

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.

_____/

ORDER DENYING MOTION FOR RECONSIDERATION OF THE
COURT'S ORDER GRANTING STATE'S MOTION FOR SANCTIONS /
MOTION TO COMPEL AND REQUEST TO VACATE FINDING OF CONTEMPT

This matter came before the Court for consideration of this defense Motion, which was filed January 11, 2011.

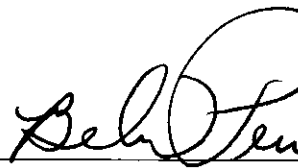
The Court presumes that lead counsel Jose Baez does not intend to contest the *amount* assessed against him, as he was permitted to do within five days in the Order Granting State's Motion for Sanctions / Motion to Compel, filed January 6, 2011. Instead, counsel argues a determination of civil contempt is unnecessary to ensure compliance with the Court's order regarding discovery. However, as the record will clearly reflect, the Court did not hold counsel in contempt.

The assessment of \$583.73 against counsel was a sanction authorized by Florida Rule of Criminal Procedure 3.220(n)(2) for willful violation of a discovery order after the Court granted the State's request for additional discovery pursuant to Florida Rule of Criminal Procedure 3.220(f). Sub-section (f) authorizes the Court to require "such other

discovery to the parties as justice may require.” The Court then issued an Order clarifying the specific information each side was required to produce, and concluded that counsel willfully violated the very specific direction in that Order.¹

It is hereby ORDERED AND ADJUDGED that the Motion for Reconsideration of the Court’s Order Granting State’s Motion for Sanctions / Motion to Compel and Request to Vacate Finding of Contempt is DENIED.

DONE AND ORDERED in chambers at Orlando, Orange County, Florida this 20th day of January 2011.

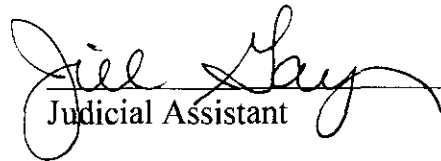

BELVIN PERRY, JR.
Chief Judge

¹ Counsel now details efforts to fax approximately 300 pages, which the Clerk’s office declined, as well as attorney William Slabaugh’s trek through rush hour traffic to file these pages, only to reach the courthouse after closing time on the date the information was due. Counsel did not previously offer the information set forth in page six of the instant Motion for Reconsideration. Regardless, counsel was directed to provide “a statement of the specific subjects upon which the expert will testify and offer opinions; the substance of the facts to which the expert is expected to testify; and a summary of the expert’s opinions and the ground for each opinion.” Dropping 300 pages of documentation into the court file cannot reasonably be interpreted to comply with this direction.

Certificate of Service

I certify that a copy of the foregoing Order Motion for Reconsideration of the Court's Order Granting State's Motion for Sanctions / Motion to Compel and Request to Vacate Finding of Contempt has been provided this 20th day of January 2011 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


Judicial Assistant