



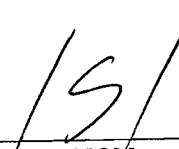
Circumstances. The notice provided that the state *may* rely on five aggravating circumstances set out in Florida's capital sentencing statute. No facts were cited in support of those aggravating circumstances.

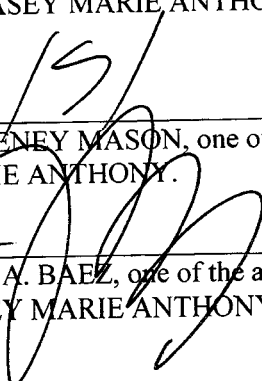
5. *State v. Steele*, 921 So.2d 538, 543 (2005) established that the trial court may require the state to provide notice of the aggravators it intends to rely upon because the list of aggravators in the statute is too expansive to provide the defendant with notice of the charges against her.
6. In its May 11 order, this court agreed with the defense that failure to provide a statement of particulars with respect to aggravating circumstances implicated Miss Anthony's due process rights, and granted the motion, without qualification. The court thereby imposed a duty on the state to disclose to the defense a list of aggravating circumstances it intended to rely upon, supported by a bill of particulars. The state failed to comply with this order in several respects.
7. First, the state failed to disclose a list of aggravating circumstances that it intended to rely on, stating only that it *may* rely on the circumstances listed.
8. Second, the state failed to serve the defense with the notice prior to releasing it to the media.
9. Third, the state failed to provide any indication of the evidence it intends to rely on to prove the existence of these aggravating factors.
10. The notice is therefore deficient, and ought to be stricken from the record.

WHEREFORE, the Defendant CASEY MARIE ANTHONY respectfully asks this court to strike the State's Notice of Aggravating Circumstances for failure to comply with

the May 11, 2010 court order, and order the state to file a new notice that fully complies with the obligations set out therein.

Respectfully submitted,

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

  
\_\_\_\_\_  
J. CHENEY MASON, one of the attorneys for CASEY  
MARIE ANTHONY.

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

Dated: 5/18, 2010


Andrea D. Lyon  
Director, Center for Justice in Capital Cases  
DePaul University College of Law  
14 E. Jackson Blvd., First Floor  
(Mailing Address: 1 E. Jackson Blvd.)  
Chicago, IL 60604  
312-362-8402 (phone)  
312-362-6918 (fax)

J. Cheney Mason  
390 N. Orange Avenue, Suite 2100  
Orlando, FL 32801  
407-843-5785 (phone)  
407-422-6858 (fax)

Jose A. Baez  
The Baez Law Firm  
522 Simpson Road  
Kissimmee, FL 34744  
407-705-2626(phone)  
407-705-2625 (fax)

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that the original of the foregoing has been furnished by hand delivery/U.S. mail to the Clerk of the Court, 425 North Orange Avenue, Orlando, Florida 32801 and a copy to the Office of the State Attorney, 415 North Orange Avenue, Orlando, Florida 32801 on this 18 day of May, 2010.



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