

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 RETAINMENT AND PAYMENT OF EXPERTS,
INVESTIGATORS, MITIGATION SPECIALIST, AND OTHER COSTS**

THIS MATTER came before the Court for hearing on October 29, 2010 and among several matters addressed at this hearing, the below motions were addressed and upon hearing arguments of counsel from the defense, State Attorney, and the Justice Administrative Commission (hereinafter referred to as "JAC"), it is ORDERED AND ADJUDGED:

I. Motion to Determine Reasonable Budget for Due Process Costs in a Capital Case and Motion to Incur Certain Specified Costs (penalty phase).

These motions were filed on September 30, 2010 by defense counsel, Ann Finnell. Defendant has requested authorization for anticipated costs for the penalty phase of this case in addition to mitigation costs previously addressed in the Order dated May 12, 2010 nunc pro tunc to May 6, 2010.

A. **Private Investigator.** Defendant has requested authorization for a \$5,000 cap for services of a private investigator to provide services for the penalty phase such as locating and interviewing mitigation witnesses, documents, and other relevant evidence. The Court reserves ruling on this request pending defense counsel's submission to the

Court by November 5, 2010 of an itemized list of the investigative services needed in support of this request.

B. Psychiatrist or Psychologist. Defendant has requested authorization for a \$7,500 cap for services by a licensed psychiatrist or psychologist to examine and conduct forensic testing on Defendant, to render an opinion regarding relevant mitigation, to provide consultation with defense counsel regarding cross-examination of any State expert, and if needed, to testify at the penalty phase. The Court GRANTS this motion, but with an approved cap of \$2,500 for pre-trial services at the JAC approved rates. Approval of payment of services at trial, if needed, will be addressed at a later date.

C. Copying Costs. Defendant has requested approval for a \$1,000 cap to cover copying costs for the penalty phase. The Court GRANTS this motion, but with an approved cap of \$500 at the JAC approved rates.

D. Mitigation Specialist. Defendant has requested authorization for an additional 100 hours for services of the mitigation specialist, Jeanene Barrett. The Court GRANTS this motion for an additional 100 hours for mitigation services to be provided by Ms. Barrett or another in-state investigator at the JAC approved hourly rate of \$40 per hour.

E. Attorney Travel Expenses. Defendant has requested authorization for a \$4,000 cap for travel expenses anticipated for defense counsel, Ann Finnell, to travel to and from Orlando, and her office in Jacksonville, and also her travel to and from Ft. Myers. The Court DENIES this request pursuant to the JAC policies and procedures and the Court's Order entered May 12, 2010 nunc pro tunc to May 6, 2010.

F. Travel Expenses for Investigator or Mitigation Specialist: Defendant has requested authorization for a \$1,500 cap for travel expenses for one investigator or one mitigation specialist to travel to Ohio to obtain records and interview potential witnesses. The Court RESERVES RULING on this request pending defense counsel's meeting with the Court in camera as to the reasons in support of this request.

G. Attorney Travel Expenses for Trial: Defendant has requested authorization for payment of Ann Finnell's anticipated travel costs to attend the trial. The Court DENIES this request pursuant to the JAC policies and procedures and the Court's Order entered May 12, 2010 nunc pro tunc to May 6, 2010.

II. Motion for Additional Hours of Investigation (guilt phase).

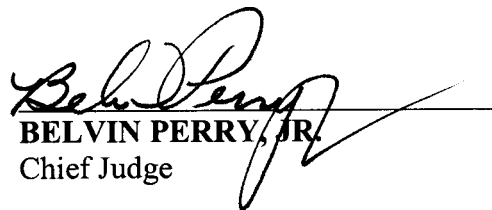
This motion was filed on October 25, 2010 by defense counsel, Jose Baez. Defendant has requested authorization for an additional 300 hours for in-state investigative services in order to continue investigating the evidence alleged in the State's on-going discovery. The hourly cap requested is in addition to the approved hourly cap for in-state investigative services previously addressed in the Order dated May 12, 2010 nunc pro tunc to May 6, 2010. The Court GRANTS an additional 60 hours for in-state investigative services at the JAC approved hourly rate of \$40 per hour.

III. Motion for Clarification of the May 12th Order regarding both Travel Time and Reimbursement for Travel Expenses and Mileage of Out-of-State Experts, Mitigation Specialist, Investigators, and State Experts.

This Motion was filed on October 25, 2010 by defense counsel, Jose Baez, because the Order entered on May 12, 2010 nunc pro tunc to May 6, 2010 did not specifically address the travel time and expenses incurred or anticipated for these persons. Accordingly, clarification is needed as to the authorization for payment of such

costs. The Court GRANTS this motion, nunc pro tunc to May 6, 2010, and authorizes the payment for travel time and reimbursement for travel expenses and mileage of out-of-state experts, the mitigation specialist, investigators, and state experts at the JAC approved rates and in compliance with JAC's policies and procedures as provided in this motion and its attachments.

DONE AND ORDERED in chambers at Orlando, Orange County, Florida this 2nd day of November, 2010. Nunc pro tunc to October 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 2nd day of November, 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


Judicial Assistant