

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

CASE NUMBER 2008-CF-15606

STATE OF FLORIDA,  
Plaintiff,

v.

CASEY MARIE ANTHONY,  
Defendant.

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ORDER DENYING AMENDED SECOND MOTION TO PRECLUDE  
DEATH PROCEDURES FOR IMPERMISSIBLE PROSECUTORIAL MOTIVES

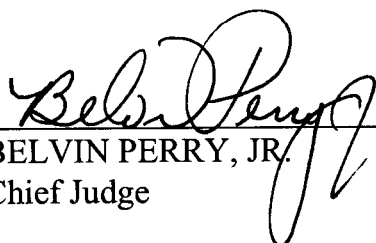
This matter came to be heard on May 11, 2010 on the Amended Second Motion to Preclude Death Procedures for Impermissible Prosecutorial Motives, filed April 28, 2010.

The defense argued that one month after a hearing regarding Defendant's finances, the State decided to seek the death penalty, which shows a motive to "break the defense," and repeated arguments that the Court has discretion to restrict the State's ability to seek the death penalty. The state argued there was no discussion of counsel's fees at the time of the hearing and denied that the record would support an improper motive.

The Court finds the defense has failed to meet its burden of establishing improper prosecutorial motives.

It is hereby ORDERED AND ADJUDGED that the Motion is DENIED.


DONE AND ORDERED in chambers at Orlando, Orange County, Florida this 11th day of May 2010.

  
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BELVIN PERRY, JR.  
Chief Judge

Certificate of Service

I certify that a copy of the foregoing Order Denying Amended Second Motion to Preclude Death Procedures for Impermissible Prosecutorial Motives has been provided this 11<sup>th</sup> day of May 2010 to the following:

- Linda Drane Burdick, Jeffrey L. Ashton, and Frank George, Assistant State Attorneys, 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

  
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Judicial Assistant