

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

STATE OF FLORIDA,  
Plaintiff,

CASE NO.: 48-2008-CF-0015606-O

v.

CASEY MARIE ANTHONY,  
Defendant.

FILED IN OFFICE 4/30/10  
LYDIA GARDNER, Clerk Cir. Ct., Orange Co., FL  
By [Signature] D.C.

**OBJECTION TO COURT'S  
"ORDER ON DEFENDANT'S MOTION TO DISQUALIFY TRIAL JUDGE"**

Your undersigned counsel, on behalf of the Defendant, CASEY MARIE ANTHONY, objects to that certain "Order on Defendant's Motion to Disqualify Trial Judge" filed by the Honorable Stan Strickland, Circuit Judge, on date of April 19, 2010, and shows:

1. Counsel for the Defendant did file on Friday, April 16, 2010, a proper Motion for Disqualification of the trial judge (the Honorable Stan Strickland) in compliance with Florida Rules of Judicial Administration, Rule 2.330, and Florida Statute, Chapter 38.
2. As a matter of law, a trial Court, having received such Motion, is required to only determine the legal sufficiency of the Motion in accordance with the Rules. See Florida Rules of Judicial Administration 2.330(f) and *Riechmann v. State*, 966 So.2d 298 (Fla. 2007). The Court is required to rule immediately. See Florida Rules of Judicial Administration 2.330(j). The Court may not argue or dispute facts, yielding any response, other than "granting", or "denying", the Motion. To do so, automatically places the Court in an adversarial position, contrary to the defense, and, by that act alone, is required to be disqualified. See *J and J Industries, Inc. v. Carpet*

Showcase of Tampa Bay, Inc., 723 So.2d 281 (2 DCA 1998). All that is required is that a written Motion, under oath, establishes timeliness of a Defendant's becoming reasonably fearful of not being able to obtain a fair trial. See Roberts v. State, 480 So.2d 962 (Fla. 2003).

3. The subject of the Motion filed was the actions of the judge in appearing to validate and, in fact, praise actions of a web site blogger. That blogger had published headlines stating: "Casey Guilty as Charged"; "Murder Pre-Meditated and Stupid"; and, most glaringly, "Casey Must Die".
4. No reasonable person, and certainly no person with legal training, could suggest that there is anything fair or unbiased by such declarations, and that a Court tacitly, or otherwise directly, approving of such should clearly and mandatorily be disqualified.
5. The judge, in filing his Order, chose to utilize that opportunity, even though improvident and inappropriately so, to insult defense counsel and to do so either by serious mistaken recollection of the facts or worse.
6. The first effort by the Court to insult defense counsel is found on the first page, second paragraph of his Order, wherein he states, "...the undersigned filed (courageously!) at 4:48 p.m. on Friday afternoon, April 16, 2010." **In truth**, the Motion was filed with the Court at that time, after having been delivered to the trial judge's chambers at 4:45 p.m. on that date. The judge's chambers were closed, apparently having been vacated early on that Friday afternoon, and the documents were put into the chambers drop off bin as directed. No one answered the judge's phone line. Attached hereto as "Exhibit A" is the Affidavit of Mrs. K. Diana Marku,

who did personally hand deliver the Motion, first to the judge's chambers, then to the Clerk of Court.

7. Apparently, in further efforts to embarrass or insult counsel, the judge footnoted that statement regarding the undersigned's inadvertent use of an expired notary stamp. The notary certification had not expired, but your undersigned counsel accidentally used a notary stamp that had expired some four and a half months prior to the filing of this Motion. The Court chose to characterize that as, "...a notary stamp from a prior decade". (While that might be technically accurate, it was obviously done in bad faith and inappropriately.)
8. The Court's election to sarcastically use the term "courageously!" also was inappropriate. In fact, at the conclusion of the hearings held in open court on April 5, 2010, your undersigned counsel did approach the bench (with permission), joined by the prosecuting attorneys. Your undersigned counsel requested the Court to go off the record and have an in-camera conversation. The Court refused to do so, declaring that, "I can't do that with all the news media in the courtroom" (or words to that effect). The Court then asked your undersigned what the subject was, and was advised as follows: "Your Honor, in nearly forty years of practice, I have only previously filed two Motions to disqualify a judge. I need to talk to you about doing that in this case." The prosecution stepped in and wanted to know what it was about because they had no advance notice or warning. The prosecution and the defense team did go into a back room (without the judge) wherein the discussion was had about the judge's relationship with the web site blogger, and these outrageous

positions taken. Both prosecutors advised that they knew nothing about that or of the judge calling the web site blogger up to his bench to meet him and express his approval.

9. Since your undersigned counsel had no ability, at that time, to absolutely verify the truth of the allegations of the Court's actions, further investigation was undertaken.
10. The following weekend, an investigator for the defense located the "blogger", who confirmed that he had been called by the Court up to his bench and was congratulated on his blogs. The blogger also confirmed that the judge had even later called him (the blogger) to check on his health when learning (somehow) that the web site blogger had been ill and/or hospitalized.
11. It is hardly appropriate for the judge to have sarcastically utilized the phrase, "courageously!" as he did in his Order, given the fact that your undersigned did direct the intentions to the judge, face-to-face, in the courtroom on April 5, 2010.
12. The Court also complained that no courtesy copy or fax was provided to the Court. Of course, under the Rules of Judicial Administration and Statute, there would be no basis of a "courtesy copy", since the copy of the proceedings were required to be delivered to the Court directly and immediately, which was done. Had the Court been in chambers and/or his office open at that time, it would have been hand delivered to him, as opposed to being put into the drop box.
13. The judge's conclusion in his Order that, "Obviously, defense counsel's intent was to maximize exposure, and minimize or delay any response" is without any foundation in truth and in fact, whatsoever. In reality, the time of the delivery was

such that the news media would not have the opportunity in ordinary circumstances to become aware of the Motion. Apparently, defense counsel was recognized by some news media at the courthouse location (obviously for other purposes) and saw counsel heading into the courthouse with papers.

14. It is further disingenuous for the Court, in its Order, to complain of not receiving a copy, yet somehow, on Monday morning, was aware that it had been previously filed with the erroneous notary stamp.
15. The Court further, in attempting to exacerbate this very unfortunate situation, tries to minimize his, in fact, expression of appreciation at the bench to the blogger by sarcastically referring to it as “secretly” and going further to say, “in open court, with open mics, in front of rolling TV cameras, and with all counsel present...”. In truth and in fact, the television footage shows that at the time the blogger was brought back into the courtroom after having left same, by the direction of the Court’s courtroom deputy seen communicating with the judge in ensuring that she was retrieving the right person, the courtroom is revealed to be empty. All the spectators are seen to parade out, as with all counsel. There were no “all counsel present”. If the mics were open, they did not record anything, other than a very brief and hardly intelligible statement from the judge (off screen) with the blogger (off screen). The Court went on to reiterate his claim that his expressions to the blogger thanking him for being “both fair and civilized” was in open court. It was in the courtroom, but all of the public, the media, and counsel had vacated. The defense is substantially troubled by the Court’s statement that this blogger was “fair and civilized” when his

own journalistic headlines stated such things as "Casey Must Die".

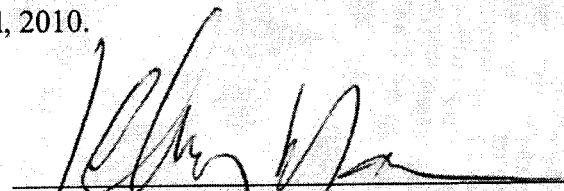
16. The next subject matter, raised by the judge, and, again, in an obvious attempt to denigrate the defense, is his reference to, "litany of motions", media coverage, and various Motions. The Motions filed speak for themselves, and it is well known to experienced criminal defense lawyers that capital cases fall in the category described by the Supreme Court as, "Death is Different", requiring a heightened involvement in the filing of Motions and efforts to protect the Constitutional Rights of the accused. The reference to issue where undersigned counsel "invited the Court to simply "trust" him" is also significantly out of context and inappropriate. In truth and in fact, a hearing was held to determine the indigency status of the Defendant in order to obtain funds to prepare and present the defense for Miss Anthony. The Court asked questions of those involved, as did the prosecution, regarding whether or not there were any movie deals or book deals waiting in the wings. The answers were "no" (truth), met with skepticism and inquiry by the Court. Your undersigned counsel did say, believing to have had a longstanding good relationship, "You trust me, don't you", and the Court said "Yes", (when being advised that there were no such deals, and there, in fact, was no legitimate basis for the inquiry).
17. The Court further, without any knowledge or predicate facts to support himself, then went on to try to insult the defense further regarding statement attributed to Dr. Henry Lee about receiving or accepting "a crate of oranges as payment for services". The judge had no way of knowing about that. In fact, Dr. Lee did make such a statement in a National Association of Criminal Defense Lawyers seminar.

18. The conclusory statements by the Court, in that part of his Order, are without foundation, whatsoever, there having been no witnesses to the courtroom discussion other than the judge, the blogger, and deputies (as set forth above, all other persons, including lawyers, had vacated the courtroom) there was no way to verify the truth of the Court's "brief discussion with the blogger/journalist" until such relationship and conversation was revealed by the blogger in a tape recorded statement to defense investigator and given to counsel for the defense.
19. The Court goes on to say, in this Order, that, "Defense counsel... seems to have only recently lost confidence in the Court's ability to be fair and impartial." A simple reading of the Motion for Disqualification, including numerous other transgressions, belies that conclusion by the Court.
20. The Court then states that, "... potentially each denial of a defense motion will generate renewed allegations of bias" is also without any foundation or merit, whatsoever. The defense has not challenged the Court's impartiality on the basis of any ruling, although numerous such occurrences were referenced in the Motion.
21. The Court ended his Order by stating, "The irony is rich". Indeed. To find irony, one only needs to read the Court's Order, complete with footnotes.
22. The defense has labored and, frankly, suffered anxiety over filing this Objection since receipt of same on the 19<sup>th</sup> of April. However, in the mean time, many other members of the judiciary, members of the Bar, the media, and the general public have been misinformed regarding the judge's Order and the misleading content, as set forth above.

23. An example of the perpetuation of the inappropriate Order and misleading content was revealed in the Orlando Sentinel, on Friday, April 23, 2010, in a story regarding the Motion, which attributes to Court Administrators the claim that defense attorneys did not provide to the Court, ahead of time, the Motion to be removed. There was no revelation of efforts to try to talk about the Motion, without involving a formal pleading and the media. The Court Administrator would have no way of knowing what was delivered to the Court's chambers. If the article in the newspaper is accurate, attributing that statement to the Court Administrator, only proves further the perpetuation of the error and misleading information to the public, thus, harming the Defendant's rights to a fair trial, and demanding that this response be filed.

**I HEREBY CERTIFY** that a true copy of this response has been furnished this date to the Honorable Stan Strickland, Circuit Judge, 425 N. Orange Avenue, 17<sup>th</sup> Floor, Orlando, Florida 32801; to Chief Judge Belvin Perry, Jr., 425 N. Orange Avenue, 20<sup>th</sup> Floor, Orlando, Florida 32801; and to Linda Drane-Burdick, Esq. and Jeff Ashton, Esq. at the Office of the State Attorney, 415 N. Orange Avenue, Orlando, Florida 32801.

Respectfully submitted this 30<sup>th</sup> day of April, 2010.



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J. CHENEY MASON, ESQ.  
Florida Bar No.: 0131982  
J. CHENEY MASON, P.A.  
390 N. Orange Avenue, Suite 2100  
Orlando, Florida 32801  
Telephone: 407-843-5785  
Facsimile: 407-422-6858  
*and*

JOSE A. BAEZ, ESQ.  
THE BAEZ LAW FIRM  
522 Simpson Road  
Kissimmee, Florida 34744  
Telephone: 407-705-2626  
Facsimile: 407-705-2625

*and*

ANDREA D. LYON, ESQ.  
Director, Center for Justice in Capital Cases  
DePaul University College of Law  
25 E. Jackson Boulevard, Suite 1050  
Chicago, Illinois 60604  
Telephone: 312-362-8402  
Facsimile: 312-362-6918  
*Attorneys for Defendant*

**AFFIDAVIT**

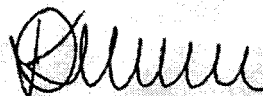
STATE OF FLORIDA  
COUNTY OF ORANGE

Comes now, K. DIANA MARKU, and who first being duly sworn deposes and says as follows:

1. I am over the age of eighteen years and a citizen of the United States of America.
2. I have been employed by J. Cheney Mason for approximately three and a half years.
3. I hand delivered a copy of the "Defendant, Casey Anthony's, Motion to Disqualify Trial Judge", together with its referenced Exhibits and Memorandum attached, on Friday, April 16, 2010, at 4:45 p.m. to Judge Stan Strickland's chambers' drop off bin after no one answered his telephone line.

The foregoing is based on my personal knowledge and are absolutely true and correct.

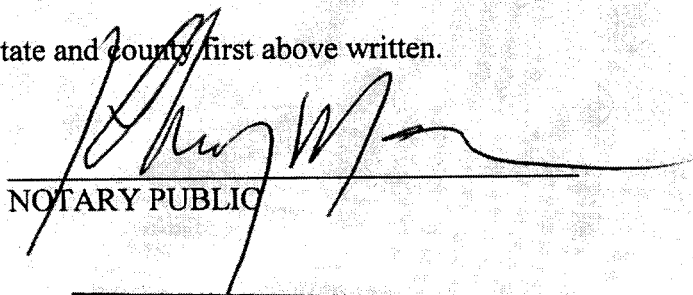
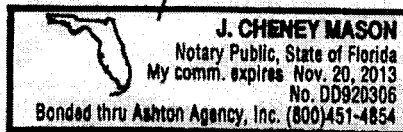
FURTHER AFFIANT SAYETH NOT.



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K. DIANA MARKU

BEFORE ME, the undersigned authority, the foregoing instrument was sworn to and subscribed before me this 16 day of April, 2010, by K. DIANA MARKU, who is personally known to me, and has acknowledged before me that she read and executed the same and that the facts contained therein are true and correct.

WITNESS my hand and official seal in the state and county first above written.

  
\_\_\_\_\_  
NOTARY PUBLIC

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