

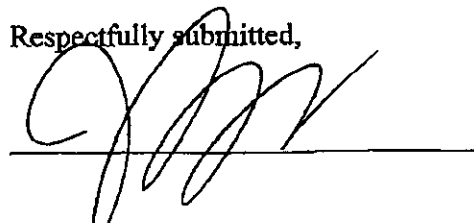
interrogations and that in his opinion a good defense lawyer confines himself to making sure the elements of the crime with which his client is charged fit, and that a lawyer that decides to "take the fight" is crossing the line. George was agreeable throughout.

4. The evidence shows that law enforcement offered George the possibility of relocating his family if he induced his daughter to provide further statements.
5. The following day George visited his daughter in jail where he and his wife Cindy questioned her about matters relating to investigation and tried to convince her to talk to the police. The attempts to induce Miss Anthony to make statements, in utter disregard for her constitutional rights, continued throughout her July-August 2008 incarceration. All of these attempts and the statements Miss Anthony made in response were recorded by the jail and subsequently released to the public.
6. Law Enforcement also sought to employ Inmate and convicted murderer Maya Derkovich as a confidential informant to befriend Miss Anthony in jail. Detective Brian Cross prodded Miss Derkovich by telling her "If anyone can get her to talk, you can."
7. Robyn Adams by and through the assistance of Sylvia Hernandez a correctional officer at the Orange County Jail, who was in the unique authoritative position as a government employee and member of law enforcement assisted in the communications between Miss Anthony and Robyn Adams, to assist her in obtaining incriminating statements to use as a bargaining chip for a reduction in her federal sentence for drug trafficking.
8. Miss Anthony now moves to suppress these statements on the following grounds:
 - a. Because this is a capital case in which the prosecution is seeking that the death penalty be imposed on Miss Anthony, heightened standards of due process apply. *See Mills v. Maryland*, 486 U.S. 367, 376 (1988).

- b. Admission of the statements would be improper on four separate grounds. First, it would violate her right to counsel under the Fifth and Sixth Amendments, as invoked on July 16, 2008. After Miss Anthony invoked her right to counsel on July 16, 2008, it became improper for law enforcement to attempt to elicit her testimony in the absence of counsel. See *Miranda v. Arizona*, 384 U.S. 436, 467-68. This conclusion is not altered by *Maryland v. Shatzer*, which allows law enforcement to attempt interrogation afresh after two weeks of release from custody, because at no point during the July-August period was Miss Anthony left alone the requisite two week period. 2010 U.S. LEXIS 1899, 1902.
- c. Second, admission would violate Miss Anthony's Due Process Rights under the Fourth and Fifth Amendments of the Federal Constitution and Article 1, § 9 of the State of Florida Constitution. In our system it is not only the truth, but the method to obtain it, that is significant. *Walls v. State*, 580 So. 2d 131, 133 (Fla. 1991); *Miller v. Fenton*, 474 U.S. 104, 109, (1985). The collaborative efforts of her family and law enforcement agents to elicit information in the absence of counsel was neither fair nor honest and need not be tolerated by the court.
- d. Finally, the potential for substantial unfair prejudice substantially outweighs any probative value these conversations might have and would therefore be inadmissible under *Fla. Stat. § 90.403* because they would seriously impede Miss Anthony's ability to receive a fair trial if they were introduced.
7. A full detailed memorandum of law is being prepared that will outline all arguments that show George, Cindy and Lee Anthony, Maya Derkovich, Robyn Adams and Sylvia Hernandez were acting as agents of the State.

WHEREFORE, the Defendant CASEY MARIE ANTHONY respectfully asks this Court to grant her Motion In Limine To Suppress all statements made to the above mentioned individuals.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'J. Baez', is written over a horizontal line.

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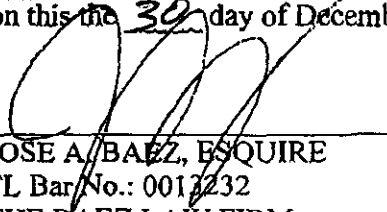
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CERTIFICATE OF SERVICE

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 day of December, 2010.



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