

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 GRANTING STATE'S MOTION FOR
CLARIFICATION / TO COMPEL COMPLIANCE
WITH ORDER FOR ADDITIONAL DISCOVERY

This matter came before the Court for consideration of the state's Motion for Clarification / To Compel Compliance with Order for Additional Discovery, filed December 1, 2010.

The state notes that on November 29, 2010, the Court ordered the defense to identify the subject matter to which the expert witnesses would testify, and argues that since the Court noted the absence of reports from the experts as the reason for its order, the Court must have intended for the defense to provide a brief summary of the information that would have been included in such reports.

The list provided by the defense includes the name of each expert, followed by a one or two-word reference to the expert's area of specialization and the expert's address. According to copies of the e-mail exchange provided by the state, the defense position is that the state knows what the forensic issues are and may inquire if the state has questions

about any particular witness. The state's position is that the Court's order required the defense to reveal "the substance of the testimony of the witnesses" and that the limited information provided renders it difficult to conduct adequate depositions.

The exact language of the Court's Order was as follows:

... Defendant shall also provide to the State a list of the Defendant's experts that shall include the subject matter as to what the experts will testify to and the area of expertise for each expert.

While the Order included the term "subject matter" rather than "substance," the Court finds that the list provided by the defense does not comply with the intent of the Order or the intent of the Court as expressed in the November 29, 2010 hearing.

Therefore, it is ORDERED AND ADJUDGED:

The State's Motion for Clarification / To Compel Compliance with Order for Additional Discovery is hereby GRANTED.

Where the experts have not prepared reports of examination or tests, both the state and the defense are required to provide the following information, which shall be filed with the Clerk of Court in the form of a written pleading:

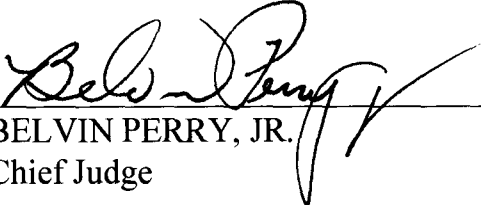
1. The expert's curriculum vitae or qualifications of the experts;
2. The expert's field of expertise or medical specialty;
3. A statement of the specific subjects upon which the expert will testify and offer opinions;
4. The substance of the facts to which the expert is expected to testify; and

5. A summary of the expert's opinions and the grounds for each opinion.

With respect to Dr. Scott Fairgrieve and Dr. Jane Bock, this information is to be provided by 12:00 p.m. on Tuesday, December 14, 2010.

With respect to all other experts, this information is to be provided by 3:00 p.m. on Thursday, December 23, 2010.


DONE AND ORDERED in chambers at Orlando, Orange County, Florida this 10th day of December 2010.


BELVIN PERRY, JR.
Chief Judge

Certificate of Service

I certify that a copy of the foregoing Order Granting the State's Motion for Clarification / To Compel Compliance with Order for Additional Discovery has been provided this 10th day of December 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


Judicial Assistant