

)	In the Circuit Court of the
)	Ninth Judicial Circuit, in and for
)	Orange County, Florida
STATE OF FLORIDA)	
)	Case No.: 48-2008-CF-13331-O
v.)	Division 16
)	
CASEY MARIE ANTHONY,)	Hon. Stan Strickland
)	
Defendant.)	
)	

**MOTION TO DISMISS COUNTS 1, 2, 4, 5, 7, 8, 10, 11, 13 FOR VIOLATION OF
DOUBLE JEOPARDY CLAUSE**

COMES NOW the Defendant, CASEY MARIE ANTHONY, by and through her attorneys, JOSE A. BAEZ and ANDREA D. LYON, and pursuant to Fla. R. Crim. P. 3.190(b), and moves to dismiss the following charges currently pending against Miss Anthony: Count 1 of Grand Theft Third Degree pursuant to Fla. Stat. § 775.021(4)(b)(3) and Counts 2, 4, 5, 7, 8, 10, 11, and 13 for Fraudulent Use of Personal Identification Information and Uttering a Forged Check pursuant to Fla. Stat. § 775.021(4)(b)(2) and Fla. Stat. § 775.021(4)(b)(3).

In support of this motion, Miss Anthony alleges the following:

1. Miss Anthony is guaranteed double jeopardy protection by the Fifth and Eighth Amendments to the United States Constitution and Article I, Sections 9 and 17 of the Florida Constitution for duplicative charges. Miss Anthony was charged with three crimes for each four checks, as well as one count of Grand Theft. For each separate offense, Miss Anthony was charged with Forgery of a Check, Uttering a Forged Check, and Fraudulent Use of Personal Identification Information for a total of three charges for writing one check. Miss Anthony was therefore charged thirteen times for the writing of

four checks. Under Florida law, prosecution is barred under the “same elements” test of offenses that have duplicate statutory elements or when one is a necessarily included offense of the other. Fla. Stat. § 775.021(4). *See also Blockburger v. United States*, 284 U.S. 299 (1932).

2. The intent of the Legislature is to convict and sentence for each criminal offense with three exceptions. These exceptions are: (1) Offenses which require identical proof; (2) Offenses which are degrees of the same offense as provided by statute and (3) Offenses which are lesser offense the statutory elements of which are subsumed by the greater offense. Fla. Stat. § 775.021(4)(b)(1)-(3).
3. Miss Anthony’s third degree grand theft and third degree felony charges are variants of the same core offense aimed at punishing the same primary act. Fla. Stat. §775.021(4)(b)(2). In the alternative, Anthony is entitled to relief because her third degree grand theft charge is the lesser included offense of the multiple third degree check offenses. Therefore, the grand theft charge is duplicative and should be dismissed because it is subsumed by the greater offenses. Fla. Stat. §775.021(4)(b)(3). *See also* 578 So.2d 826 (Fla. Dist. Ct. App. 1991).
4. Additionally, Miss Anthony’s third degree felony charge of uttering a forged check and forgery are variants of the same core offense aimed at punishing the same primary act. Therefore, the prosecution should only file one of those charges where only one criminal act is involved. *See Sirmons v. State*, 634 So. 2d 153 (Fla. 1994). Here, the forgery charges in this case are mere variants of the same core offense, and both are third degree felonies of the same level. As discussed further in the accompanying Memorandum of Law, Forgery of a Check and Uttering a Forged check are intended to punish the same


primary offense, with the same elements, so the counts for Uttering a Forged Check or alternatively Check Forgery should be dismissed for each offense.

5. Miss Anthony's third degree felony charges of fraudulent use of personal identification information and forgery of a check are variants of the same core offense aimed at punishing the same primary act. Fla Stat. § 775.021(4)(b)(2). Therefore, the prosecution should only file one of those charges. *See Thompson v. State*. Additionally, the legislative history of Fla. Stat. §817.568(2) clearly indicates that this statute was not even meant for a forgery of a check, but was meant to deal with charges associated with the "rapid expansion of commerce". See Attached Memorandum for discussion of legislative history of Fla. Stat. §817.568(2).
6. Filing multiple counts against Miss Anthony for the same offenses only serves to prejudice her since she has done nothing to justify the multiple counts for each criminal act. Due to the danger of prejudice to the defendant due to overcharging, these counts should be dismissed.

WHEREFORE, the Defendant, CASEY MARIE ANTHONY, respectfully requests that this Honorable Court dismiss Counts 1, 2, 4, 5, 7, 8, 10, 11, 13 as duplicative.

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: _____, 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; via facsimile and /or U.S. Mail on this _____ day of October, 2009.

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STATE OF FLORIDA)	
)	Case No.: 48-2008-CF-13331-O
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Defendant.)	
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MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT’S MOTION TO DISMISS COUNTS 1, 2, 4, 5, 7, 8, 10, 11, 13 FOR VIOLATION OF DOUBLE JEOPARDY CLAUSE

COMES NOW the Defendant, CASEY MARIE ANTHONY, by and through her attorneys JOSE A. BAEZ and ANDREA D. LYON, and submits this Memorandum of Law in Support of her Motion to Dismiss for Violation of the Double Jeopardy Clause.

In support of her motion, Miss Anthony states as follows:

STATEMENT OF FACTS

On July 16, 2008 Amy Huizenga filed a report with the Orange County Sheriff’s Office in reference to an alleged fraud. *See* September 3, 2008 Arrest Affidavit for Casey Anthony, herein Exhibit A. Huizenga gave a sworn statement that Defendant Casey Marie Anthony forged Huizenga’s personal checks totaling approximately \$662.25 from July 10-15, 2008. *See* Exhibit A. Miss Anthony was arrested by the Orange County Sheriff’s Office for allegedly uttering forged checks belonging to Huizenga on August 29, 2008 and subsequently indicted. *See* Exhibit B. Miss Anthony was subsequently arrested and indicted for the unrelated charges of first degree murder (capital), aggravated child abuse, aggravated manslaughter of a child, and four counts of providing false information to a law enforcement officer on October 14, 2008.

Miss Anthony was incarcerated from the time of her August 29, 2008 arrest until September 3, 2008 and again from September 15, 2008 to September 16, 2008. Miss Anthony returned to an Orange County jail after her October 14, 2008 arrest and remains in custody at this time.

The check forgery case was set for trial on November 17, 2008. At the request of the Defense, a continuance was granted and the trial was reset for January 5, 2009. On December 5, 2008, the State filed a waiver of the intent to seek the death penalty in Case Number 2008-CF-15606-O, Miss Anthony's capital case. *See* State's Notice of Intention Not to Seek Death Penalty, herein Exhibit C. At the second pretrial conference on December 11, 2008, a second continuance was granted to the Defense with a status hearing set for January 15, 2009. A status hearing was held on January 8, 2009 instead of January 15, 2009. The State then reversed its prior decision to waive the death penalty and filed a Notice of Intent to Seek Death Penalty with no explanation. *See* Exhibit D. The State's Motion to for Determination of a New Trial Date was granted. *See* Exhibit E. Pretrial and Trial have now been set and the case is proceeding.

The complaining witness in this case, Miss Huizenga, was recompensed by the bank for her loss. The bank was also recompensed. *See* Exhibit F.

ARGUMENT

I. Miss Anthony is Protected against Duplicative charges by the Fifth and Eighth Amendments to the United States Constitution and Article I, Sections 9 and 17 of the Florida Constitution.

The Fifth Amendment provides that no person shall "be subject for the same offense to be twice put in jeopardy of life or limb." Thus, the double jeopardy clause provides a guarantee that "the State with all its resources and power [shall] not be allowed to make repeated attempts to convict an individual for an alleged offense, thereby subjecting him to embarrassment, expense

and ordeal and compelling him to live in a continued state of anxiety and insecurity" *United States v. Tercero*, 580 F.2d 312, 314 (8th Cir.1978) (quoting *Green v. United States*, 355 U.S. 184, 187, (1957)). The double jeopardy clause has traditionally provided a protection against both multiple punishments as well as multiple prosecutions for the same offense. *Brown v. Ohio*, 432 U.S. 161, 165, (1977); *North Carolina v. Pearce*, 395 U.S. 711, 717, (1969). The Eighth Amendment provides that "[e]xcessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted." In this case, the charging of three separate counts for one single transaction, and the presentation of all counts to the jury for deliberation and verdict in both the guilt and penalty phases of the upcoming capital trial, violates the Defendant's Fifth Amendment right to due process, her Fifth Amendment protection against double jeopardy, and her Eighth Amendment protections against cruel and unusual punishment.

II. The duplicative charges against Miss Anthony are excepted from the Florida Statute under the *Blockburger* Test.

The test to determine whether multiple offenses are the same was first enunciated in *Blockburger v. United States*, 284 U.S. 299 (1932). [W]here the same act or transaction constitutes a violation of two distinct statutory provisions, the test to be applied to determine whether these are two offenses or only one is whether each provision requires proof of fact which the other does not." *Id.* The intent of the Florida Legislature is to convict and sentence defendants for each criminal offense arising from an act, with three exceptions. These exceptions are: (1) Offenses which require identical proof; (2) Offenses which are degrees of the same offense as provided by statute and (3) Offenses which are lesser offense the statutory elements of which are subsumed by the greater offense. §775.021(4)(b)(1)-(3).

A. The grand theft charges are duplicative and should be subsumed by the check forgery offenses.

Florida courts have historically applied the “same elements test” to determine if multiple convictions and sentences arising from a single criminal episode violate double jeopardy principles. *Blockburger*, 284 U.S. at 299 (codified in Fla Stat. 775.021(4)(a)).

Under the second exception of Fla. Stat. 775.021 (4)(b)(2), offenses that are degrees of the same offense as provided by statute are not intended to be separate convictions and sentences. *Id.* Grand theft and forgery of a check are “variants of the same core offense,” and should not be charged separately. *Sirmons v. State*, 634 So.2d 153, 154 (Fla. 1994). Further, the Florida Supreme Court defined the exception as applying to “crimes that are intended to punish the same primary evil.” *See State v. Paul*, 934 So.2d 1167, 1175 (Fla. 2006).

Florida courts have consistently found that duplicative charges for grand theft and fraud are inappropriate under exception two of the *Blockburger* test. In *State v. McDonald*, 690 So.2d 1317 (Fla. Ct. App. 1997), the appeals court used the reasoning of the Florida Supreme Court in *Thompson v. State*, 585 So.2d 492 (Fla. Ct. App. 1991), holding that obtaining property illegally through the use of a forged credit card and grand theft are degrees of the same offense. In *Riley v. State*, the Court vacated a grand theft conviction for a defendant charged with illegally obtaining property by fraudulently using a credit card, because the grand theft stemmed from the same transaction. 854 So.2d 807 (Fla. Ct. App. 2003). This same reasoning applies to the alleged four transactions of Miss Anthony and therefore her grand theft charge should be dismissed. 854 So. 2d at 807.

Alternatively, Miss Anthony’s grand theft charge is subsumed under the third exception of Fla. Stat. 775. 021(4)(b)(3). Under this exception, the grand theft charge is subsumed by the greater offense of forgery of checks. “Obtaining property in return for a worthless check will

always constitute theft because the more general theft element subsumes the more specific worthless check element.” 578 So. 2d 826, 827 (where the appellate court held that the statutory elements of grand theft are subsumed by the statutory elements of obtaining property for worthless checks).

In sum, this Court should dismiss Miss Anthony’s grand theft charge or, alternatively, order them subsumed by the multiple forgery charges.

B. Forgery and uttering a forged check are duplicative and excessive charges as applied to Miss Anthony.

Absent the express intent of the legislature intended to authorize separate punishments for each offense, courts have historically applied the “same elements test” to determine whether multiple convictions and sentences arising from a single criminal episode violate double jeopardy principles. *Smith v. Florida*, 2009 WL 2972478 (Fla. Ct App. 2009). *See also Blockburger*, 284 U.S. at 299, codified in Fla Stat. 775.021(4)(a) (2005). Offenses that are degrees of the same offense as provided by statute are not intended to be separate convictions and sentences. *Id.* Uttering a forged document and Forgery are merely “variants of the same core offense,” committed during the same criminal act, and therefore should not be charged separately. *See Sirmons*, 634 So.2d at 154 (Fla. 1994) (applying the exception to offences that are “merely variants of the same core offense”). The Florida Supreme Court elaborated further and defined the exception as applying to “crimes that are intended to punish the same primary evil.” *See State v. Paul*, 934 So.2d 1167, 1175 (Fla. 2006).

Forgery and uttering of a forged document are intended to punish the same core crime. Forgery requires “making, altering, forging, or counterfeiting a public record or certificate...in relation to a matter where [it] may be received as legal proof...or an acceptance of a bill of exchange or promissory note for the payment of money...with intent to injure or defraud any

person.” See Fla. Stat. § 831.01. Uttering a forged check requires one to “utter or pass or tender in payment as true, any such false, altered, forged, or counterfeit note, or any bank bill, check, draft, or promissory note, payable to the bearer thereof or to the order of any person, issued as aforesaid, knowing the same to be false, altered, forged, or counterfeit, with intent to injure or defraud any person.” See Fla. Stat. § 831.09. Both crimes are intended to punish the same primary behavior: the forgery of a document. Both charges for each check incident arise from the same act of Miss Anthony signing and using checks that were not hers with the intent to injure or defraud Amy Huizenga. Separate offenses do not exist in this instance, and both crimes are felonies of the same degree punishable according to the same statutory scheme. See Fla. Stat. §§ 775.082 - 775.084. Bringing both charges for each offense is duplicative and excessive, and consists of multiple punishments for the same offense.

Charging Miss Anthony with Forgery and Uttering of a Forged Document for the same offense consisting of each criminal episode is punishing her twice for crimes with the same elements, prohibited under double jeopardy principles. *Blockburger*, 284 U.S. at 304. See also *Haynes v. State*, 803 So.2d 695, 700-01 (Fla. 2001). Miss Anthony is being charged with two different crimes for the signing of the same forged checks. Both statutes are elements of the same core event of forgery, and therefore Miss Anthony should only be charged with one offense, which is sufficient punishment for the acts committed. Both events occurred simultaneously, and multiple convictions for the single offense are not authorized in this case. Therefore, one of the charges should be dropped for each criminal act because duplicating the charges is excessive and inappropriate for one criminal act.

- C. Miss Anthony’s alleged fraudulent use of personal identification is the included offense in the greater forgery offense and is duplicative under the second exception of the Blockburger test.**

Florida courts apply the “same elements test” to determine if multiple convictions and sentences arising from a single criminal episode violate double jeopardy principles.

Blockburger, 284 U.S. at 299, codified in Fla Stat. §775.021(4)(a) (2005). Under the second exception of Fla. Stat. §775.021 (4)(b)(2), offenses that are degrees of the same offense as provided by statute are not intended to be separate convictions and sentences. *Id.* Miss Anthony’s grand theft and forgery of a check are “variants of the same core offense,” and should not be charged separately. *Sirmons*, 634 So.2d 153, 154 (Fla. 1994). The Florida Supreme Court elaborated further and defined the exception as applying to “crimes that are intended to punish the same primary evil.” *See Paul*, 934 So.2d 1167, 1175 (Fla. 2006).

Miss Anthony’s alleged fraudulent use of personal identification and alleged forgery of a check are variants of the same core offense as under the second exception of Fla. Stat. §775.021(4)(b)(2). Under this exception, offenses that are degrees of the same offense as provided by statute are not intended to be separate convictions and sentences. Fla. Stat. 775.021(4)(b)(2). Both the fraudulent use of ID and forgery of a check are third degree felonies. Here, the statutory elements of the fraudulent use of information are duplicative to the charges of the forgery of the check.

Under Fla. Stat. §831.07, the elements forgery are:

1. Defendant falsely [made], [altered] [forged] [counterfeited] a (document named in charge).
2. Defendant intended to injure or defraud some person or firm. (Fla Standard Jury Instruction 17.1)

Under Fla. Stat. §817.586(2) the elements of fraudulent use or possession of personal identification information is:

1. Defendant willfully and without authorization [fraudently used] [possessed with intent to fraudently use] personal identification information concerning the victim.
2. [He][She] did so without first obtaining consent of victim. (Fla Standard Jury Instruction 20.13)

The first element of use of personal identification is duplicative to the first element of use in the forgery charge. Under §831.07, the issue would be if she forged a document while under §817.568(2) would say that she fraudulently used personal identification information concerning a victim. Therefore, under this argument, the elements of the fraudulent use of information would be the merely variants of the same core offense and under the same element test. Under Fla. Stat. §817.568(2), the second element of a claim is whether the defendant merely failed to obtain consent from the victim. Under Fla. Stat. §831.07, the defendant has to intend to defraud a person or firm. Therefore, Fla. Stat. §816.572 is merely a lesser variant of the same offense of Fla Stat. §831.07 and would be dropped.

Additionally, the legislative history of Fla. Stat. §817.568(2) clearly indicates that this statute was not even meant for a forgery of a check. Fla. Stat. §817.568(2) was created after the passing of the Federal Congress passed the Identity Theft and Assumption Deterrence Act of 1998. Pub. L. No 105-318, 112 Stat. 3007 (1998). This act had the purpose of deterring “rapid expansion of electronic commerce has made obtaining and using personal identification information without authorization for improper purposes a more common occurrence”.

Prepared Statement of the Federal Trade Commission on Financial Identity Theft Before the Subcomm. on Telecommunications, Trade and Consumer Protection and the Subcomm. on Finance and Hazardous Materials of the House of Representatives Committee on Commerce, 105th Cong. 1 (1999) (Statement of Jodie Bernstein, Director of the Bureau of Consumer

Protection, Federal Trade Commission), *available at* <http://www.leg.state.fl.us/data/session/2001/house/bills/analysis/pdf/2001pcb01a.it.pdf> (last visited October 28, 2009). This offense was created to deal with the problems of electronic banking and is not applicable to forgery of a physical check. Additionally, the crime of forgery of a check has been a Florida law since 1868 and it is highly doubtful that the legislature would want them as two separate offenses or they would have made it clear by enacting a statute of the same kind along with the check fraud statute. West's F.S.A. § 831.07

Therefore, under Fla. Stat. §775.021(4)(b)(2) and the legislative history of Fla. Stat. §817.568(2) , Fla. Stat. §817.568(2) should be dismissed.

III. Duplicative Charges Against Miss Anthony by the Prosecution is Bad Public Policy

Duplicative charging is bad public policy because it allows defendants to face multiple liabilities for a single action. This can result in unreasonably long prison terms for first-time nonviolent offenses. Prosecutors may overcharge because of the bargaining leverage that it provides them with. Prosecutors can overcharge, then bargain with defendants to get them to give up their rights to a trial in exchange for reduced charges.¹

If the prosecution was limited in their ability to overcharge, the result would be a more fair pre-trial and trial process for the defendant. By only charging what they actually believe they can prove without charging all lesser-included offenses, defendants would not receive a harsher punishment than they should for offenses actually committed. Overcharging by the prosecution

¹ Prosecutors have become increasingly powerful in the criminal justice system. When selecting what charges to bring against a defendant, prosecutors draw on the large collection of crimes available under the criminal code to apply to any given fact pattern. They then bargain with defendants, encouraging them to give up trial rights in exchange for reduced charges or more generous sentence requests. See Celesta A. Albonetti, *Prosecutorial Discretion: The Effects of Uncertainty*, 21 Law & Soc'y Rev. 291, 292 (1987).

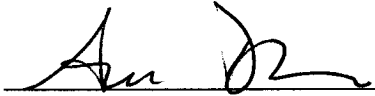
is unfair to defendants and contrary to good public policy and the principles advanced by the criminal justice system.

CONCLUSION

Therefore, in the interests of Casey Marie Anthony's constitutional rights, the Defense respectfully asks this Honorable Court to Dismiss Counts **1, 2, 4, 5, 7, 8, 10, 11, 13** as they are duplicative charges and violate Miss Anthony's constitutional rights.

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: _____, 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; via facsimile and /or U.S. Mail on this _____ day of October, 2009.

JOSE A. BAEZ, ESQUIRE
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**EXHIBITS IN SUPPORT OF MOTION TO DISMISS COUNTS 1, 2, 4, 5, 7,
8, 10, 11, 13 FOR VIOLATION OF DOUBLE JEOPARDY CLAUSE**

TABLE OF EXHIBITS

- Exhibit A: Arrest Affidavit for Casey Anthony, September 3, 2008**

- Exhibit B: Indictment for Fraud and Forgery charges, September 11, 2008**

- Exhibit C: State's Intention of Notice Not to Seek the Death Penalty, December 5, 2008**

- Exhibit D: State's Notice of Intent to Seek the Death Penalty, April 13, 2008**

- Exhibit E: Order on the State's Motion for Determination of a New Trial Date, September 2, 2009**

- Exhibit F: Letter from Bank of America to Jose A. Baez, Counsel for Casey Anthony, July 15, 2009**

Exhibit A

Orange County

ICJIS Arrest Affidavit

Division #:

Arrested At-Large JRA

Document #: 121752

Court Case #:

Document Date: 9/3/2008

Location of Defendant Vehicle: NONE Date-Time Booked: 09/03/2008 11:51 Agency Case Number: 08-85031

ORI: FL048000 Agency Name: ORANGE COUNTY SHERIFF'S OFFICE PCIC/CIC Check: Date-Time of Arrest: 09/03/2008 09:00

Address of Arrest:

DEFENDANT Adult Juvenile Name Key: A.K.A.: Inmate Number: 08042346 Language: ENGLISH

NAME (L,F,M): ANTHONY, CASEY M Race: W Sex: F DOB: 2/19/1986 Age: 22

Height: 5'02" Weight: 105 Hair: BLK Eyes: BLU POB: UNKNOWN POB State: OH POB Country: UNITED STATES

RES Street: 4937 HOPESPRING DR Citizenship: UNITED STATES

City: ORLANDO State: FL Zip: 32829 Home Phone: (407)281-0646 Other Phone:

Scars/Tattoos: Ethnicity: NOT HISPANIC OR LATINO

Driver's License/State ID No: A535-113-86-599-0 State: FL Year Expires: SSN #:

Next of Kin Name: Address: Phone:

Business and Occupation:

Bus Street:

City: State: Zip: Bus Phone:

AGGRAVATORS: Firearm Weapon Mask Vest Convicted Sex Offender Hate Crime Special Victim Domestic Violence? N

OFFENSES Felony Misd. ORD. Traffic Court Location: CIRCUIT

#	GOC Code	Description	Bond Amt \$	FSS/ORD	FDLE Ref	Drug Name	Citation Number
1		UTTERING A FORGED CHECK	831.09-1 1,000.00	831.09	305B		
2		FRAUD USE OF PERSONAL IDENT INFORMATION	817.568(2) 150.00	817.568.2a	3981		
3		PETIT THEFT OF \$100 OR MORE	812.014(2)(E) 100.00	812.014.2a	2797		
AIO							
FDC-DUPL							

CHECK HERE IF OFFENSES ARE CONTINUED

CODEFENDANT	#1	NAME (L,F,M):	Arrest	Juv.	Fel	Misd.	ORD	Traff	NTA	Race:	Sex:	Age:	DOB:
	#2	NAME (L,F,M):	Arrest	Juv.	Fel	Misd.	ORD	Traff	NTA	Race:	Sex:	Age:	DOB:
	#3	NAME (L,F,M):	Arrest	Juv.	Fel	Misd.	ORD	Traff	NTA	Race:	Sex:	Age:	DOB:
	#4	NAME (L,F,M):	Arrest	Juv.	Fel	Misd.	ORD	Traff	NTA	Race:	Sex:	Age:	DOB:

DCP Notified? N By Whom? On Probation? N Miranda Warning N By Whom? Invoked? N

Sworn to and subscribed before me this 3 day of Sept year 08
 Notary Public Law Enforcement or Corrections
 Personally Known Produced Identification
 Type of Identification: Signature: *[Signature]*
 Officer's Signature: *[Signature]* Officer's Name/ID: ANDERSON, JOHAN / 2643 Booking/Receiving Signature: *[Signature]*

09/03 28/10/4254813

ICJIS Continuation of:

Arrest Affidavit Document #: 123752
 Notice to Appear

Defendant's Name: ANTHONY, CASEY M Case Number: 08-85031

NARRATIVE: The undersigned has probable cause to believe the above-named defendant on 10 of July 2008
 at 10:33 AM at 3770 N GOLDENROD RD (Zone: 24) in Orange County did

did commit the offenses of Uttering a Forged (Stolen) Instrument and Petit Theft by: uttering and publishing as true forged (stolen) check #143 in the amount of \$137.77 from victim Huizenga's Bank of America checking account with the intent to defraud victim Huizenga, Target and ultimately Bank of America. In addition, defendant Anthony committed the offense of Criminal Use of Personal Information by willfully and without authorization fraudulently using and possessing the personal identification information (bank account number) concerning victim Huizenga without her consent. Background: July 16, 2008: Victim Amy Huizenga filed a report with the Orlando Police Department reference to a fraud. Officer Wilson, R (12287) obtained a sworn statement from victim Huizenga and his report stated the following: On 07-16-2008 at approximately 1940 hours, I, Officer R. Wilson (12287), responded to 100 South Hughey Avenue (OPH) in reference to a fraud. Upon arrival, I met and spoke with the victim, Amy Huizenga, who verbally and in a sworn statement stated the following: Huizenga stated on 07-08-2008 at approximately 1845 hours and 07-15-2008 at approximately 1530 hours, her friend, Casey Anthony, stole and wrote several of her personal checks without her permission. Huizenga stated on 07-08-2008 at approximately 1840 hours, Anthony dropped her off at the airport (in her own vehicle) and borrowed her vehicle to use, while she was going on a trip to Puerto Rico. Huizenga stated when she returned back home from Puerto Rico on 07-15-2008 at approximately 1530 hours, Anthony picked her up (in her own vehicle), which she took back custody of. Huizenga stated later on that date, she was having a conversation with Anthony's mother (NOI) when she learned that Anthony was a liar and a thief. Huizenga stated after obtaining that information, the first thought that came to her mind was her bank account. Huizenga stated at approximately 2030 hours, when she returned home, she checked her checking account (account #5491737877), which had approximately \$650 in it, and discovered it had a zero balance with other checks still pending. Huizenga stated further investigation (on her part), revealed the following activities were done on her account, while she was out of the country: The following checks were written on her personal checking account with Bank of America: Check #142 in the amount of \$111.01 was written to Target in Orlando and posted on 07-08-2008. Check #143 in the amount of \$137.77 was written to a Target in Winter Garden and posted on 07-10-2008. Check #144 in the amount of \$155.47 was written to a Target in Orlando and posted on 07-10-2008. Check #145 in the amount of \$92.62 was written to a Winn Dixie supermarket (NOI) and posted on 07-12-2008. Check #146 in the amount of \$250 was written for cash to herself to Bank of America (NOI) and posted on 07-15-2008. These checks have Anthony's name and what appear to be her signatures on them. Huizenga stated when she loaned Anthony her vehicle at the time of her departure, she did not remember she had left her checkbook in the unlocked glove compartment of her vehicle and that is how Anthony was able to obtain the checkbook. Huizenga stated although she gave Anthony permission to use her vehicle, she did not give him permission to use her checkbook or her bank account. Huizenga stated her total loss as of this date, 07-16-2008, is approximately \$700 and she wants to press charges. It is to be noted at the time of this report, Anthony was in custody at the Orange County Booking and Release Center on OCSO charges reference OCSO case #08-069208. At this time, this case will be forwarded to the Fraud Unit for further investigation. **Copy of Officer Wilson's report is attached. July 19, 2008: Victim Huizenga called the Orlando Police Department Information Desk to report an additional check that was in the process of clearing her account. PCS II Flores/14267/0719/08/0952 hrs/100 South Hughey Avenue. The victim stated the check was electronically presented to AT&T in the amount of \$574. The victim advised she retrieved her check book back from the ex-boyfriend (NOI) of the suspect. The victim advised that the account has been closed. **PCS II Flores' report is attached. Investigation: 07/23/08: While assisting in a missing child's investigation (Case #08-069208), video surveillance was obtained from Target and Bank of America reference to defendant Anthony. Videos showed defendant Anthony uttering stolen checks belonging to victim Huizenga. 07/29/08: Documents were received from Sgt. James Stewart from the Orlando Police Department where victim Huizenga originally filed a stolen checks report. Their preliminary investigation revealed that the majority of the checks were uttered within the Orange County Sheriff's Office jurisdiction. Documents mailed by Sgt. Stewart are as follow: -Original and Supplemental reports -Copies of checks payable to Casey Anthony and Winn Dixie -Bank of America statements -Documents/Pictures from Bank of America -Documents/Pictures from Target -Sworn Written Statement from victim Huizenga Defendant Anthony uttered the following checks at Target: Date Check # Amount Location 07-10-2008 143 \$137.77 3770 N Goldenrod Rd, Winter Park Copies of the purchase receipt, check, photos and video are attached to this report. In addition, sworn statement from cashier/witness Maldonado is attached. Witness Maldonado advised in her statement that her employee number is 490100077 and that she worked on Thursday July 10, 2008, 10:33 am and that a transaction was done at her register in the amount of \$137.77. Witness Maldonado advised that a check was used. It needs to be noted that according to the transaction listed above, the sales receipt confirms that cashier #49010077 was the one that received check #143 in the amount of \$137.77. In addition, at the time of all the above listed transaction, Florida Driver's license A535-113-86-5990 was presented

Sworn to and subscribed before me this 10 day of July year 2008
 Notary Public Law Enforcement or Corrections
 Personally Known Produced Identification
 Type of Identification _____
 Signature _____

I swear or affirm the above and this is true and correct
 Officer's Signature: [Signature] Officer's Bus. KOP 254 7223
 Officer's Name/ID: ANDERSON, JOHAN / 2643
 Booking/Receiving Signature _____

2

ICJIS Continuation of:

- Arrest Affidavit
- Notice to Appear

Document #: 123752

Defendant's Name: ANTHONY, CASEY M	Case Number: 08-85031
------------------------------------	-----------------------

and captured on the back of the check. Such license is that of defendant Anthony. 08/06/08: I met with Bank of America Senior Investigator Sandi Greene and received an updated statement of the fraudulent charges made on victim Huizenga's account. Bank of America sustained a \$137.77 loss and it wishes to press charges. 08/07/08: I met with victim Huizenga and obtained a sworn written statement. She also provided copies of her Bank of America documents. Copies are attached to this report. Victim Huizenga stated she wishes to press charges and will testify in court. 08/21/08: I met with Target Investigator/witness Tran who provided a sworn statement reference to the transaction involving check #143. As a representative of Target, witness Tran wishes to press charges and will testify if necessary. Based on all the evidence obtained, on July 10th, 2008, in Orange County, Florida, the defendant Casey M. Anthony, did in violation of Florida State Statutes sections(s) 831.09-2, 812.014(2)(B), and 817.568(2) unlawfully committed the offenses of Uttering a Forged Instrument, Petit Theft, and Criminal Use of Personal Information by uttering stolen check #143 from victim Huizenga's bank account at Target and that culminated in a loss of \$137.77 by Bank of America. Investigators Note: Defendant Anthony was arrested on 08/29/08 on related fraud charges (case#08-0743919). Other related case numbers 08-086667

Sworn to and subscribed before me this 28th day of August year 08

Notary Public Law Enforcement or Correctional

Personally Known Produced Identification

Type of Identification: _____

Signature: _____

I swear or affirm the above statements are correct and true

Officer's Signature: [Signature] Officer's ID: 407 251-7000

Officer's Name: ANDERSON, JOHAN / 2643 Booking/Receiving Signature: _____

Exhibit B



IN THE CIRCUIT COURT OF ORANGE COUNTY, STATE OF FLORIDA

THE STATE OF FLORIDA

VS.

CASEY M. ANTHONY

48-2008-CF-013331-O

48-2008-CF-013520-O

INFORMATION # 48-2008-CF-013521-O

DIVISION - 20

1. GRAND THEFT THIRD DEGREE (Pursuant to Scheme or Course of Conduct) (F3-L2)
2. FRAUDULENT USE OF PERSONAL IDENTIFICATION INFORMATION (F3-L4)
3. FORGERY OF A CHECK (F3-L2)
4. UTTERING A FORGED CHECK (F3-L2)
5. FRAUDULENT USE OF PERSONAL IDENTIFICATION INFORMATION (F3-L4)
6. FORGERY OF A CHECK (F3-L2)
7. UTTERING A FORGED CHECK (F3-L2)
8. FRAUDULENT USE OF PERSONAL IDENTIFICATION INFORMATION (F3-L4)
9. FORGERY OF A CHECK (F3-L2)
10. UTTERING A FORGED CHECK (F3-L2)

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

LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, OR LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, by and through the undersigned Designated Assistant State Attorney, under oath, CHARGES that CASEY M. ANTHONY, between the 7th day of July, 2008 and the 11th day of July, 2008, in said County and State, did, in violation of Florida Statute 812.014(2)(c)(1), pursuant to one scheme or course of conduct, knowingly obtain or use, or endeavor to obtain or use United States Money Current, of a value of THREE HUNDRED DOLLARS (\$300.00) or more, the property of another, to-wit: Amy Huizenga, as owner or custodian thereof, with the intent to temporarily or permanently deprive said owner or custodian of a right to the property or a benefit therefrom, or to appropriate the property to the defendant's own use or to the use of a person not entitled thereto.

COUNT TWO

LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, OR LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, by and through the undersigned Designated Assistant State Attorney, under oath, CHARGES that CASEY M. ANTHONY, on the 8th day of July, 2008, in said County and State, did, in violation of Florida Statute 817.568(2), willfully and without authorization fraudulently use, or possess with intent to use, personal identification information concerning Amy Huizenga without first obtaining the consent of Amy Huizenga.

COUNT THREE

LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, OR LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, by and through the undersigned Designated Assistant State Attorney, under oath, CHARGES that CASEY M. ANTHONY, on the 8th day of July, 2008, in said County and State, did, in violation of Florida Statute 831.01, unlawfully, with intent to injure or defraud, falsely make, alter, forge or counterfeit a check, Check number 142, dated the Eighth day of July 2008, in the amount of \$111.01.

COUNT FOUR

LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, OR LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, by and through the undersigned Designated Assistant State Attorney, under oath, CHARGES that CASEY M. ANTHONY, on the 8th day of July, 2008, in said County and State, did, in violation of Florida Statute 831.09, unlawfully, with intent to injure or defraud Amy Huizenga, utter and publish as true a certain false, forged, altered or counterfeited check, specifically: Check number 142, dated the Eighth day of July 2008, in the amount of \$111.01, then and there knowing the same to be false, altered, forged or counterfeited.

COUNT FIVE

LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, OR LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, by and through the undersigned Designated Assistant State Attorney, under oath, CHARGES that CASEY M. ANTHONY, on the 10th day of July, 2008, in said County and State, did, in violation of Florida Statute 817.568(2), willfully and without authorization fraudulently use, or possess with intent to use, personal identification information concerning Amy Huizenga at the Target store on North Goldenrod Road without first obtaining the consent of Amy Huizenga.

COUNT SIX

LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, OR LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, by and through the undersigned Designated Assistant State Attorney, under oath, CHARGES that CASEY M. ANTHONY, on the 10th day of July, 2008, in said County and State, did, in violation of Florida Statute 831.01, unlawfully, with intent to injure or defraud, falsely make, alter, forge or counterfeit a check, Check number 143, dated the Tenth day of July 2008, in the amount of \$137.77.

COUNT SEVEN

LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, OR LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, by and through the undersigned Designated Assistant State Attorney, under oath, CHARGES that CASEY M. ANTHONY, on the 10th day of July, 2008, in said County and State, did, in violation of Florida Statute 831.09, unlawfully, with intent to injure or defraud Amy Huizenga, utter and publish as true a certain false, forged, altered or counterfeited check, specifically: Check number 143, dated the Tenth day of July 2008, in the amount of \$137.77, then and there knowing the same to be false, altered, forged or counterfeited.

COUNT EIGHT

LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, OR LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, by and through the undersigned Designated Assistant State Attorney, under oath, CHARGES that CASEY M. ANTHONY, on the 10th day of July, 2008, in said County and State, did, in violation of Florida Statute 817.568(2), willfully and without authorization fraudulently use, or possess with intent to use, personal identification information concerning Amy Huizenga at the Target store on North Alafaya Trail without first obtaining the consent of Amy Huizenga.

COUNT NINE

LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, OR LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, by and through the undersigned Designated Assistant State Attorney, under oath, CHARGES that CASEY M. ANTHONY, on the 10th day of July, 2008, in said County and State, did, in violation of Florida Statute 831.01, unlawfully, with intent to injure or defraud, falsely make, alter, forge or counterfeit a check, Check number 144, dated the Tenth day of July 2008, in the amount of \$155.47.

COUNT TEN

LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, OR LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, by and through the undersigned Designated Assistant State Attorney, under oath, CHARGES that CASEY M. ANTHONY, on the 10th day of July, 2008, in said County and State, did, in violation of Florida Statute 831.09, unlawfully, with intent to injure or defraud Amy Huizenga, utter and publish as true a certain false, forged, altered or counterfeited check, specifically: Check number 144, dated the Tenth day of July 2008, in the amount of \$155.47, then and there knowing the same to be false, altered, forged or counterfeited.

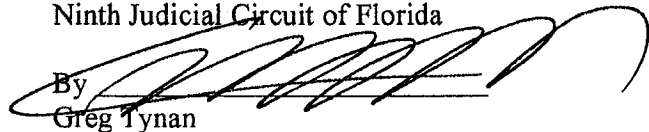
This information encompasses the transaction and all charges listed on Complaint Number 48-2008-CF-013331-O, 48-2008-CF-013520-O and 48-2008-CF-013521-O and the bond thereon is hereby superseded. The Orange County Sheriff's Office and the Orange County Corrections Department shall substitute the charge(s) and bond indicated on the information for those on the above cited complaint.

STATE OF FLORIDA
COUNTY OF ORANGE

Personally appeared before me Greg Tynan, Assistant State Attorney of the Ninth Judicial Circuit of Florida, who being first duly sworn, says that he/she has received testimony under oath from the material witness or witnesses, which if true, would constitute the offense herein, and that he/she institutes the prosecution in good faith.

The foregoing instrument was acknowledged before me this 11 day of September, 2008 by the aforementioned Assistant State Attorney who is personally known to me and who did take said oath.

LAWSON LAMAR, State Attorney
Ninth Judicial Circuit of Florida

By 
Greg Tynan

Designated Assistant State Attorney
Florida Bar No. 0045837

AW/GT

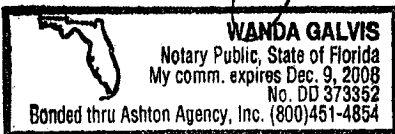


Exhibit C

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

STATE OF FLORIDA

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

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 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:

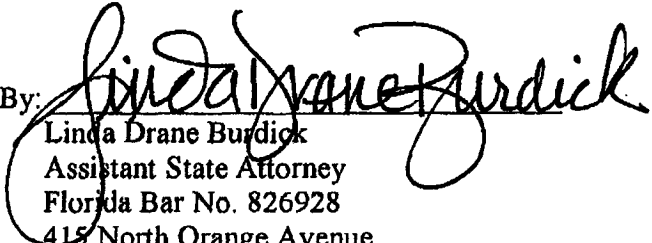

Linda Drane Burdick
Assistant State Attorney
Florida Bar No. 826928
415 North Orange Avenue
Orlando, Florida 32801
(407)836-2402

Exhibit E

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

STATE OF FLORIDA,

CASE NO.: 2008-CF-13331-O

Plaintiff,

vs.

CASEY MARIE ANTHONY,

Defendant.
_____ /

**ORDER ON THE STATE'S MOTION FOR
DETERMINATION OF NEW TRIAL DATE**

Being duly advised in the premises, the State's request for a new trial date in case number 48-2008-CF-13331-O, is granted. Under Florida law, both the State and the Defendant have the right to a speedy criminal trial. Fla.Stat. 918.015 (1971). The State's Attorney may file a Demand for Speedy Trial under certain conditions. *See* Fla.Stat. 960.0015 (2005). To assert their demand for a speedy trial under Section 960.0015 the State would technically need one more defense continuance granted over it's objection. Even so, the State argued that notwithstanding the statute, it would like the forgery case set for trial as soon as possible. The Defendant argued that to set this matter for trial prior to the Defendant's murder trial would hamper their ability to adequately prepare for the murder trial. The Defendant's capital defense attorney, Ms. Andrea Lyon, would be required to prepare for and litigate the forgery case along with Mr. Baez in order to adequately protect Ms. Anthony. Thus, the Defendant argued that the

forgery case would divert attention currently being paid to preparation of the complex capital case, along with much needed resources regarding same.

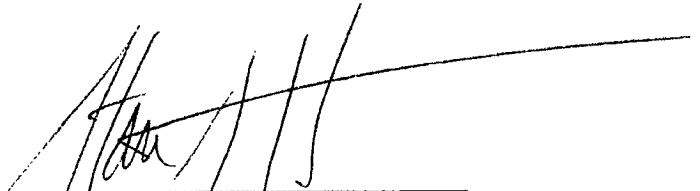
In support of it's motion, the State offered the affidavit of Amy Huizenga. While brief, I find her affidavit compelling. The affidavit states that the duration of this legal process over the last year has caused her a great deal of mental stress. Additionally, she indicated that her name appears on the internet in connection with this case and that causes her great embarrassment. Finally, she is fearful that this will hurt her chances for gainful employment given her involvement with the Defendant.

After considering all of the factors and argument of counsel, this Court feels that the best resolution is to set the matter for trial in the near future. In terms of legal skill and analysis, this case is rather simple. Few witnesses will be called, and, excluding jury selection, should not take more than a day or two. The Defendant argued that the real problem in this matter will be jury selection which may be protracted. While this Court agrees, that is not a sufficient reason to delay this matter until after the murder trial. Further, the State has offered to go "non-jury", with a simple bench trial.

In summary, having weighed all of the equities involved, this Court cannot justify making the victim wait even longer to have this matter resolved. Therefore, in the coming days the Court will set this matter for pretrial and trial.

Therefore, the State's Motion for Determination of New Trial Date is granted.

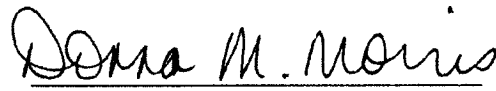
DONE AND ORDERED in Chambers, at Orlando, Orange County, Florida, this 2nd day
of September, 2009.



STAN STRICKLAND
Circuit Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Order has been furnished via U.S. Mail or hand delivery to Frank George, Esquire, and Linda Drane-Burdick, Esquire, Office of the State Attorney, 415 N. Orange Avenue, Orlando, FL 32801; to Jose Baez, Esquire, The Baez Law Firm, 522 Simpson Road, Kissimmee, FL 34744; and to Andrea Lyon, Esquire, Director, Center for Justice in Capital Cases, DePaul University College of Law, 25 E. Jackson Blvd, Suite 1050, Chicago, IL 60604, this 2nd day of September, 2009.



Donna M. Morris
Judicial Assistant

Exhibit F



July 15, 2009

Attorney Jose Baez
625 East Colonial Drive
Orlando, FL 32803

Reference: BAC Case Number 080718-130639
Customer: Amy Huizenga
Suspect: Casey M. Anthony

Dear Mr. Baez,

This letter is to acknowledge the delivery of a money order received from your office on Friday, July 10, 2009. This money order for \$664.25 was for payment towards the Bank of America case 080718-130639.

It is to be noted that Bank of America did not take this payment in lieu of criminal prosecution. At this time Bank of America does not require any other conditions of any suspect identified in this case other than the payment received above.

If you have any further questions, please do not hesitate to call me.

Sincerely,

A handwritten signature in cursive script that reads "Sandi Greene".

Sandi Greene
VP, Senior Investigator
Bank of America Corporate Security
390 N. Orange Avenue,
Orlando, FL 32801
407-420-2755