

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 MOTION IN LIMINE TO PROHIBIT THE USE,  
IN ANY FASHION, OF INTERNET MY SPACE REFERENCES  
ATTRIBUTABLE TO THE DEFENDANT AS "DIARY OF DAYS"

This matter came before the Court for consideration of this defense Motion, which was filed December 30, 2010 and the state's response, filed January 18, 2011.

The defense alleges the Defendant's posting does not meet the test of relevancy because it does not tend to prove or disprove any issue in this case, and any probative value would be substantially outweighed by the danger of unfair prejudice.

The state argues every act of the Defendant between June 16, 2008 and July 15, 2008 is relevant to rebut her statements that Caylee was taken from her and that she was conducting her own investigation into her daughter's whereabouts. The state argues this posting is inconsistent with that of a mother desperately seeking her kidnapped child.

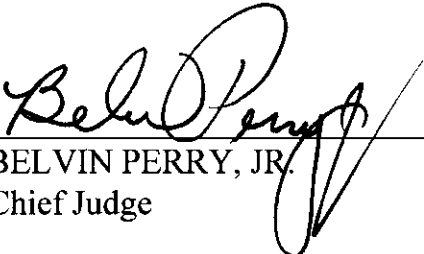
Social networking sites and blogs are sophisticated tools of communication where the user voluntarily provides information that the user wants to share with others .... The user can choose what information to provide .... [i]n the absence of limitations imposed by the user, whatever is posted [is] available to the world at large.

*Griffin v. State*, 995 S. 2d 791, 800-801 (Md. App. 2010), *citing Independent*

*Newspapers, Inc. v. Brodie*, 966 A.2d 432 (Md. 2009). There is nothing inherently prejudicial about this posting, nor is it likely to inflame the passions of the jury. Thus, the potentially prejudicial effect of this evidence does not outweigh its potentially probative value. It is relevant to show the Defendant's state of mind during the time when Caylee Marie Anthony was missing and ultimately, when it was determined that she had died. The weight of this evidence is a matter for the jury.

It is hereby ORDERED AND ADJUDGED that the Motion in Limine to Prohibit the Use, in Any Fashion, of Internet My Space References Attributable to the Defendant as "Diary of Days" is DENIED.

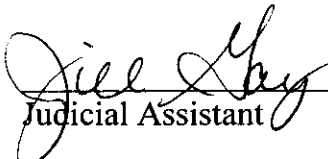
DONE AND ORDERED in chambers at Orlando, Orange County, Florida this 10<sup>th</sup> day of February 2011.

  
BELVIN PERRY, JR.  
Chief Judge

Certificate of Service

I certify that a copy of the foregoing Order has been provided this 10<sup>th</sup> day of February 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

  
Jill Gray  
Judicial Assistant