

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 IN PART AND GRANTING IN PART
MOTION IN LIMINE TO INTRODUCE PRIOR BAD ACTS AND
OTHER CIRCUMSTANTIAL EVIDENCE PERTAINING TO ROY M. KRONK

This matter came before the Court for consideration of this defense Motion, which was filed November 19, 2009.

The defense seeks permission to introduce circumstantial evidence tending to indicate that a third party, rather than the defendant, is equally likely to be responsible for the death of Caylee Marie Anthony. In support, the defense cites several instances of Mr. Kronk's prior actions, including "possible history of inappropriate behavior with young girls;" a history of "abusing, restraining, and holding women against their will;" using duct tape to restrain women; being involved in "an imaginary world of fantasy and violence;" and the possibility that he knew the location of Caylee Marie Anthony's remains and may have had possession or control of them before alerting law enforcement.

Similar fact evidence, or evidence totally unrelated to the charged offenses, is admissible to prove a material fact in issue, such as motive, intent, preparation, plan,

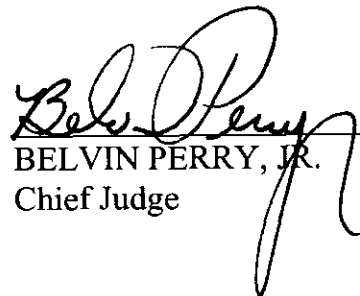
knowledge, identity, or absence of mistake or accident. *Williams v. State*, 110 So. 2d 654 (Fla. 1959); §90.404(2)(a), Fla. Stat. Dissimilar fact evidence of prior bad acts is admissible to establish the relevant context in which the charged criminal acts occurred. *Caruso v. State*, 645 So. 2d 389, 394 (Fla. 1994); 90.402, Fla. Stat. Mr. Kronk's purported inappropriate or abusive behavior does not tend to prove or disprove any material fact in the case, and it is not admissible under either of these rules.

As for the possibility that Mr. Kronk knew the location of Caylee Marie Anthony's remains and may have had possession or control of them before alerting law enforcement, Mr. Kronk may be questioned about his 911 calls, wherein he reported a "suspicious bag" in the woods near the 8700 block of Suburban Drive, and any other evidence regarding his contact with Caylee Marie Anthony before law enforcement officers ultimately took custody of her remains.

It is hereby ORDERED AND ADJUDGED that the Motion in Limine to Introduce Prior Bad Acts and Other Circumstantial Evidence Pertaining to Roy M. Kronk is DENIED with respect to prior bad acts and GRANTED with respect to circumstantial evidence.

DONE AND ORDERED in chambers at Orlando, Orange County, Florida this


20th day of January 2011.


BELVIN PERRY, JR.
Chief Judge

Certificate of Service

I certify that a copy of the foregoing Order Denying in Part and Granting in Part Motion in Limine to Introduce Prior Bad Acts and Other Circumstantial Evidence Pertaining to Roy M. Kronk has been provided this 20~~th~~ 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