

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 STRIKE
STATE'S NOTICE OF AGGRAVATING CIRCUMSTANCES

This matter came to be heard on June 7, 2010 on the defense Motion to Strike State's Notice of Aggravating Circumstances, filed May 20, 2010.

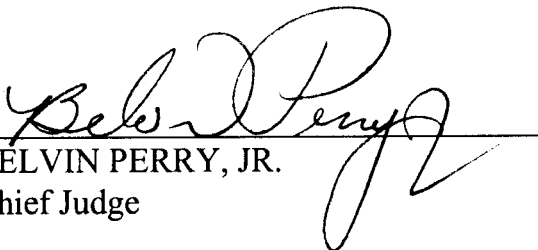
The defense argues the state's notice does not comport with the Court's order, which directed the state to disclose a list of aggravating circumstances on which it intended to rely, supported by a bill of particulars. The defense further argues the state merely filed a list of factors on which it *may* rely, failed to serve the defense with notice, and failed to provide any indication of the evidence it would use to prove the existence of those factors.

In its discretion, the Court directed the state to provide the list of aggravating factors based on *State v. Steele*, 921 So. 2d 538 (Fla. 2005). However, the Court "cannot prohibit the state from relying on an aggravator that was either undisclosed or disclosed beyond the deadline." *Id.* at 544. Furthermore, contrary to the defense argument, the Court did not require the state to provide "any indication of the evidence" it intends to use to support those aggravators.

The state has complied with the Court's Order by providing a notice that is sufficient to advise the defense of the aggravating factors the state intends to attempt to prove, citing the corresponding sub-sections of section 921.141(5), Florida Statutes.

It is hereby ORDERED AND ADJUDGED that the Motion to Strike State's Notice of Aggravating Circumstances is hereby DENIED.

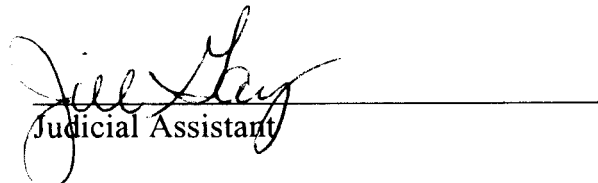
DONE AND ORDERED in chambers at Orlando, Orange County, Florida this 7th day of June 2010.


BELVIN PERRY, JR.
Chief Judge

Certificate of Service

I certify that a copy of the foregoing Order Denying Motion to Strike State's Notice of Aggravating Circumstances has been provided this 7th day of June 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
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Jill Stey
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