

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO.: 2008-CF-015606-O

Plaintiff,

vs.

CASEY MARIE ANTHONY,

Defendant.

**ORDER ON DEFENDANT'S MOTION TO MODIFY THE COURT'S ORDER ON
DEFENDANT'S APPLICATION FOR SUBPOENA DUCES TECUM FOR
DOCUMENTS IN THE POSSESSION OF TEXAS EQUUSEARCH**

On August 29th, 2009, this Court entered an Order requiring Texas Equusearch (TES) to disclose to all parties documents relating to 32 searchers identified in TES documents by Attorney Brad Conway as searchers who performed a search of the area on Suburban Drive, near Hidden Oaks Elementary School. In its Motion to Modify the Court's prior order, the defendant alleged that there were, in fact, TES searchers who searched the area where Caylee Anthony's remains were found who were not listed among the original 32 individuals proffered by TES. Defense Counsel alleged that its investigation turned up perhaps four other individuals who may have searched the area whose names were not among those provided by TES. Included among defense exhibits are the statements of Joseph Jordan and Laura Buchanan, both of whom indicate that the area in question was searched by them on various dates.

TES argued that the 32 searchers listed were flagged as a result of an inspection of the 4,000 files by Attorney Brad Conway. Further, TES argued that, at all times since August 27th,

2009, it has maintained the files at the office of Mr. Nejame for the purpose of being viewed by defense counsel at any opportune time. TES argued that in spite of its compliance with this Court's order, no visit was ever made by any representative of the Defendant or defense counsel. Further, TES stated that searcher Joe Jordan's name was among the 32 searchers identified by TES and disclosed to the defense. While the name and signature are difficult to read on the document, it is apparent to the Court that it was provided. As for Ms. Buchanan, it is clear to the Court that she was assigned to search in the Blanchard Park area, as indicated on her report, but chose instead to go on her own to the Suburban Drive area. TES argued that it is unreasonable and unrealistic to expect that TES would be able to monitor every searcher who, on their own, searched areas they were not assigned.

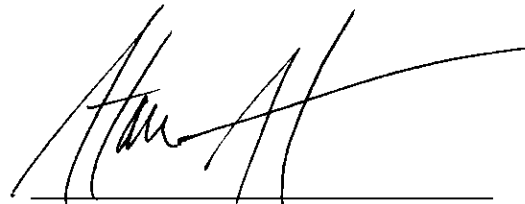
Having now reviewed all of the exhibits submitted, this Court sees no reason to modify its original Order of August 27th, 2009. The files are still available for review at the office of Mr. Nejame, and, if flagged for review and no agreement can be reached, this Court remains able to schedule an in camera review followed by a ruling. Additionally, statements or depositions may be taken of Mr. Jordan and Ms. Buchanan, which may provide the names of other individuals who assisted them in their search.

Regarding Ms. Buchanan, it is clear from her affidavit that she was assigned to search another area and went to the area in question on her own. In fact, her search report lists the area searched as Blanchard Park. Therefore, her search was not one authorized and directed by TES. It is unreasonable to assume that just because one or more searchers also affiliated with TES conducted a search outside of their assigned area on his or her own, that all other searchers should be subject to a loss of their anonymity.

No information has been brought before this Court which would justify the forced release of the names of individuals who offered their time and resources in exchange for anonymity, to help find a missing child. These persons are certainly not precluded from stepping forward to volunteer their thoughts or findings, however, this Court cannot sanction the wholesale upheaval of TES' loosely structured system, thus potentially impeding future searches, based upon the evidence presented.

Therefore, the Defendant's Motion to Modify the Court's previous order is denied.

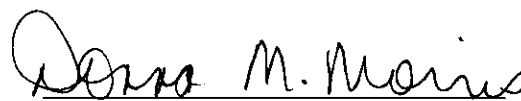
DONE AND ORDERED in Chambers, at Orlando, Orange County, Florida, this 5th day of April, 2010.



STAN STRICKLAND
Circuit Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Order has been furnished via U.S. Mail or hand delivery to Linda Drane Burdick, Esquire, Jeff Ashton, Esquire, and Frank George, Esquire, Office of the State Attorney, 415 North Orange Avenue, Orlando, FL 32801; to Jose Baez, Esquire, 522 Simpson Road, Kissimmee, FL 34744; to J. Cheney Mason, Esquire, 390 N. Orange Avenue, Suite 2100, Orlando, FL 32801; to Andrea Lyon, Esquire, Director, Center for Justice in Capital Cases, DePaul University College of Law, 1 E. Jackson Blvd, Chicago, IL 60604; and to Mark Nejame, Esquire, Nejame, LaFay, Jancha, et al, 189 S. Orange Avenue, Suite 1800, Orlando, FL 32801, on this 5th day of April, 2010.



Judicial Assistant