

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 GRANTING MOTION FOR STATEMENT OF  
PARTICULARS PROVIDING NOTICE OF AGGRAVATING CIRCUMSTANCES

This matter came to be heard on May 11, 2010 on the Motion for Statement of Particulars Providing Notice of Aggravating Circumstances, filed November 25, 2009, and the state's written Response and Conditional Request for Reciprocal Compliance, filed May 6, 2010.

The defense argued the state has reversed course and announced it would seek the death penalty in this case, after initially declaring it would not do so, and has declined to respond to requests for the basis of this decision. The state acknowledged that pursuant to *State v. Steele*, 921 So. 2d 538 (2005), the Court has discretion to order the state to provide a list of aggravating factors, but argued the defense is demonstrating a "pretense of ignorance" and attempting to require the state to disclose its legal theory. Further, the State argues that if it is required to provide a list of aggravating factors, reciprocal discovery requires the defense to provide a list of mitigating factors.

The State has filed notice of its intention to seek the ultimate penalty in this case

and as it is often repeated, “death is different.” The Court agrees with the defense that this issue implicates Defendant’s due process rights, and in the exercise of its discretion, the Court requires the state to provide notice of the aggravating factors it intends to prove. In view of the potentially unlimited list of possible mitigating factors, the Court will not require the defense to provide a reciprocal list.

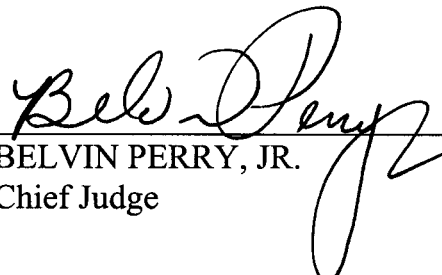
It is hereby ORDERED AND ADJUDGED:

1. The Motion for Statement of Particulars Providing Notice of Aggravating Circumstances is GRANTED.

2. Within 10 days, the state shall provide the defense with a list of all aggravating factors it would intend to prove in the penalty phase proceeding if Defendant is convicted of first-degree murder.

3. The state’s request for a list of mitigating factors the defense would seek to prove in said penalty phase proceeding 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 Granting Motion for Statement of Particulars Providing Notice of Aggravating Circumstances has been provided this 14<sup>th</sup> day of May 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
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Judicial Assistant