

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,
vs.

DIVISION: 16

CASEY MARIE ANTHONY

Defendant.

IN CAMERA SEALED MOTION TO DELAY DISCLOSURE

COMES NOW the State of Florida, by and through the undersigned counsel, pursuant to Florida Rules of Criminal Procedure 3.220(K) and respectfully requests an order delaying disclosure of certain statements of the Defendant. As grounds therefore the State would show that:

1. The Orange County Sheriff's Office was contacted by an inmate in the Florida Department of Correction, who stated that she had communications with the Defendant while in the Orange County Jail.
2. That inmate was interviewed on or about the 22nd day of January 2010 and relayed potentially relevant statements by the Defendant, which are not in the nature of a confession, and gave the name of another inmate who also had communication with the Defendant.
3. The second inmate, presently incarcerated in Federal Prison, was interviewed on or about the 27th day of January 2010 and reluctantly confirmed communication with the Defendant adding that she had received approximately fifty written communications from the Defendant which were then in the possession of another individual whose identity was provided to the Orange County Sheriffs Office.
4. The Orange County Sheriffs Office contacted the named individual, confirmed the existence of these documents and took possession of the originals.
5. The undersigned and co-counsels have examined the documents and they do appear to contain relevant statements of the Defendant, which are not in the nature of a confession.

6. Based upon the past history of this case and in anticipation of accusations of misconduct by the Orange County Sheriff's Office, the State Attorney requested that the Florida Department of Law Enforcement (F.D.L.E.) take over the investigation of the communications between the Defendant and these witnesses.
7. In a subsequent the interview with F.D.L.E. on February 12 2010, the federal inmate detailed how her friendship with the Defendant began and developed, how the documents came into existence, were transmitted and were maintained. She stated the friendship and all communication ended when she was transferred to federal custody. She stated that the friendship was not at the request of any law enforcement personnel nor was she asked to relay any information obtained to any law enforcement personnel. She did imply that an Orange County Corrections officer may have facilitated the communication once the friendship had begun but indicated a desire not to "get anyone in trouble".
8. The F.D.L.E is in the process of completing the investigation, requested by the State Attorney, to determine the involvement of any corrections personnel and whether a violation of law or corrections policies was committed.
9. It is anticipated that the investigation should be completed within the next thirty days and that any premature revelation of these matters could compromise the integrity of the investigation.

WHEREFORE, the State of Florida respectfully requests that this court issue the following orders 1) authorize the delay in disclosure of these matters until the investigation is complete; 2) seal this motion until the investigation is complete; 3) require the State of Florida, by sealed pleading, to report to the court thirty days after the entry of this order, the progress of the investigation, 4) when the investigation is complete and the matters are provided in discovery, unseal this Motion and provide a copy to the Defendant.

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**ORDER ON STATE OF FLORIDA'S IN CAMERA SEALED MOTION TO DELAY
DISCLOSURE**

THIS COURT, upon consideration of the State of Florida's In camera Sealed Motion to Delay Disclosure hereby rules as, follows.

- 1) The State has shown good cause for a delay in disclosure pursuant to F.R.C.P. 3.220 (K).
- 2) The State is hereby authorized to delay disclosure of the material referenced in their motion for a period of thirty days or such earlier time, should the good cause referred to in their motion no longer exist.
- 3) Unless earlier disclosed, the State, no more than thirty days from the date of this order, shall report to the court, by sealed pleading, whether any good cause continues to exist additional delay in disclosure.
- 4) At such time as the good cause no longer exists and the materials are provided in discovery, the State shall so inform the court and the Motion shall be unsealed and provided to the Defendant.

SO ORDERED this day of February 2010.

Stan Strickland
Circuit Judge