

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 IN LIMINE TO
EXCLUDE IRRELEVANT EVIDENCE OF TATTOO

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.

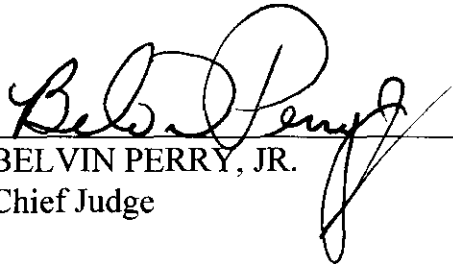
The defense alleges the media and blog accounts of the Defendant's tattoo has led to "an outpouring of prejudice and contempt from potential jurors" and argues that introducing this evidence at trial will provoke a similar response. The defense argues evidence relating solely to the Defendant's character is inadmissible when it has a tendency to provoke a highly inflammatory reaction.

The state argues this evidence is not offered to show character, and further argues the circumstances surrounding the timing and nature of the tattoo are relevant and probative to show the Defendant's state of mind. On July 2, 2008, when her daughter was allegedly missing and she was conducting her own search, she obtained a tattoo reading "La Bella Vita" (translated as "the beautiful / good life"). She did not appear to be upset, and when asked how her daughter was, she simply replied, "fine."

There is nothing inherently prejudicial about tattoos, which are increasingly prevalent among the population, nor is this particular tattoo 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 Exclude Irrelevant Evidence of Tattoo is DENIED.

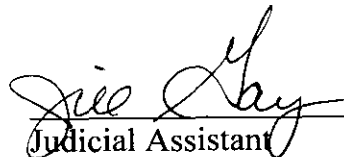
DONE AND ORDERED in chambers at Orlando, Orange County, Florida this 10th day of February 2011.


BELVIN PERRY, JR.
Chief Judge

Certificate of Service

I certify that a copy of the foregoing Order has been provided this 10th 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


Judicial Assistant