penalty. Miss Anthony has already argued that, like the prosecution in *Reed*, the prosecution here seeks the death penalty in a bad-faith effort to enjoy the benefits of a death-qualified and hence conviction-prone jury.³ A Statement of Particulars will allow this Court to be satisfied that the prosecution does, in fact, have a sufficient basis in law for requesting the death penalty against Miss Anthony, and to ensure that the State is not merely using its power to seek death as a tactical maneuver for a prosecution-friendly jury.

III. A Notice of Aggravating Circumstances Would Impose No Additional Burden On The Prosecution.

An order from this Court requiring the State to provide Miss Anthony with notice of the aggravating circumstances the State intends to prove would not place any additional burden on the State. The prosecution already must disclose much of its evidence through discovery. Fla. R. Crim. P. 3.220(b)(1). Disclosing an additional list of the circumstances it will rely upon “does

³ The effect of death-qualifying a jury on the likelihood of conviction is well known. *See, e.g., Ursula Bentele & William J. Bowers, How Jurors Decide on Death: Guilt is Overwhelming; Aggravation Requires Death; and Mitigation Is No Excuse*, 66 Brook. L. Rev. 1011 (2001); William J. Bowers & Benjamin D. Steiner, *Death by Default: An Empirical Demonstration of False and Forced Choices in Capital Sentencing*, 77 Tex. L. Rev. 605 (1999); Theodore Eisenberg & Martin T. Wells, *Deadly Confusion: Juror Instructions in Capital Cases*, 79 Cornell L. Rev. 1 (1993). In *Lockhart v. McCree*, though criticizing some of the research the respondent presented, the majority assumed for the purposes of its opinion “that the studies are both methodologically valid and adequate to establish that ‘death qualification’ in fact produces juries somewhat more ‘conviction-prone’ than ‘non-death-qualified’ juries.” *Lockhart v. McCree*, 476 U.S. 162, 173 (1986).

not impose a substantial—or substantive—additional burden.” *Steele*, 921 So.2d at 543.

Moreover, such an order would not be inequitable to the State merely because Miss Anthony cannot be compelled to disclose which mitigating factors she might rely upon at any sentencing phase which might ensue. *Id.* First, Miss Anthony notes that the State has forfeited its ability to demand any notice of mental mitigation from her because it did not file its Notice of Intent to Seek the Death Penalty until almost six months after the indictment. Fla. R. Crim. P. 3.202(a), (c). Second, as the Florida Supreme Court has noted, mitigating factors and aggravating circumstances are substantively different from each other. “To obtain a death sentence, the State *must* prove beyond a reasonable doubt at least one aggravating circumstance, whereas to obtain a life sentence the defendant need not prove any mitigating circumstances at all.” *Steele*, 921 So.2d at 543 (emphasis in original). An order in this case requiring a Statement of Particulars from the prosecution would not therefore be unfair to the prosecution.

Conclusion

Miss Anthony has a right to know and to prepare to defend against the charges against her. In this case, where the indictment is so vague as to the alleged crime, and where any theory of guilt must rely entirely upon circumstantial evidence, she should not be forced to guess at which, if any, statutory aggravators the prosecution has used as the basis for its decision to seek the death penalty. A Statement of Particulars from the prosecution, indicating which statutory aggravating circumstances it believes exist in this case, and the facts from which it came to this conclusion, would allow Miss Anthony to prepare for a sentencing phase should the case proceed so far. Such a statement, and the notice it would provide, would also help protect her constitutional right to a fair trial.

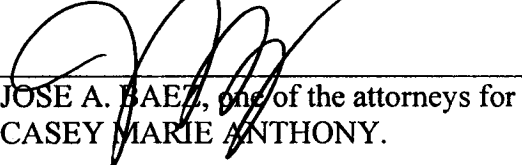
WHEREFORE, for the foregoing reasons, Miss Anthony respectfully asks this Court to

grant her Motion for a Statement of Particulars Providing Notice of Aggravating Circumstances. Miss Anthony also asks this Court to require the prosecution to provide a written response to her Motion.

Respectfully submitted,



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



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

Dated: 11/25, 2009

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EXHIBIT A

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

SPRING TERM, 2008

THE STATE OF FLORIDA

VS.

CASEY MARIE ANTHONY

**INDICTMENT
CASE NUMBER #**

DIVISION -

- 1. FIRST DEGREE MURDER (CAPITAL)**
- 2. AGGRAVATED CHILD ABUSE (F1-L9)**
- 3. AGGRAVATED MANSLAUGHTER OF A CHILD (F1-L10)**
- 4. PROVIDING FALSE INFORMATION TO A LAW ENFORCEMENT OFFICER**
- 5. PROVIDING FALSE INFORMATION TO A LAW ENFORCEMENT OFFICER**
- 6. PROVIDING FALSE INFORMATION TO A LAW ENFORCEMENT OFFICER**
- 7. PROVIDING FALSE INFORMATION TO A LAW ENFORCEMENT OFFICER**

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA:

The Grand Jurors of the County of Orange, duly called, impaneled and sworn to inquire and true presentment make in and for the body of the County of Orange, upon their oaths do present that CASEY MARIE ANTHONY, between the 15th day of June, 2008 and the 16th day of July, 2008, in said County and State, did, in violation of Florida Statute 782.04(1)(a)(1), from a premeditated design to effect the death of CAYLEE MARIE ANTHONY, a human being, unlawfully kill CAYLEE MARIE ANTHONY.

COUNT TWO

And the Grand Jurors of the County of Orange, duly called, impaneled and sworn to inquire and true presentment make in and for the body of the County of Orange, upon their oaths do present that CASEY MARIE ANTHONY, between the 15th day of June, 2008 and the 16th day of July, 2008, in said County and State, did knowingly or willfully, in violation of Florida Statute 827.03(2) cause great bodily harm, permanent disfigurement or permanent disability to CAYLEE MARIE ANTHONY, a child under 18 years of age, by intentionally inflicting physical injury upon CAYLEE MARIE ANTHONY, or by intentionally committing an act or actively encouraging another person to commit an act which could reasonably be expected to result in physical injury to CAYLEE MARIE ANTHONY.

COUNT THREE

And the Grand Jurors of the County of Orange, duly called, impaneled and sworn to inquire and true presentment make in and for the body of the County of Orange, upon their oaths do present that CASEY MARIE ANTHONY, between the 15th day of June, 2008 and the 16th day of July, 2008, in said County and State, did willfully or by culpable negligence, in violation of Florida Statutes 782.07(3) and 827.03(3), while a caregiver to CAYLEE MARIE ANTHONY, a child under 18 years of age, fail or omit to provide CAYLEE MARIE ANTHONY with the care, supervision and services necessary to maintain CAYLEE MARIE ANTHONY'S physical and mental health, or fail to make a reasonable effort to protect CAYLEE MARIE ANTHONY from abuse, neglect or exploitation by another person, and in so doing caused the death of CAYLEE MARIE ANTHONY.

COUNT FOUR

The Grand Jurors of the County of Orange, duly called, impaneled and sworn to inquire and true presentment make in and for the body of the County of Orange, upon their oaths do present that CASEY MARIE ANTHONY, on the 16th day of July, 2008, in said County and State, did, in violation of Florida Statute 837.055, knowingly and willfully give false information to YURI MELICH, a law enforcement officer with the ORANGE COUNTY SHERIFF, who was conducting a missing person investigation, with the intent to mislead YURI MELICH or impede his investigation, to-wit: that CASEY MARIE ANTHONY was employed at Universal Studios Orlando during the year 2008.

COUNT FIVE

The Grand Jurors of the County of Orange, duly called, impaneled and sworn to inquire and true presentment make in and for the body of the County of Orange, upon their oaths do present that CASEY MARIE ANTHONY, on the 16th day of July, 2008, in said County and State, did, in violation of Florida Statute 837.055, knowingly and willfully give false information to YURI MELICH, a law enforcement officer with the ORANGE COUNTY SHERIFF, who was conducting a missing person investigation, with the intent to mislead YURI MELICH or impede his investigation, to-wit: that CASEY MARIE ANTHONY left the child CAYLEE MARIE ANTHONY at the Sawgrass Apartments, 2863 South Conway Road, Apt. 210, Orlando, Florida with a person identified as ZENAIDA FERNANDEZ-GONZALEZ on June 9, 2008 or any subsequent date.

COUNT SIX

The Grand Jurors of the County of Orange, duly called, impaneled and sworn to inquire and true presentment make in and for the body of the County of Orange, upon their oaths do present that CASEY MARIE ANTHONY, on the 16th day of July, 2008, in said County and State, did, in violation of Florida Statute 837.055, knowingly and willfully give false information to YURI MELICH, a law

enforcement officer with the ORANGE COUNTY SHERIFF, who was conducting a missing person investigation, with the intent to mislead YURI MELICH or impede his investigation, to-wit: that CASEY MARIE ANTHONY informed persons identified as JEFFREY MICHAEL HOPKINS and JULIETTE LEWIS, former Universal Studios Orlando employees, of the disappearance of the child CAYLEE MARIE ANTHONY between June 9, 2008 and July 16, 2008.

COUNT SEVEN

The Grand Jurors of the County of Orange, duly called, impaneled and sworn to inquire and true presentment make in and for the body of the County of Orange, upon their oaths do present that CASEY MARIE ANTHONY, on the 16th day of July, 2008, in said County and State, did, in violation of Florida Statute 837.055, knowingly and willfully give false information to YURI MELICH, a law enforcement officer with the ORANGE COUNTY SHERIFF, who was conducting a missing person investigation, with the intent to mislead YURI MELICH or impede his investigation, to-wit: that CASEY MARIE ANTHONY received a phone call from the child CAYLEE MARIE ANTHONY on July 15, 2008 at approximately 12:00 pm.

A TRUE BILL

Foreman of the Grand Jury

As authorized and required by law, I have advised the Grand Jury returning this indictment.

LAWSON LAMAR, STATE ATTORNEY
Ninth Judicial Circuit of Florida

Filed and presented in Open Court, in the presence of the Grand Jury this ____ day of October, 2008.

LYDIA GARDNER
Clerk of the Circuit Court

By: _____
Deputy Clerk

MEMORANDUM

CASE NO.

- Charge(s):
- Ct. 1. FIRST DEGREE MURDER (CAPITAL)
Statute No.(s) 782.04(1)(a)(1)
JIT No. 782.04(1)(A)(1)
 - Ct. 2. AGGRAVATED CHILD ABUSE (F1-L9)
Statute No.(s) 827.03(2)
JIT No. 827.03(2)-5
 - Ct. 3. AGGRAVATED MANSLAUGHTER OF A CHILD (F1-L10)
Statute No.(s) 782.07(3), 827.03(3)
JIT No. 782.07(3)-1
 - Ct. 4. PROVIDING FALSE INFORMATION TO A LAW ENFORCEMENT OFFICER
Statute No.(s) 837.055
JIT No. 837.055
 - Ct. 5. PROVIDING FALSE INFORMATION TO A LAW ENFORCEMENT OFFICER
Statute No.(s) 837.055
JIT No. 837.055
 - Ct. 6. PROVIDING FALSE INFORMATION TO A LAW ENFORCEMENT OFFICER
Statute No.(s) 837.055
JIT No. 837.055
 - Ct. 7. PROVIDING FALSE INFORMATION TO A LAW ENFORCEMENT OFFICER
Statute No.(s) 837.055
JIT No. 837.055

SUMMONS CAPIAS RETURN DATE: IN CUSTODY:

CASE NO:

DEFENDANT: CASEY MARIE ANTHONY

ADDRESS/PHONE: 4937 Hopespring Dr., Orlando, FL 32829 (407)275-4909

SEX: Female RACE: White DOB: 03/19/1986

HEIGHT: 5' 02" WEIGHT: 105 lbs. HAIR: Black EYES: Brown

SS#: Unknown DL#: FL A535-113-86-599-0 ID#:

BUSINESS/PHONE: Unknown

ADDITIONAL ID:

INVESTIGATION OFFICER: Yuri N. Melich, OCSO 08-074777

Arrest Date:

REMARKS:

EXHIBIT B

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

STATE OF FLORIDA

CASE NO: 48-2008-CF-015606-O

Plaintiff,

DIVISION: 16

vs.

CASEY MARIE ANTHONY

Defendant.
_____ /

NOTICE OF INTENTION NOT TO SEEK THE DEATH PENALTY

COMES NOW the State of Florida, by and through the undersigned Assistant State Attorney, and gives notice that after due consideration of the facts and law applicable to this case, it is not in the best interest of the people of the State of Florida to pursue the Death Penalty as a potential sentence. Therefore, the State of Florida will not be seeking the death penalty as to CASEY MARIE ANTHONY.

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE OF INTENT NOT TO SEEK THE PENALTY OF DEATH has been furnished to the Defendant, Casey Marie Anthony, 03/19/1986, W/F, at Orange County Jail, Cell F-DORML-12, Post Office Box 4970, Orlando, FL 32802-4970, and to Jose A. Baez, Counsel for Defendant, 522 Simpson Road, Kissimmee, FL 34744, on this _____ day of December, 2008.

Linda Drane Burdick
Assistant State Attorney
Florida Bar No.: 826928
415 N. Orange Avenue, P.O. Box 1673
Orlando, FL 32802
(407)836-2402

EXHIBIT C

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

STATE OF FLORIDA

CASE NO: 48-2008-CF-015606-0

Plaintiff,

DIVISION: 16

vs.

CASEY MARIE ANTHONY

Defendant.

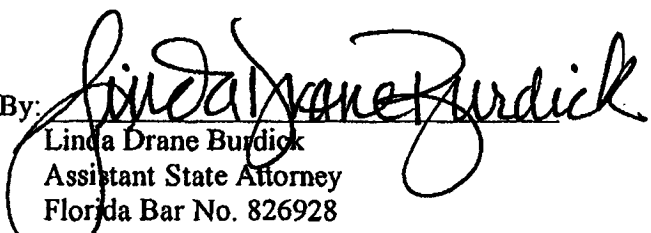
NOTICE OF INTENT TO SEEK THE PENALTY OF DEATH

THE STATE OF FLORIDA hereby notices the Defendant and the Court that, based upon additional information that has become available since the waiver of intent to seek the penalty of death filed on December 5, 2008, sufficient aggravating circumstances exist to justify the imposition of the Death Penalty pursuant to Florida Statute 921.141, as to this Defendant in this case. Therefore, the State will be seeking the imposition of the Death Penalty should the Defendant be convicted in the above referenced matter.

I HEREBY CERTIFY that a true and correct copy of the foregoing INTENT TO SEEK THE PENALTY OF DEATH has been furnished to the Defendant, 03/19/1986, W/F at Orange County Jail, Cell F-DORML-22, Post Office Box 4970, Orlando, FL 32802-4970, and to Jose A. Baez, Counsel for Defendant, 522 Simpson Road, Kissimmee, FL 34744, on this 13th day of April, 2009.

LAWSON L. LAMAR
STATE ATTORNEY

By:


Linda Drane Burdick
Assistant State Attorney
Florida Bar No. 826928
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