

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

STATE OF FLORIDA,
Plaintiff,

CASE NO. 48-2008-CF-15606

DIVISION: 99

vs.

CASEY MARIE ANTHONY,
Defendant.

**ORDER ADDRESSING MOTIONS TO COMPEL ADDITIONAL DISCOVERY
AND OTHER DISCOVERY MATTERS**

THIS MATTER came before the Court for hearing on November 29, 2010 where Motions to Compel filed by both the State and Defendant were addressed along with other matters pertaining to discovery. Upon hearing arguments of counsel from Defendant and the State Attorney, it is **ORDERED AND ADJUDGED:**

I. Motions to Compel Additional Discovery:

On November 19, 2010, the State filed a Motion to Compel Additional Discovery pursuant to Florida Rule of Criminal Procedure 3.220(d) and (f) and requested the following additional discovery as it pertains to the Defendant's list of expert witnesses:

1) Any contracts or agreements, in any manner or form, setting forth the scope of work or expected compensation;

2) Any communications between the expert and any member of the defense team, either past or present, or any member of their staff, or anyone working on behalf of the Defendant;

3) All records of bills submitted by or payments made to the expert;

4) All records pertaining to payments for travel, meals or entertainment paid to or for the benefit of the expert or anyone traveling with the expert, by any member of the defense team, either past or present, or any member of their staff, or anyone working on behalf of the Defendant;

5) Any notes taken by the expert or for the expert during, or referencing their examination of any evidence; and

6) Any photograph or video taken by the expert in connection with this case.

The Court finds that the discovery items requested under numbers 1, 2, 3, and 4 of the State's Motion can be obtained through other avenues such as through depositions, subpoenas duces tecum, and public record requests. Therefore, the items requested under numbers 1, 2, 3, and 4 of the State's Motion are **DENIED, but WITHOUT PREJUDICE** if such items cannot be obtained through such other avenues.

Items requested under numbers 5 and 6 of the State's Motion pertaining to notes taken by experts during the examination of evidence and photos or videos taken by experts in connection with this case are **GRANTED. By 4:00 p.m. on December 3, 2010**, defense counsel shall provide to the State the items requested under items 5 and 6 (with the exception of any portions of said items that are work product) and Defendant shall also provide to the State a list of the Defendant's experts that shall include the subject matter as to what the experts will testify to and the area of expertise for each expert.

Also, on November 24, 2010, in response to the State's Motion, Defendant filed a mirror version of the Motion to Compel Additional Discovery requesting similar discovery as to the State's list of expert witnesses. Because this Motion was not noticed for hearing, the Court did not enter a ruling. Should Defendant wish to pursue her Motion further, she must notice it for hearing at a future date.

II. Pending Defense Motion in Limine to Introduce Prior Bad Acts and other Circumstantial Evidence pertaining to Roy Kronk:

Defense counsel informed the Court that they will decide today and will notify the Court as soon as possible as to whether they will be withdrawing the motion and re-filing it closer to the trial date. The Court advised defense counsel to consider carefully about withdrawing the motion in light of the established deadlines for motions to be heard.

III. Depositions of State's Experts:

Defense counsel informed the Court that the depositions have been completed and the examination of the State's evidence by defense experts has been completed except for the DNA evidence. The defense expert's analysis and report as to the DNA evidence shall be completed and provided to the State within 45 days **by January 13, 2011**.

IV. Frye Motion as to Scientific Evidence:

Defense counsel informed the Court that they will coordinate with the State as to the depositions in preparation for the Frye motion and hearing. The Court reminded both parties that forensic motions will not be heard after the February 28, 2011 deadline.

V. Penalty Phase Discovery:

Mitigation Expert: Defense counsel shall list their mitigation expert and provide this information to the State **by January 1, 2011**.

Defense's Motion filed November 23, 2010 to Seal Penalty Phase Discovery Response: This Motion was filed pursuant to the Court's order requiring that penalty phase witnesses be listed by November 30, 2010. **This Motion will be heard on December 20, 2010 at 1:30 p.m.** Defense counsel shall provided notice of said motion and hearing to all interested persons and entities including the media. **Pending the**

hearing and with the exception of the State, the penalty phase discovery response shall remain temporarily sealed to the public, including the media.

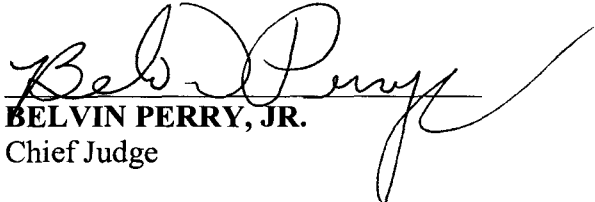
VI. Payment of transcription costs from depositions taken at the Oak Ridge Laboratory in Tennessee:

Defense counsel informed the Court that they are trying to resolve the issue with the court reporters and the Justice Administrative Commission as to payment of these transcription costs and if this issue is not resolved, defense counsel will file a motion with the Court.

VII. Texas Equusearch Documents and Witnesses:

Pursuant to the completion of the defense counsel's review of the Texas Equusearch documents and their determination as to additional witnesses, defense counsel shall provide to the State a list of these additional witnesses **by December 31, 2010** and the depositions of these witnesses shall be completed **by March 30, 2011**.

DONE AND ORDERED in chambers at Orlando, Orange County, Florida this 3 day of December, 2010. Nunc pro tunc to November 29, 2010.


BELVIN PERRY, JR.
Chief Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been furnished by U.S. Mail or hand delivery, this 3rd day of December, 2010 to:

- Jose Baez, Esquire, The Baez Law Firm, 522 Simpson Road, Kissimmee, Florida 34744
- J. Cheney Mason, Esquire, J. Cheney Mason, P.A., 390 North Orange Avenue, Suite 2100, Orlando, Florida 32801
- Ann Finnell, Esquire, Finnell, McGuinness, Nezami, & Andux, P.A., 233 E. Bay Street, Suite 601, Jacksonville, Florida 32202
- Linda Drane Burdick, Jeffrey L. Ashton, and Frank George, Assistant State Attorneys, Office of the State Attorney, 415 North Orange Avenue, Orlando, Florida 32801
- Bradley R. Bischoff, Assistant General Counsel, Justice Administrative Commission, Post Office Box 1654 (32302), 227 North Bronough Street, Suite 2100, Tallahassee, Florida 32301


Jill Gray
Judicial Assistant