

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

**STATE OF FLORIDA,**  
Plaintiff,

vs.

**CASEY MARIE ANTHONY,**  
Defendant.

CASE NO: 48-2008-CF-15606-O

DIVISION: 99

**ORDER ADDRESSING PENDING DEATH PENALTY MOTIONS**

WHEREAS, there are currently 10 pending death penalty motions filed by Defense Counsel in this case; and

WHEREAS, it has been determined that most of these motions can reviewed on the pleadings and will not require a hearing; and

WHEREAS, in an effort to ensure the timely and efficient review and resolution of these motions;

It is hereby ORDERED AND ADJUDGED:

1. Motions to be addressed at the Charging Conference: The Court reserves ruling as to the below Motions that address jury instructions and verdicts. Accordingly, these Motions shall be addressed at the Charging Conference. Also, requests for special jury instructions must be in writing and filed at the Charging Conference pursuant to Florida Rule of Criminal Procedure 3.390(c). The Motions are as follows:

- Written Objection to the Standard Jury Instruction On Reasonable Doubt; Memorandum of Law in Support of Written Objection to the Standard Jury Instruction on Reasonable Doubt; Table of Exhibits
- Motion for Jury Instructions Correctly Defining "Premeditation"; Memorandum Accompanying Motion for Jury Instructions Correctly Defining "Premeditation"

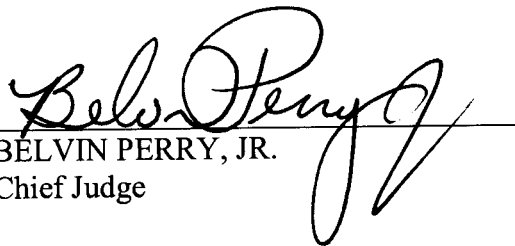
- Motion to Prohibit Any Reference to the Jury's Role At The Penalty Phase Being 'Advisory' Or The Jury's Penalty Verdict As Being A "Recommendation"; Memorandum of Law in Support of Motion to Prohibit Any Reference to the Jury's Role At The Penalty Phase Being 'Advisory' Or The Jury's Penalty Verdict As Being A "Recommendation"; Exhibits in Support of Motion to Prohibit Any Reference to the Jury's Role At The Penalty Phase Being 'Advisory' Or The Jury's Penalty Verdict As Being A "Recommendation'

2. Motions to be addressed on the pleadings: For each of the below Motions, the State shall file a written response with a supporting memorandum of law by June 16, 2010 at 12:00 p.m., and the defense shall file a reply for each Motion with a supporting memorandum of law by June 28, 2010 at 12:00 p.m. The State and Defense Counsel shall provide courtesy copies of the responses, replies, and supporting memorandums of law to the chambers of the undersigned Judge immediately upon filing them. The Motions are as follows:

- Motion to Declare § 921.141 Unconstitutional Because It Improperly Shifts Burdens of Proof to the Defendant, Thereby Creating A Presumption of Death; Memorandum of Law in Support of Motion to Declare § 921.141 Unconstitutional Because It Improperly Shifts Burdens of Proof to the Defendant, Thereby Creating A Presumption of Death
- Motion to Declare § 921.141 Unconstitutional Due To Its Failure to Narrow The Scope of The Death Penalty; Memorandum of Law in Support of Motion to Declare § 921.141 Unconstitutional Due To Its Failure to Narrow The Scope of The Death Penalty
- Motion to Declare § 921.141(5)(d) and/or The § 921.141(5)(d) Standard Instruction Unconstitutional Facially and As Applied and to Preclude Their Application at Bar; Memorandum of Law in Support of Motion to Declare § 921.141(5)(d) and/or The § 921.141(5)(d) Standard Instruction Unconstitutional Facially and As Applied (Victim Vulnerable Due to Age, Disability, or Familial or Custodial Authority)
- Motion to Declare Florida Statutes § 921.141(5)(i) Unconstitutional and to Preclude Its Use In The Present Case; Memorandum of Law in Support of Motion to Declare Florida Statutes § 921.141(5)(i) Unconstitutional and to Preclude Its Use In The Present Case
- Motion to Declare Fla. Stat. 921.141(5)(h) And/Or The Standard (5)(h) Jury Instruction Unconstitutional Facially and As Applied; Memo Supporting Motion to Declare 921.141(5)(h) And/Or The Standard (5)(h) Jury Instruction Unconstitutional Facially and As Applied

- Defendant's Motion to Declare § 921.141(5)(l) Unconstitutional Facially And As Applied, And To Preclude Its Use In The Case At Bar; Memorandum of Law in Support of Defendant's Motion to Declare § 921.141(5)(l) Unconstitutional Facially And As Applied, And To Preclude Its Use In The Case At Bar
- Motion to Declare § 921.141(5)(m) Unconstitutional Facially and As Applied; Memorandum of Law in Support of Motion to Declare § 921.141(5)(m) Unconstitutional Facially and As Applied

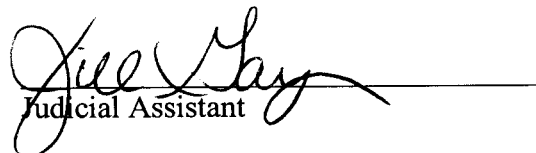
DONE AND ORDERED in chambers at Orlando, Orange County, Florida this 17<sup>th</sup> day of May, 2010.

  
 BELVIN PERRY, JR.  
 Chief Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order addressing Pending Death Penalty Motions has been furnished by U.S. Mail or hand delivery this 17<sup>th</sup> day of May, 2010 to:

- Linda Drane Burdick, Jeffrey L. Ashton, and Frank George, Assistant State Attorneys, Office of the State Attorney, 415 North Orange Avenue, Orlando, Florida 32801
- 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
- Andrea Lyon, Esquire, Director, Center for Justice in Capital Cases, DePaul University College of Law, 1 East Jackson Boulevard, Chicago, Illinois 60604
- Linda Kenney Baden, Esquire, 15 West 53rd Street, Suite 18B, New York, New York 10019

  
 Judicial Assistant