

IN THE CIRCUIT COURT
OF THE NINTH JUDICIAL
CIRCUIT IN AND FOR ORANGE
COUNTY, FLORIDA
CRIMINAL DIVISION
CASE NO: 48-08-CF-10925-/A
JUDGE: BELVIN PERRY JR.

STATE OF FLORIDA

VS

CASEY MARIE ANTHONY,
Defendant

**MOTION TO DETERMINE REASONABLE BUDGET
FOR DUE PROCESS COSTS IN A CAPITAL CASE AND
MOTION TO INCUR CERTAIN SPECIFIED COSTS**

Comes now the defendant, CASEY MARIE ANTHONY, by and through undersigned counsel, and moves this Honorable Court to set a hearing to determine a reasonable budget for the penalty phase of a capital case and to authorize certain specified costs which are standard for the penalty phase of a capital proceeding. This motion is brought pursuant to the standard contract of the Justice Administrative Commission dated July 2010 requiring in paragraph 22, although undersigned counsel is not court-appointed. However, since Defendant has been adjudged indigent for costs it would seem appropriate that undersigned counsel attempt to establish a reasonable budget for a capital case.

1. Undersigned counsel anticipates that the services of a private investigator will be required to provide investigative services such as locating and interviewing

mitigation witnesses, locating and securing documents and other evidence relevant to the penalty phase; performing background checks; and researching any other factual issue relevant to the penalty phase such as the credibility and character of the witnesses. Undersigned counsel does not anticipate the costs for investigative services will exceed \$5,000.00, and specifically requests this Court enter an Order authorizing such costs not to exceed \$5,000.00 without further Order of the Court. The private investigator would be one with whom JAC has a contract and would provide services at JAC rates.

2. Undersigned counsel further anticipates requiring the services of a licensed psychiatrist or psychologist at a reasonable hourly rate. Said expert would examine and conduct forensic testing on the Defendant and render an opinion regarding relevant mitigation. The expert would also be available to consult with defense counsel regarding cross-examination of any State expert. If necessary, the expert will testify at the penalty phase. Undersigned counsel does not anticipate the costs of said examination and consultation and testimony to exceed \$7500.00, and specifically requests this Court enter an Order authorizing such costs not to exceed \$7500.00 without further Order of this Court.

3. Undersigned counsel further anticipates copying costs associated with copying medical records, school records, photographs, and any other record relevant to any statutory or non-statutory mitigating circumstance or to rebut any aggravating circumstance, and the preparation of trial exhibits of said records. Undersigned counsel does not anticipate the costs of said copying charges to exceed \$1000.00 and specifically requests this Court enter an Order authorizing such costs not to exceed

\$1000.00 without further Order of the Court.

4. Undersigned counsel anticipates needing additional hours for the mitigation specialist who has already been approved by the court. The approved mitigation specialist is not a JAC vendor but has been approved to work at a reduced rate. Undersigned counsel anticipates requiring approval for the mitigation specialist to work for an additional 100 hours at the previously approved rate. Counsel requests this Court enter an Order authorizing an additional 100 hours without further Order of this Court.

5. Undersigned counsel further anticipates travel expenses for herself to travel to and from Orlando, Florida and Jacksonville, Florida, and between Jacksonville, Florida and Ft. Myers, Florida, to visit with Defendant and Defendant's family, friends and associates. Multiple trips will be required prior to the start of the trial in this cause. Undersigned counsel agrees to use her personal vehicle for these trips to be reimbursed the JAC approved mileage rate. Counsel anticipates at least one trip per month between Orlando and Jacksonville and at least two trips to Ft. Myers. Overnight lodging will be required for the trip(s) to Ft. Myers, and possibly for one or more trips to Orlando at the approved JAC rate. Undersigned counsel does not anticipate the costs of said travel to exceed \$4000.00 and specifically requests this Court enter an Order authorizing such costs not to exceed \$4000.00 without further Order of the Court.

6. Undersigned counsel further anticipates travel expenses for either one investigator or one mitigation specialist to travel to Ohio, to obtain records and interview potential witnesses. Said travel will require roundtrip airfare, lodging, and per diem expenses. The lodging and per diem expenses will be at JAC approved

rates. It is anticipated that round trip airfare will not exceed 600.00, and anticipates total travel not to exceed \$1500.00. Counsel requests this Court enter an Order authorizing such costs not to exceed \$1500.00 without further Order of this Court.

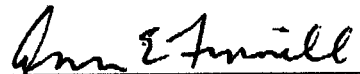
7. Undersigned counsel further anticipates that if this case goes to trial travel to the site of the trial and lodging associated with the days required to attend the trial will need to be incurred at JAC approved rates. Counsel cannot at this time estimate the number of days required to select a jury, try the case, and conduct a penalty phase if necessary.

WHEREFORE, Defendant requests this court enter an order authorizing said costs.

I hereby Certify that a copy of this motion has been furnished to the State Attorney's Office, Jose Baez, Esq., and to the Justice Administrative Commission this 30th day of September, 2010.

Respectfully submitted,

**FINNELL, MCGUINNESS, NEZAMI,
& ANDUX P.A.**
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