

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 TO DECLARE FLORIDA STATUTE
921.141 UNCONSTITUTIONAL UNDER RING V. ARIZONA and
ORDER DENYING MOTION TO DECLARE FLORIDA STATUTE
921.141 UNCONSTITUTIONAL FOR INADEQUATE APPELLATE REVIEW

This matter came to be heard on May 11, 2010 on the Motion to Declare Florida Statute 921.141 Unconstitutional under *Ring v. Arizona* and Motion to Declare Florida Statute 921.141 Unconstitutional for Inadequate Appellate Review, both filed November 25, 2009.

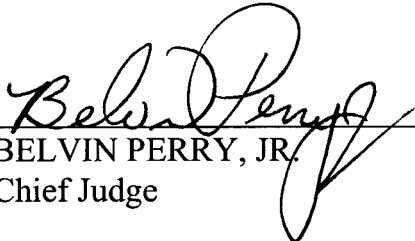
The defense acknowledged that the Florida Supreme Court has ruled on these issues, but argued the statute is unconstitutional as applied, because there is no requirement for the jury to find a single aggravating factor before recommending that the death sentence be imposed. The state argued the motion is premature and the Court cannot entertain an “as applied” argument until there is a jury verdict in this case.

The Court is bound by *Bottoson v. Moore*, 833 So. 2d 693 (Fla. 2002), and *King v. Moore*, 831 So. 2d 143 (Fla. 2002), wherein the Florida Supreme Court has rejected arguments that Florida’s death penalty is unconstitutional based on *Ring v. Arizona*, 536

U.S. 584 (2002).

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


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


BELVIN PERRY, JR.
Chief Judge

Certificate of Service

I certify that a copy of the foregoing Order Denying Motion to Declare Florida Statute 921.141 Unconstitutional under *Ring v. Arizona* and Motion to Declare Florida Statute 921.141 Unconstitutional for Inadequate Appellate Review has been provided this 11~~th~~ day of May 2010 to the following:

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Jill Kay
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