

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 ON EMERGENCY MOTION TO APPOINT SPECIAL MAGISTRATE  
DURING INSPECTION OF DISCOVERY WITH EXPERT WITNESSES

This matter came to before the Court on July 2, 2010 for a hearing on Defendant's Emergency Motion to Appoint Special Magistrate During Inspection of Discovery with Expert Witnesses, filed July 1, 2010. Jose Baez was present for the defense; Linda Drane Burdick, Jeff Ashton, and Frank George were present for the state.

After hearing arguments of counsel, it is hereby ORDERED AND ADJUDGED:

1. There are no reported cases where a special magistrate has been appointed to be present during the inspection of evidence. Finding no authority in the Florida Statutes or Florida Rules of Criminal Procedure, the Court finds no legal basis to grant this request.

2. There is apparent discomfort between both sides with respect to the preservation of the evidence. Nevertheless, the defense has the right to inspect evidence, and it is only reasonable to permit the attorneys and expert witnesses to do so in an air-conditioned environment, particularly during the summer in Florida.

3. By noon on July 8, 2010, the defense shall provide a complete list of the items to be inspect, specifically grouped by the date on which the inspection is to occur, either

July 13, 2010 or July 14, 2010. A copy of this list shall be provided to the Orange County Sheriff's Office, the State Attorney's Office, and this Court.

4. The Orange County Sheriff's Office shall move the evidence to be inspected to an air-conditioned location with sufficient room for at least four experts, two attorneys, and interns or photographers for the defense team. In addition, there should be a separate space for the witnesses and attorneys to confer privately.

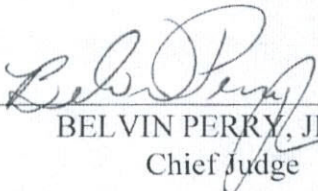
5. Representatives of the Orange County Sheriff's Office and the State Attorney's Office may be present during the inspection.

6. The Orange County Sheriff's Office is permitted to videotape the opening / unsealing, inspection, and closing / sealing of the evidence. Prior to the release of the videotape, attorneys for the state and the defense shall view the tape, along with the Court, to determine whether any portion needs to be redacted.

7. Those inspecting, photographing, or otherwise handling the evidence shall wear proper protective attire as dictated by the Orange County Sheriff's Office.

8. The Court will be available all day on July 13, 2010 and July 14, 2010 if any disputes arise.

DONE AND ORDERED in chambers at Orlando, Orange County, Florida this 5<sup>th</sup> day of July 2010.

  
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BELVIN PERRY, JR.  
Chief Judge

Certificate of Service

I certify that a copy of the foregoing Order on Emergency Motion to Appoint Special Magistrate During Inspection of Discovery with Expert Witnesses has been provided this \_\_\_\_\_ day of July 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
- Linda Kenney Baden, Esquire, 15 West 53rd Street, Suite 18B, New York, New York 10019



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Judicial Assistant