

STATE OF FLORIDA

v.

CASEY MARIE ANTHONY,

Defendant.

In the Circuit Court of the
Ninth Judicial Circuit, in and
for Orange County, Florida

Case No.:
482008-CF-0015606-O

Division 16

Hon. Belvin Perry

FILED IN OFFICE
CRIMINAL DIVISION
2010 DEC 30 PM 4:14
LYDIA GARDNER
CLERK CIRCUIT COURT
ORANGE COUNTY, FL

**DEFENDANT'S MOTION IN LIMINE
TO EXCLUDE ALL EVIDENCE RELATING TO
CANINE SEARCHES AND ALERTS**

COMES NOW, the Defendant CASEY MARIE ANTHONY, by and through her attorneys JOSE BAEZ, J. CHENEY MASON and ANN FINNELL, now moves this Court for an order prohibiting the State from introducing any testimony or other evidence regarding searches performed by investigators utilizing dogs, the dogs' purported "alerts," and the handlers' interpretations of their dogs' "alerts." and in support thereof states the following:

1. Testimony regarding the dog's "alerts," regardless of the number of "alerts," suggests nothing that in the end is admissible, where human examination and forensic science failed to support any "alerts."
2. Admission of testimony concerning dogs is not competent, probative, relevant or helpful to the jury. Allowing the State to argue that the "alerts" permit an inference that CAYLEE MARIE ANTHONY was dead at a specific location when there is no competent evidence to support such a conclusion. The very premise of the testimony is wrong: on questioning, the handlers admit that the dogs seek not cadavers, but any remains of human tissue, including hair, fingernails, or inconsequential blood. The dogs' "alert" does not suggest a dead body any more than it suggests fallen hair. And here, the State has no physical or observational evidence to substantiate any supposed "alert."
3. Finally, testimony by the dog handlers regarding their dogs' "alerts,"

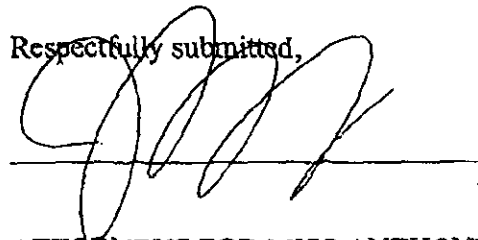
including what such a reaction means, is not competent evidence under the evidentiary rules on experts based on the qualifications of the dog handlers.

4. This evidence must be excluded as it is incompetent, unreliable and inadmissible.

5. A detailed and informative memorandum of law will follow outlining all legal arguments on this issue, and the defense requests a hearing on this matter, so that the State can proffer:

- a. What the State plans on introducing as evidence at trial.
- b. How is this evidence admissible.

Respectfully submitted,



ATTORNEYS FOR MISS ANTHONY

JOSE A. BAEZ, ESQUIRE

Florida Bar No.: 013232

The Baez Law Firm

522 Simpson Road

Kissimmee, FL 34744

J. CHENEY MASON, ESQUIRE

Florida Bar No.: 131982

390 North Orange Avenue

Suite 2100

Orlando, FL 32801-1967

ANN FINNELL, ESQUIRE

Florida Bar No. 0270040

FINNELL, MCGUINNESS,

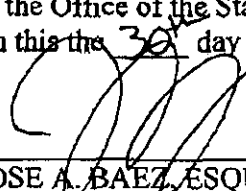
NEZAMI & ANDUX P.A.

233 E. Bay St. Ste. 601

Jacksonville, FL 32202

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been sent by U.S. Mail, Fax, hand and/or email delivered to the Office of the State Attorney at 415 North Orange Avenue, Orlando, Florida 32801; on this the ~~30~~³¹ day of December, 2010.



JOSE A. BAEZ, ESQUIRE
FL Bar No.: 0013232
THE BAEZ LAW FIRM
522 Simpson Road
Kissimmee, Florida 34744
T: (407) 705-2626
F: (407) 705-2625