

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

STATE OF FLORIDA,

CASE NO.: 48-2008-CF-0015606-O

Chief Judge: Belvin Perry, Jr.

Plaintiff,

vs.

CASEY MARIE ANTHONY,

Defendant.

**RESPONSE TO MOTION TO QUASH THE COURT'S ORDER ON DEFENDANT'S
APPLICATION FOR SUBPOENA DUCES TECUM FOR THE DOCUMENTS IN THE
POSSESSION OF TEXAS EQUSEARCH BASED ON BAD FAITH**

COMES NOW your undersigned counsel, on behalf of the Defendant, CASEY MARIE ANTHONY, who file this their Response to the allegations of counsel for Texas Equusearch, hereinafter referred to as "TES", and shows:

1. It is apparent that counsel for TES has chosen to not understand the clear and direct theories of defense with respect to his client's "searching" for the victim. This is really a simple proposition that everyone else seems to grasp. In summary, it can be set forth as follows:

If any evidence exists of persons searching the specific area where the remains of the child were found, and no such remains were then present, but obviously showed up later at the same spot, then significant questions arise as to when and how the remains were placed in that location. It is the Defense position that Casey Anthony was either in custody or under such relentless and continuous public scrutiny that she could not have placed the remains of her child, where discovered, any time after the Texas Equusearch searches. Thus, when the remains

of Caylee Anthony were discovered on December 11, 2008 the Defendant had been in custody and could not have placed those remains there. The inescapable conclusion, therefore, is that, if there is evidence of the searches of the area revealing the absence of the remains, then the discovery proves, conclusively, that somebody else had to put the remains there. While this does not necessarily mean that the Defendant was in no way involved in the death of the child (by whatever manner and means), it certainly raises a substantial reasonable doubt as to her culpability.

2. The Defense has consistently sought to try to discover the evidence of who may have searched the area and could provide evidence as to what they found, or did not find. The Defense has at no time suggested that Texas Equusearch should be expected to maintain complete control and records of who was or was not in the area. By their own assertions, they claim to have had approximately 4,000 people searching various areas of central Florida. What we do know, however, is that there are people who were "signed on" with Equusearch and did searches in accordance with their logs and records, but then also, on their own, or in unrecorded efforts, searched other areas. This is evidenced by the positions taken by witnesses Joe Jordan and Laura Buchanan. It is further also evidenced by the most recent discovery documentation provided by the state of Florida on or about the 22nd of July, 2010, by the statement provided that there were several people that searched on their own in different areas.
3. Texas Equusearch has professed to have a desire of trying to help, and trying to seek the truth. Yet, when it comes down to inquiries about what evidence there may be regarding the search, they have taken a consistent position of obstruction. It may well be that it is more the influence of Texas Equusearch counsel for his own private

and personal reasons, more so than the organization itself.

4. Counsel for TES in page 3, paragraph 3, of his most recent filing apparently acknowledges that it is the position of his client that their records do not indicate any searches in the immediate area where the remains were found. If that is the case, then it is patently absurd for them to take an obstructionist position of trying to suggest or, for that matter, for the prosecution to suggest, that the remains were there the whole time and just simply not discovered.
5. After the Defense theory emerged, based on information received from Buchanan and Jordan, the State and apparently TES, in tandem, evolved a position that the remains were there, but simply underwater and, therefore, could not have been searched and found. Thus, not only is the issue compelling as to whether the remains were there or not, and whether they were searched or not, but whether or not that specific area was underwater and could not have been searched. Remember, the Defense discovered witnesses said it was not underwater.
6. The area in question is of varying topography. At any given time, some of the areas in that very long block are underwater, and some are not. Moreover, at the time of the TES searching, much of the area was so overgrown that it could not be seen from the road right away and, thus, a person walking along there could not even tell whether the critical area was actually underwater or not.
7. Counsel for TES has mischaracterized statements attributable to Defendant counsel (Mason). The actual statement was with reference to depositions taken of those persons listed by the state of Florida that supposedly searched the specific area. Upon examination of those witnesses, it turned out that they did not search the

specific area and, accordingly, cannot reliably testify as to whether the immediate area was underwater or not. That was because the overgrown conditions made it basically impossible. The truth, then, is that this is an even more compelling reason to justify providing the Defense with an opportunity to investigate all of the potential witnesses.

8. Historically, counsel for TES has argued that a review of all of the records may somehow involve a right of privacy of the volunteers who chose to search. As counsel for TES acknowledges, it has been stated previously, and repeated here again: It is unreasonable to expect that those person who volunteered to search had any concern about their "rights of privacy". They did not have any such reasonable expectation then, and they do not have it now. Moreover, contrary to the bald assertions without justification by TES counsel, the Defense is not remotely interested in "harassing" any witness. All that we want to do is be able to call the identified persons to ask them whether or not they searched the specific area, regardless of whether they signed in to do it, or were otherwise registered with TES for that purpose. Any attempt to assert rights of privacy, on behalf of TES, by their counsel, should fail because of his admitted waiver. That is that he allowed an attorney, not related to the Defense of Casey Anthony, to view all 4,000 pages of documents, making whatever notes and conclusions he wanted to do, and then allowing the State to do the same thing.
9. With respect to the repeated and somewhat scandalous assertions by TES counsel, the truth of the matter of what happened in the inspection is set forth in attached Affidavit of defense counsel, Mason. See Exhibit "A". **TES counsel, NeJame, was**

not even present. In sum, despite the apparent efforts in self-serving proclamations by TES counsel, when Defense did make arrangements to go to inspect the documents, they were still prohibited from being able to make any recordings, take any notes, to make any copies, or to otherwise obtain any information, other than simply to view the 4 boxes. In reality, 2 of the boxes were immediately removed by TES volunteer, Fitzgerald, and defense counsel were not allowed to look in them at all. What was the purpose of that? TES counsel says it was to show that they were not hiding anything! Defense counsel were not even allowed to make an inventory, of any description, of the files that they did view and mark. How, then, would the Defendant's team ever know what was, in good faith, to be turned over by TES counsel?

10. TES counsel has apparently attempted to create a record that they cooperated by providing 4 boxes of documents. In reality, there was no index, no markings, no identifications, and no way to know what was in the boxes when 2 of them were summarily removed and counsel not allowed to view. When the review of the other 2 began, somehow, "mysteriously", local news media (Channel 6 news reporter with cameraman) appeared in the TES lawyer's private conference reception room and were seen to be surreptitiously filming your undersigned counsel's efforts to review files.
11. Additionally, TES counsel acknowledges that he allowed another lawyer, not part of the defense team, to review all of the documents at this leisure. Interestingly enough, that lawyer now represents the parents of the Defendant, who were previously represented by TES counsel, for whatever purposes, primarily related solely to media

appearances. There were no issues of privacy raised then; no indications that that lawyer was restricted from having copies or making notes; no indications that that lawyer had to pay cash in advance to look at the files. Where is the “bad faith” now? Counsel for TES, as said at the beginning, clearly does not understand the positions of the Defense. The Defense positions have not changed or been contradicted in any capacity whatsoever. Ill advised and uninformed conclusions by TES counsel should, frankly, be ignored.

Finally, assertions by TES counsel that the attempts to obtain the documents are a “...ploy to harass volunteers of TES...” and/or that are done to create a “...seemingly bogus appellate issue...” are equally without value and should be ignored.

Does TES counsel, NeJame, have an ulterior motive behind his efforts to thwart the Defense?

12. Mr. Mark Nejame first became indirectly involved with this case, when he solicited the Defendant’s family for representation. See Exhibit “B”. Upon immediately being retained he felt his client’s interests were best served by going on an all out media blitz. This is proudly displayed in Mr. Nejame’s firms website along with his long list of accomplishments on the Casey Anthony case. See <http://www.nejamelaw.com/mark-nejame-in-the-news/NeJame-to-make-national-media-blitz.htm>. In the three months that he represented George and Cindy Anthony, despite the scores of protesters trespassing on their property, he never filed a motion in any court or made any genuine efforts to protect his client’s interests that did not involve media appearances for him. After December 11th 2008, despite the fact that he had never visited the home of his clients, even though he no

longer represented George and Cindy Anthony and they had already retained the services of another attorney (Brad Conway) Mr. Nejame felt it was his duty to go to the Anthony home, when the entire country knew they were not there, and make statements to the media regarding this case. Mr. Nejame then stated, "I've had an opinion from being dead center in the middle of all this, I think I have a real strong understanding of what actually occurred." See <http://www.youtube.com/watch?v=3ENR8ROSwTU&feature=related>. Mr. Nejame then goes on to say "I made it clear from the onset that under no circumstances would I assist Casey." This representation is apparently untrue as Mr. Nejame made constant attempts to interfere with the undersigned's (Baez) representation of Ms. Anthony by attempting to convince her parents to fire the undersigned and to hire him. See Exhibit "C". Mr. Nejame also attempted to convince the undersigned that he could work with him, and this gracious offer was refused outright as the undersigned was seeking counsel with more trial experience.

13. The Defense grew increasingly concerned that Mr. Nejame has a direct conflict of interest in this matter as he is representing Texas Equusearch in a substantially related matter, whose interests conflict with that of his former clients. See Exhibit "B". What is more disturbing is that he has used his position with Texas Equusearch to compel his former clients to sign a waiver of conflict in exchange for their new lawyer reviewing the Equusearch documents. Exhibit "B". This can under no circumstances be considered a knowing and voluntary waiver. Furthermore, after George and Cindy Anthony withdrew their waiver. Mr. Nejame falsely claimed that

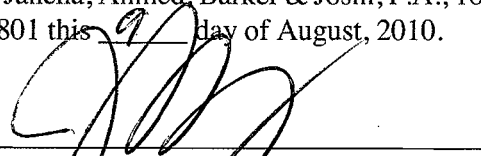
the waiver is “valid and cannot be recanted.” This court cannot allow Mr. Nejame to continue in this matter given the obvious conflict of interest. Furthermore, it is the defenses position that Mr. Nejame is using this case to further promote his own interests.

14. As the undersigned has recently discovered that Mr. Nejame approached a journalist by the name of David Lohr for the purpose of soliciting him to be a “ghost writer” for a book that he plans on writing about his 3 month experience of being the lawyer for George and Cindy Anthony, and Texas Equusearch. See Exhibit “D” (Affidavit of Jeremiah Lyons with transcript). It is blatantly obvious that Mr. Nejame is using this case as more of an attempt to gain publicity than arguing legitimate issues. Exhibit “D” also contains information that it has become clear that Texas Equusearch knowingly sent a Journalist to cover one of the searches on Suburban drive, thereby debunking their shameful arguments that the Texas Equusearch Volunteers somehow had an expectation to privacy. The end result has been a complete and total obstruction of the Defense’s attempts to seek the truth, and a waste of the Court’s time and efforts. If ever there were a picture perfect example of bad faith it is the actions by counsel for Texas Equusearch.
15. This Court, after having reviewed the history of this case, with respect to the subject of Texas Equusearch documents, has crafted a method and announced intentions, by his Order, to allow a proper investigation of the Texas Equusearch documents under the control of a Special Magistrate (Jim Glatt). This process will eliminate all questions regarding the Defense’s entitlement to full discovery, eliminate questions

of impropriety, eliminate bickering between counsel, and allow this case to proceed on in an orderly fashion, respecting the due process rights of the Defendant, Casey Marie Anthony, as well as her Constitutional entitlements to the effective assistance of counsel and the Supreme Court Mandates, recognizing that "Death is Different". The TES Motion to Quash should be denied, summarily.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery/facsimile/electronic mail to Jeff Ashton, Esq. and Linda Drane-Burdick, Esq. at the Office of the State Attorney, 415 N. Orange Avenue, Orlando, Florida 32801 and by electronic mail and facsimile to Mark E. NeJame, Esq., NeJame, LaFay, Jancha, Ahmed, Barker & Joshi, P.A., 189 South Orange Avenue, Suite 1800, Orlando, Florida 32801 this 9 day of August, 2010.



JOSE A. BAEZ, ESQ.
Florida Bar No.: 0003232
THE BAEZ LAW FIRM
522 Simpson Road
Kissimmee, Florida 34744
Telephone: 407-705-2626
Facsimile: 407-705-2625

and
J. CHENEY MASON, ESQ.
Florida Bar No.: 0131982
J. CHENEY MASON, P.A.
390 N. Orange Avenue, Suite 2100
Orlando, Florida 32801
Telephone: 407-843-5785
Facsimile: 407-422-6858
Attorneys for the Defendant

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF ORANGE

Personally appeared before me, J. CHENEY MASON, to me well known, and who having been duly sworn, deposes and states under oath as follows:

1. I am a member of the Florida Bar in good standing and have been practicing law in the state of Florida, duly licensed, for in excess of thirty-nine (39) years.
2. I became a member of the Casey Anthony defense team by appearing on March 18, 2010.
3. On April 23, 2010 I did appear with co-counsel, Jose Baez, at the law office of NeJame, LaFay, Jancha, Ahmed, Barker & Joshi, P.A. for the purpose of inspecting documents from Texas Equusearch related to the Anthony investigation.
4. This inspection was pursuant to the Order of the Court, the Honorable Stan Strickland. Said Order, in pertinent part, prohibited defense counsel from taking notes or obtaining copies of any of the documents, based upon representations, and apparent misunderstanding, by said Court as to the value of the documents and assertions of some "right of privacy". See attached Exhibit "A1".
5. Prior to attempting to have this document review, counsel for Texas Equusearch had demanded payment in advance, notwithstanding the indigent status of the Defendant. See attached letter/e-mail as Exhibit "A2". Your undersigned Affiant did point this out to TES counsel by correspondence, see letter attached hereto as Exhibit "A3".
6. TES counsel has previously filed a scandalous and impertinent pleading in this case, despite not having standing as a litigant, or counsel for litigant. Said prior filings assail the activities of your undersigned Affiant in various regards, even though that

lawyer (NeJame) was not even present for any of the examination.

7. TES counsel has further assailed the character of your undersigned by characterizing my behavior as rude, etc. Had Mr. NeJame been present, he would have known that not only was not true, but that, in fact, your undersigned did have a very pleasant conversation with Mr. Rick Jancha, partner of NeJame, while the examination was being set up.
8. TES attorney's staff were very pleasant and cordial, and there was no antagonism, rudeness, or dispute whatsoever. They put four (4) boxes on the conference room table for inspection and review.
9. None of the boxes were labeled in any capacity (at that time), nor did they have any indexes as to their contents.
10. One of the boxes was simply a long, red, and white print, "Xerox" paper box.
11. Your undersigned Affiant, as demanded by TES counsel, did promptly pay the TES observer (Fitzgerald) cash in advance to review the documents.
12. Your undersigned Affiant did immediately then begin to review the first box, the red and white Xerox box, only to have it promptly taken away by TES supervisor, and being instructed that we could not look at the contents of that box.
13. Your undersigned Affiant picked one of the other now remaining three (3) boxes, and started reviewing it, but summarily it, too, was removed by Mr. Fitzgerald, and your undersigned advised that he could not look at it.
14. Apparently, unbeknownst to counsel for TES, Mr. Fitzgerald did sign a handwritten statement confirming his refusal to allow your undersigned to look at either of those two (2) boxes. A copy of same is attached as Exhibit "A4".
15. Your undersigned began reviewing a third box and discovered that there were several

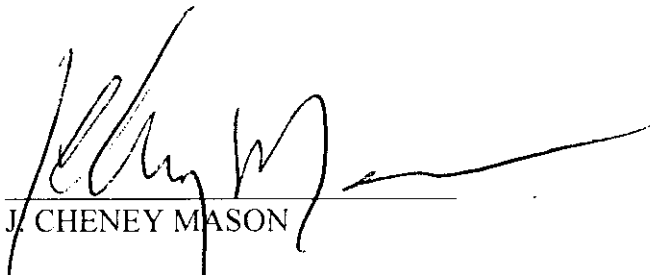
hanging files in that box that had post-it labels on there saying “no Suburban”. This apparently, since there is no index or other guiding documentation, meant no relevance to or search of Suburban Drive, the sight of the ultimate discovery of the victim’s remains.

16. Notwithstanding the numerous files that had “no Suburban” post-its on it, your undersigned, in reviewing some of them, did find contrary information, to wit: that there were people listed in those files that searched the Suburban Drive location.
17. After some passage of time, in excess of an hour, your undersigned Affiant was alerted to the fact that news media had “mysteriously shown up” in the NeJame lobby and had a television camera focused through the glass of that conference room, on your undersigned’s activities in reviewing the documents.
18. Being confronted with such a transgression of ethics, your undersigned Affiant did terminate the review, having marked numerous files, requesting that they be copied. Your undersigned did leave the conference room and complain to the receptionists for allowing the news media to “suddenly appear” in the reception room and be attempting to invade the privacy of your undersigned and the orderly attempts at discovery in preparation for the defense of this case.
19. None of the marked and tabulated documents have been copied or provided to your undersigned.
20. Your undersigned was not allowed to make any kind of inventory as to what files were actually tabbed to be requested for copying and discovery, and, therefore, has no knowledge as to the status of those files and documents now, or what have been or could be produced.
21. The various allegations made by NeJame in his prior belated response to the Motion

to Modify prior Court's Order should be stricken, not only because NeJame was not even present, but such comments are, in addition to completely erroneous, insulting, scandalous, inflammatory, and, frankly, libelous.

22. Your undersigned counsel/Affiant is a Board Certified Criminal Trial Specialist, so certified by both the Florida Bar and the National Board of Trial Advocacy. I am also a fellow of the American Board of Criminal Lawyers.
23. Your undersigned has significant experience in the handling of homicide cases, having tried and defended his first First Degree murder case in 1973.
24. This experience and the ensuing decades of defending homicide cases supports your undersigned counsel's conclusion that the investigation of the potential witnesses to the recovery scene of the remains of the victim in this case are critical to the defense of Casey Marie Anthony and any failure to do so would result in a denial of the effective assistance of counsel for her as guaranteed by her Constitutional Rights under both the Florida and United States Constitutions. Your undersigned further opines that continued efforts to oppose the reasonable investigation of these documents for determination of potential witnesses is tantamount to obstruction of justice.

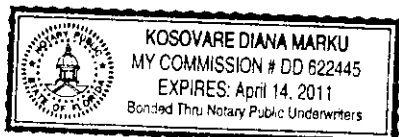
FURTHER AFFIANT SAYETH NOT.



J. CHENEY MASON

The foregoing instrument was sworn to and subscribed before me this 9th day of August, 2010, by J. CHENEY MASON.

WITNESS my hand and official seal in the state and county first above written.





NOTARY PUBLIC

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

CASE NUMBER: 48-08-CF-15606-0

STATE OF FLORIDA,

Plaintiff,

vs.

CASEY MARIE ANTHONY,

Defendant.

**ORDER ON DEFENDANT'S MOTION TO CERTIFY TIMOTHY MILLER AS A
MATERIAL WITNESS IN THE INSTANT PROSECUTION, OR IN THE
ALTERNATIVE APPLICATION FOR SUBPOENA DUCES TECUM FOR
DOCUMENTS IN THE POSSESSION OF TEXAS EQUUSEARCH**

THIS CAUSE having come on for consideration on August 21, 2009, upon the Defendant's Motion to Certify Timothy Miller as a Material Witness in the Instant Prosecution, or in the Alternative Application for Subpoena Duces Tecum for Documents in the Possession of Texas Equusearch, and the Court having reviewed the Motion, being duly advised in the premises and after due consideration, it is hereby

ORDERED AND ADJUDGED

1. That the attorney for Timothy Miller and Texas Equusearch, Mark E NeJame, has agreed to present Timothy Miller as a representative of Texas Equusearch (TES) for deposition in Orlando, Florida. The Court does not address the issue as to whether Timothy Miller will need to be deemed a material witness and said issue is rendered moot;

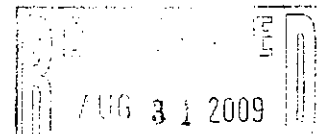


EXHIBIT A1

2. That Timothy Miller, on behalf of Texas Equusearch, is to be scheduled for deposition at a mutually convenient time between the parties. All expenses related to the deposition are to be paid by the Defendant, **CASEY MARIE ANTHONY**, prior to the deposition;

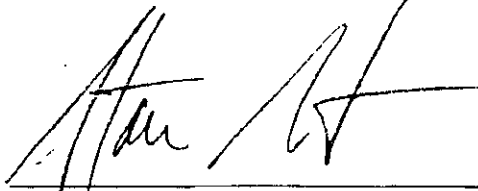
3. That the documents of the thirty-two (32) searchers, which were referenced by Mark E. NeJame as counsel for Timothy Miller and (TES) at the hearing on August 21, 2009, are to be disclosed to both the State and Defense;

4. That all documents related to all the other searchers working with or under Texas Equusearch are not to be disclosed. However, counsel for Defendant, **CASEY MARIE ANTHONY**, and the State are independently permitted to review all of the other documents relating to the other searchers, at the Law Office of NeJame, LaFay, Jancha, Ahmed, Barker & Joshi, P.A., at a mutually convenient time. If any searchers are further identified by counsel for the Defendant, **CASEY MARIE ANTHONY**, as being in the immediate proximity of where the remains of Caylee Marie Anthony were found, said searchers may be presented to the Court for an in camera review and inspection so that a decision can be made by the Court to determine materiality, relevance and possible disclosure. No notes, photographs or copies shall be taken of the other searchers documents and no disclosure regarding any information regarding the other searchers shall be disclosed or released by the Defense unless first approved by this Court;

5. The Defendant, **CASEY MARIE ANTHONY**, shall bear all costs necessary as to enable her counsel to fully review all above-reference documents and said expenses shall be paid in advance, pursuant to Florida Rules of Criminal Procedure 3.361(c)(2);

6. Counsel for Timothy Miller and Texas Equusearch is entitled to have a representative from its Firm monitor the inspection at all times. To further safeguard the requirements of this Order and will provide a representative at a minimal and reasonable expense; said expense to be paid by the Defense. If a dispute arises as to the reasonableness of costs, this issue shall be resolved by this Court, prior to an inspection.


27th **DONE AND ORDERED** in Chambers, at Orlando, Orange County, Florida, on this day of August, 2009.



HONORABLE STAN STRICKLAND
CIRCUIT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery to the OFFICE OF THE STATE ATTORNEY, Linda Drane-Burdock, ASA, 415 North Orange Avenue, Orlando, Florida 32801, Jose A. Baez, Esquire, The Baez Law Firm, 522 Simpson Road, Kissimmee, Florida 34744, Andrea D. Lyon, Esquire, 25 East Jackson Boulevard, Suite 1050, Chicago, Illinois 60604 and to Mark E. NeJame, Esquire, NeJame, LaFay, Jancha, Ahmed, Barker & Joshi, P.A., 189 South Orange Avenue, Suite 1800, Orlando, Florida 32801; this 27 day of Aug., 2009.


Judicial Assistant / Attorney

Subj: **TES documents**
Date: 4/20/2010 2:53:44 P.M. Eastern Daylight Time
From: NejameM@nejamelaw.com
To: 'jose@baezlawfirm.com', 'cheneylaw@aol.com'
CC: BalaniJ@nejamelaw.com, SealockT@nejamelaw.com

Dear Mr. Mason and Mr. Baez:

Once again, you fail to have read or have misunderstood the order. The Court specifically ordered that the monitoring cost be paid by Ms. Anthony. No argument was made by either of you at either hearing that she was unable to pay the costs that the Court had ordered or that she was unable to meet the court ordered precondition of payment. Since you knew that was a court ordered requirement, you should have made appropriate application through the JAC for the funds since another order was also apparently entered which declared Ms. Anthony indigent for cost purposes. Since this is your/your client's obligation then you must submit the expense to the JAC. I don't mind recommending that the monitor wait for his funds. I am certain that he will follow my recommendation. Even though the court order requires that these funds be paid in advance, I will make him and all the records available so long as you provide verification to me that you have submitted your claim for his compensation to the JAC prior to the scheduled meeting at my offices. As an aside, I am not seeking any funds for my Firm and am donating my resources to the effort. The paltry sum requested is solely for the monitor. The Court's order requires a monitor and you must arrange payment to him in advance.

The only delays in inspecting these records have been as a result of Ms. Anthony's attorneys laziness, inattentiveness or lack of interest. They have been available for many months. Please don't play games with me attempting to establish a record that is riddled with absurdities such as thwarting the defense's efforts to review the files. I have made efforts to make these files available to you and have waited for over 7 months for Ms. Anthony's attorneys to review them. They continue to wait for an inspection in my offices, where they have remained all these many months. I continue to be perplexed how they could have been ignored for so long in a case as serious as this. Moreover, if they are so important, I am also baffled why there haven't been any efforts to review the files. I even argued in open court for the records to be made available for the defense's review. The only "thwarting" going on has been self induced by your team.

My recommendation that the payment be deferred, seems practical and very reasonable. You can proceed with your inspection on Friday or any other day of your choosing. Your requirement will be for you to first submit a payment request to the JAC prior to your meeting and provide proof of same to me. If you don't accept this generous option, it can only be presumed and will be subsequently argued that you have in bad faith intentionally manipulated and thwarted the inspection process.

Please advise.

Sincerely,

Mark E. NeJame

Wednesday, April 21, 2010 AOL: Guest

EXHIBIT A2

J. Cheney Mason, P.A.
Attorney and Counsellor at Law

• CRIMINAL LAW
FAMILY LAW
TRIAL PRACTICE-GENERAL
• FLORIDA BAR BOARD CERTIFIED
• NATIONAL BOARD OF TRIAL ADVOCACY CERTIFIED

390 NORTH ORANGE AVENUE, SUITE 2100
ORLANDO, FLORIDA 32801
TELEPHONE (407) 843-5785
FAX (407) 422-6858

April 15, 2010

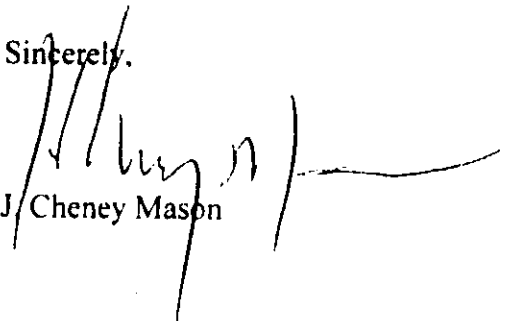
Mark E. NeJame, Esq.
NeJame, LaFay, Jancha, Ahmed, Barker & Joshi, P.A.
189 South Orange Avenue, Suite 1800
Orlando, Florida 32801

RE: State vs. Casey Marie Anthony
Orange County Case Number: 48-2008-CF-0015606-O

Dear Mr. NeJame:

Mr. Baez and I have received your letter of this date electronically. Apparently, you and yours have overlooked a material fact: the Court has declared Casey Marie Anthony to be indigent for all purposes of costs. Accordingly, there is no method by which she can pay your firm to oversee the inspection of the files. You would have to arrange to submit a claim through the JAC and await that payment. Is it your intention to thwart the efforts of the defense in reviewing these files until your firm gets paid? Please advise. If you are, then it would seem this matter would have to go back before the presiding judge for determination and further proceedings.

Sincerely,


J. Cheney Mason

JCM/kdm

cc: Jose A. Baez, Esq.

EXHIBIT A3

4.22.10

①
"admin"

Red box - Single - contains all
volunteer registration form
Not allowed to open look at this time

Bill Fitzgerald Bill Estep

② White box labeled
Admin 2 "Texas Open Search"

Not allowed to look at this time
Administrative + registration form

Bill Fitzgerald
Bill Estep

J. Cheney Mason, P.A.
Attorney and Counsellor at Law

• CRIMINAL LAW
FAMILY LAW
TRIAL PRACTICE-GENERAL

• FLORIDA BAR BOARD CERTIFIED
• NATIONAL BOARD OF TRIAL ADVOCACY CERTIFIED

390 NORTH ORANGE AVENUE, SUITE 2100
ORLANDO, FLORIDA 32801
TELEPHONE (407) 843-5785
FAX (407) 422-6858

RECEIPT for Monitor supervision on April 23, 2010 in the amount of \$ 24⁰⁰.

Bill Egan

Representative for Mark E. NeJame, Esq.
NeJame, LaFay, Jancha, Ahmed, Barker & Joshi, P.A.

February 12, 2010

Mark NeJame,
cc: Brad Conway

August of 2008, we were introduced to you by a mutual friend. We did not seek you out to be our attorney; however, the day we met you, you offered your services on the pretense that you would help us find our precious granddaughter, Caylee Marie Anthony. For the nearly 3 months that you represented us, you stated over and over again that your goal was to help us find Caylee and the truth about what happened to her, no matter what. We have always expected you to keep that promise, even when we parted as your clients.

February of 2009 you convinced our attorney, Brad Conway, that you would be cooperative with us in gaining access to TES documents pertaining to Caylee Marie, if we waived a conflict of interest for you to represent Tim Miller. Your representation of Tim Miller in a substantially related matter has become an obvious conflict of interest for finding the truth about what happened to Caylee Marie. We feel that you and Tim Miller have actually taken deliberate steps to prevent us from finding the truth. Therefore, we are withdrawing the previous signed waiver. We are also requesting that you immediately turn over ALL TES records pertaining to Caylee Marie to the defense. As Caylee's grandparents our first priority is to find justice for Caylee Marie. Everyone's priorities including those of TES should always be about the victim.

Tim Miller's promise to me when he came to Orlando August of 2008, was to help find Caylee. I was the one who arranged for Tim Miller/TES to work with the authorities on Caylee's case. He knows better than anyone how important it is for the family of the missing to get the answers that they need. His promise is not just to our family but to all families that he works with, past, present, and future.

Sincerely,
Cynthia M. Anthony

George A. Anthony



FW: Brad...please forward this letter to your clients in response to their letter to me today. I thought it best to send it to you. Call me.

Wednesday, July 14, 2010 9:04 PM

From: "Jose Baez" <josebgood@yahoo.com>

To: beth.karas@turner.com

--- On Sat, 2/13/10, Cindy Anthony <cindy@dgator.com> wrote:

From: Cindy Anthony <cindy@dgator.com>

Subject: FW: Brad...please forward this letter to your clients in response to their letter to me today. I thought it best to send it to you. Call me.

To: "jose" <josebgood@yahoo.com>

Date: Saturday, February 13, 2010, 2:53 PM

my response to brad

From: cindy@dgator.com

To: bconwaylaw@hotmail.com

Subject: RE: Brad...please forward this letter to your clients in response to their letter to me today. I thought it best to send it to you. Call me.

Date: Sat, 13 Feb 2010 19:53:04 +0000

well this shows exactly what i am talking about. Mark cannot be trusted he's already lying. The day we met with Mark we were in Williams office. We had just met with Pete B. Lee was with us. William told us he wanted us to meet with someone that he thought could help us. William called from the conference room we all stayed together. when we left Williams office Lee drove William and George and I followed. We did not even know where we were going. As we got to Marks building Mark was entering the same time as we were. William introduced us for the first time. Ironically channel 6 news was already at Marks waiting. William, Lee, George nor I called them. Wonder who did!! Other issue he is mistaken. I was not having issues with Larry Garrison until after Mark became our attorney. It was actually Jim Lichtenstein who got the proof that Larry was taking money because I was being accused by a reporter at channel 13 news. I asked Jim to get me proof that it was Larry and he did. I have the emails to prove it. Mark was the one who wanted to publically humiliate Larry. Mark is also lying about never wanting Casey's case. He kept telling me that Jose was incompetent and that he could do a better job. In fact Mark wanted to work with Jose because he thought his relationship with the sheriffs office and the states atty office could help. It was I who did not want Mark anywhere near Casey. He pushed several times for us to convince Casey to speak to him. He said Jose did not have Casey's best interest. Mark also needs to remember that although there were several times that he and I disagreed, I told him at any time he could back out. In fact I remember one day I was called to his office because he wanted to end it but after actually speaking to me and understanding where I was coming from, Mark actually asked me to stay on with him. I gave Mark another chance. If Mark recalls he was at a banquet the night we parted ways. I was at dinner with George, Michelle Bart, and Dominic when Mark called me and told me that everyone (specifically other attorneys and county officials) was asking him why he was our attorney. I believe he may have been at a Demmings party because shortly after Mark was named as part of his commity. During the call Mark was again advising me to throw Casey under the bus. That was when I told him that we were done and hung up on him. Mark started texting me that he was not going to be treated that way. I told him he didnt need

to worry because I was done with him. I have 3 witnesses. Tim Miller never came for Caylee, he came for the media, just like Mark did. Tim promised me that he would not do media except what local came to the searches. We all know what happened next. How about Tim being in with Leonard planting the Disney dress at the airport 2 days before the grand jury. I found out thru people that used to work with TES that he was involved in that but last minute did not take credit for finding the dress. Mark knows that Tim was working for the sheriffs office and never for Caylee. Ask Mark when he ever asked anyone to look for Caylee. He was too busy smoking cigars with John Alien. I would love to see Mark. You know OUR focus has always been Caylee first, Caylee second. It has never changed for us. Casey became a priority when the rules of justice began to go out the window. Justice for Caylee is justice for Casey and visa versa. It was always a priority of OCSO to prove Casey did something to Caylee and they never looked anywhere else. They have been and keep trying to make the evidence fit. When it doesn't then they alter. He makes me want to vomit when he says he cared. Mark only cares for Mark and doesn't do anything for anyone without it benefiting him. Brad I will never trust Mark, he is worse than John Morgan. Morgan can't help being a slug because he is a sick drunk. Mark has no excuse.

From: bconwaylaw@hotmail.com

To: cindy@dgator.com

Subject: Fwd: Brad...please forward this letter to your clients in response to their letter to me today. I thought it best to send it to you. Call me.

Date: Sat, 13 Feb 2010 13:35:26 -0500

Sent from my iPhone

Begin forwarded message:

From: Mark NeJame <NejameM@nejamelaw.com>

Date: February 12, 2010 5:59:43 PM EST

To: 'Brad Conway' <bconwaylaw@hotmail.com>

Cc: Mark NeJame <NejameM@nejamelaw.com>

Subject: Brad...please forward this letter to your clients in response to their letter to me today. I thought it best to send it to you. Call me.

Dear George and Cindy,

I am in receipt of your letter dated February 12th, 2010. There are several matters which need to be clarified as your letter includes a multitude of inaccuracies and falsehoods.

First, you did seek me out to be your attorney. I never solicited you whatsoever. I was in Miami when I received the first call. It was explained to me that you were getting destroyed in the press because of your behavior and that you needed assistance. I did not hear back from you for a while as you apparently chose to have Larry Garrison assist you. Soon thereafter, I was contacted again as you were disappointed with Mr. Garrison. You might remember that I was the one who uncovered Mr. Garrison taking money behind your back to parade you in front of the cameras. I agreed to meet with you at my office and a meeting was set. After I heard of what you were going through concerning Caylee being missing, I agreed to represent you. The conditions were that I would not represent Casey in any way whatsoever and that I could use whatever efforts needed to assist in finding Caylee or in determining what happened to her EVEN IF IT LED TO CASEY. You both agreed in front of numerous witnesses. You agreed that if it led to Casey then she should get whatever punishment was coming to her because your primary concern was your granddaughter, Caylee. Based upon these conditions, I agreed to represent you.

I worked very hard and was very effective during the time I represented you both in this regard. I won't detail my efforts as they are well known and documented. I terminated my representation after I had enough of you not following advice, being deceptive and working against the cause of finding Caylee and shifting your focus to defending Casey. The facts were becoming overwhelming that your daughter was fully involved in Caylee's disappearance. Your focus, contrary to your present assertions, didn't seem to be directed towards finding the truth about what happened to Caylee, but rather more and more on protecting Casey.

Regardless of the above, I always treated you with respect. Tim Miller and TES were involved in the search of Caylee and worked long and hard in that regard. The goal was the same as your stated goal...finding Caylee or find whatever happened to her. This is contrary to your daughter and her attorney's goal. As such, there was no conflict and there is no conflict concerning what I or Tim are doing.

It is pretty apparent that you are either lying or staying intentionally blind to the truth. If you chose to listen to the truth you would know that I voluntarily provided YOUR ATTORNEY the first look at all the TES documents of the searchers I had in my possession. He saw them before anyone in my office did or the State did. I did this out of respect and courtesy to you so that you could see the truth. There was no consideration for this whatsoever. I did it purely out of respect for your situation and so that you would know the truth. Brad, over several days, went through all the documents privately and without restriction for review. Any document that he came across that he thought had relevancy to the site where Caylee was found he tabbed. I then allowed the State to review the documents and they did the same thing. The only person who has not taken the time to come by and view the documents is your daughter's attorney. A time was set up and cancelled by them. We have all this documented. There are court minutes in which I argued that Casey's lawyers be permitted to review all 4,000 documents like the others and if they came across anything that they thought relevant over and above the 32 that were identified by my office, the State or your lawyer, then they could be identified and tabbed and brought before the Judge so that he could determine relevancy. The court adopted my argument in its Order.

Stop all of your silly and nonsensical ranting. It seems that you are fabricating matters in an effort to do whatever it takes to help Casey's defense...even if it means ignoring the truth about what really happened to Caylee. If you don't care about what happened to Caylee then just admit it. Stop twisting the truth and doing the bidding for her defense. The Court adopted my argument at the hearing, permitting Casey's defense to come and review all 4,000 documents. They have failed to do so. It is not me who has frustrated the review of the documents, but Casey's own lawyers. They remain available for review as they have for months.

I did not get a waiver from you in consideration of Brad reviewing the TES documents. Check your dates and facts. They were unrelated. Your waiver is valid and cannot be recanted. Regardless, it's irrelevant. My mission continues to be to determine what happened to Caylee, even if yours is not. I don't expect that to be the mission of your daughter or her attorney, but I had hoped for better from you concerning Caylee.

Since you are in obvious contact with Casey's defense, please stop doing their bidding without first getting your facts straight. A court order is in place which controls this. It is nothing but harassment to 4,000 people who did not search the site where Caylee was found. They have no relevancy. However, if after your daughter's counsel reviewed the 4,000 documents and had a different opinion as to any of them, then a procedure was in place for him/them to have it disclosed. They haven't bothered coming by to even do this preliminary evaluation. Your blame is misdirected. I'm sure after you show them this letter they will come running in to now review the documents. Ask yourself why they haven't done so for all these many months?

If you wish to deal with the truth, come by my office with your very good attorney, Brad Conway. Without drama or argument, allow me to show you exactly what I am referencing in this letter. If your mind is open to the truth, which sadly, it does not seem to be, than the facts are evident and clear. If on the other hand, you only want to defend Casey regardless of the facts or the truth, then all of our time would be wasted as you will only keep lying to yourselves and others.

Even though you wrote to me directly, I am sending this to Brad Conway, so that he may forward it to you since he is your attorney.

Regards,

Mark E. NeJame

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF ORANGE

Comes now, JEREMIAH LYONS, and who first being duly sworn deposes and says as follows:

1. I am over the age of eighteen years and a citizen of the United States of America.
2. I am a licensed private investigator holding a current license in good standing in the state of Florida.
3. I am the principal investigator for the defense team in the case of the State of Florida v. Casey Anthony, pending in the Circuit Court in and for Orange County, Florida, case number: 48-2008-CF-0015606-O.
4. On Tuesday, August 3, 2010, I had a telephone conversation with Mr. David Lohr.
5. With Mr. Lohr's expressed permission, the telephone conversation was digitally recorded.
6. The recording of the telephone conversation with Mr. Lohr has been transcribed, and I have reviewed the transcription simultaneously with the playing of the recording.
7. The transcription is a true and accurate transcription of the Lohr conversation and is attached hereto.

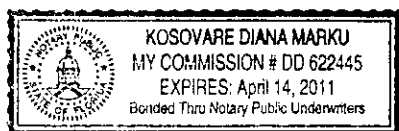
FURTHER AFFIANT SAYETH NOT.



JEREMIAH LYONS

BEFORE ME, the undersigned authority, the foregoing instrument was sworn to and subscribed this 6th day of August, 2010, by Jeremiah Lyons, who has provided his Florida driver's license, which number is L520-433-51-456-0, as identification, and has acknowledged before me that he read and executed the same and that the facts contained therein are true and correct.

WITNESS my hand and official seal in the state and county first above written.





NOTARY PUBLIC

EXHIBIT D

**August 3, 2010 recording of telephone call between
David Lohr ("DL") and defense investigator, Jeremiah Lyons ("JL")**

JL: Alright, I have the recording going. My name is Jerry Lyons. I am an investigator with the Casey Anthony defense team.... and I am speaking with, Dave, can you say and spell your full name?

DL: Yes, David Lohr, D-A-V-I-D-L-O-H-R.

JL: And your address? If you want to give me your work address, that's fine.

DL: Yeah, let me see what my work address is, I'd rather my home address...

JL: Alright, whatever is better for you.

DL: Yeah, I got to look it up here... yeah, it's 770 Broadway Street, New York.

JL: Okay. In New York City, Manhattan?

DL: Yeah, that's the AOL news, who I work for.

JL: Okay, that's great, that's great. And we're going to be talking about your time in August/September of 2008 when you were sent to Suburban Drive by Tim Miller.

DL: Alright.

JL: Alright, could you tell me, could you tell me why you were there?

DL: Yeah, I was there covering the case for Investigation Discovery, it's part of the Discovery Channel's networks, they sent me there to basically just write about it, it was on the, the first day I arrived on the scene, I was greeted by Mandy Albritton, she was, I guess, the Deputy Director, or her immediate spokesperson, or something like that, at the time. She knew I was coming, she went over and consulted with Tim Miller about where to send me and then she came back and said that we have this, you know, hot zone to send you to, she said that the team had just been dispatched there, you know, prior to her speaking with me about it, and then she sent me out to this Suburban Drive.

JL: Suburban Drive in Orlando?

DL: Yes.

JL: When she said it was a "hot zone", do you know why she referred to it as a "hot zone"?

DL: I don't know, I have no idea.

JL: Right.

DL: I just assumed at the time that it was because of the close proximity of the home and the school where Casey had gone to school.

JL: And she said that team had already been dispatched there?

DL: Yes, they had just left like right as I was talking to her, so I hurried up, and got in my rental vehicle, and headed out there.

JL: Okay and this in August of 2008.

DL: Yeah, I believe it was either August or September. You know, it's been so many years now, the exact dates slipped my mind. It was right when they were doing their first search.

JL: While they were doing their first search.

DL: Yeah.

JL: Okay, alright, so go ahead, tell me what happened.

DL: Well, we got out there and there was, oh maybe, a dozen searchers there, the only person that I recognized was this guy named "Mondo", he was a searcher for Texas Equusearch from Texas. The other people there, I have no idea who they were, I just assumed they were community volunteers, and who were starting to head off into the area, they were spread apart, you know, stuff like that, they had gotten in, I don't know, I want to say, maybe ten feet, if that, and Mondo pulled them out of the area, he said it was too wet to be searched.

JL: Okay, and this is the area where they found Caylee's remains?

DL: Yeah.

JL: Alright, was there any K-9 there? Any dogs?

DL: I don't recall seeing a dog.

JL: Okay, just about a dozen people, searchers.

DL: Yeah.

JL: Did you, yourself, see any water?

DL: No, not that I can recall.

JL: So, this was, Tim Miller knew you were there, and Mandy knew you were there? And you spoke to Mondo, do you know how to spell his name?

DL: I believe it's M-O-N-D-O.

JL: Okay, and you said that he was Mexican?

DL: Yeah, I believe he's Mexican.

JL: Okay, and so...

DL: He was the guy who would usually drive one of the buses for Texas Equusearch and stuff like that.

JL: And he's from Texas?

DL: Yeah.

JL: And he was the team leader.

DL: Yeah, as far as I know. He was the one who was instructing people on what to do, so I just assumed he was.

JL: Okay, and Tim Miller sent you there as a reporter?

DL: Yeah, yeah, he knew why I was there, and when Mandy went over and discussed with him where to send me, that was where she said he told her to send me.

JL: Okay and did you fill out any forms or paperwork?

DL: No, the only thing I had to do was, at the beginning of the day, they had me sign in to some kind of sign-in sheet, and, at the end of the day, whenever I was done, I had to sign out. You know, like with regular volunteers where you had to sign in and out with each specific assignment, cause I was there all day.

JL: Right, was this the only day you were there, or were you there on other days?

DL: No, I was there for several, until the day they called off the search, and then I returned again for Search 2.

JL: Okay, and on Suburban Drive, how often were you on Suburban Drive?

DL: I was there a couple times, on search 1, I was out there when they sent me out there, on then Search 2, we conducted a search behind the school. I remember there was some kind of driveway that was gated, I believe it was gated, and the gate was open at that time, so they had us all follow some path way back into the woods and search that entire area.

JL: And, during Search 1, when you were in the area where they found Caylee's remains, how many times were you there?

DL: I believe I was there only once, I was only at that spot, specifically, once, but I had driven by there a couple of times.

JL: In August and September?

DL: Yeah, because I was taking, you know, pictures of the school and different things for what I was doing for Discovery.

JL: Right. So how many times do you think that the searchers, say during Search 1, how many times, how many days, do you think the searchers were there on Suburban Drive?

DL: To my knowledge, they were there once, as far as I know. Now, I know they were supposed to send searchers there on Search 2, but there was some kind of reason we couldn't, I think that the property had been posted at that time, or something of that nature, so we couldn't search that area during Search 2.

JL: Okay, now, when you were there on Search 1, at the end of August/September, did you smell anything, did you smell, a bad odor?

DL: No, it just smelled like a swamp.

JL: Right. Did you see any unusual birds like, you know, vultures, that would be in the area?

DL: No, not that I recall.

JL: Did you see anything unusual at all?

DL: I don't believe so, I mean, it was just a, just another search spot, they all kind of look the same down there.

JL: Right, and you didn't see any water, all you saw was a grassy area?

DL: I'm sorry, I didn't hear you, what?

JL: I said, you didn't see any water, all you saw was a grassy area?

DL: Yeah, I stayed on the curb, yeah, I didn't go beyond that, so I didn't physically go into the woods to witness any water, or whatever was there.

JL: Right, you didn't from the curb, from the area that you were on. When you say the curb, were you on the road exactly, or where you on the, say the dirt area next to the road?

DL: No, I was, I parked on the road, and I kind of stood in like the burm area on the side of the road when I was watching them go.

JL: Right.

DL: When they were attempting to go in.

JL: Right, and you didn't see any water from where you stood?

DL: Not that I remember.

JL: Okay, and, so tell me, what happened to Mondo?

DL: I was told by other members of Texas Equusearch that he has been arrested, I'm trying to think exactly when that would have been. I want to say it was right after Search 2 that he was arrested for drugs, and was in prison in Texas, is what I had heard.

JL: Okay, and when was Search 2?

DL: Ah, geez, it was a few months later, if I recall correctly.

JL: Okay, and at that time at Search 2, you were on Suburban also?

DL: Yeah, but, I was mainly behind the school area.

JL: Okay, not in the area where they found Caylee. Search 1 was in the area where they found Caylee?

DL: Yeah.

JL: Okay, and tell me a little bit about Mark NeJame.

DL: Well, he is a, we had been talking on Facebook, I'm sorry, I can't hear you, your phone is breaking up, or something.

JL: I'm sorry, is this any better?

DL: Yeah, well, it was for a second there.

JL: Alright, well, go ahead.

DL: We had been talking on Facebook and, either he had asked me to call him, or he had asked to call me, I don't remember exactly what it was, but then we, when we spoke on the phone, he asked me if I would be interested in a ghost-writing project, he wanted to do a book on the Casey Anthony case, but he wanted, you know, a ghost-writer, somebody else to write it, he would provide all the information, and then, you know, his name would go on the book, was the way he made it sound to me.

JL: Okay, so you were going to write the book, but he was going to take credit for it?

DL: Yeah, yeah, and he said, you know, something like 50% of the profits, or something like

that, would go to Texas Equusearch.

JL: Right, right, and did he say that he had any information that he...?

DL: He said that he was privy to behind the scenes details that he thought would, you know, be interesting in the book. One of them was, he had mentioned something about an alleged plea deal that had been offered to Casey, where, where she would get like a ten year sentence if she told where Caylee's remains were, I believe is how he said it. Then he said he had a signed disclosure from Cindy and George Anthony so that he was allowed to discuss, you know, anything that they had said to him, or that had been said while, I guess, while he was representing them, or whatever.

JL: Right. Did you ever talk to Cindy or George Anthony?

DL: Yeah, I talked to, well, I never talked to George, well, George yelled at me to get off his property once, then I spoke to Cindy during, let me see, what would that have been, Search 2 when I spoke to Cindy.

JL: Did Cindy and George know that Mark was talking to you about writing a book?

DL: Well, when I spoke to Cindy, it was before we had the conversation about the book.

JL: Oh, before you had the conversation with Mark?

DL: Yeah, this conversation with Mark just happened within the last couple of months here.

JL: Okay. These waivers that were signed by George and Cindy, what were they for?

DL: I guess to give him permission to, you know, disclose anything they spoke about, or to profit from a story is the way it came off to me.

JL: So, basically, George and Cindy knew that Mark was writing a book?

DL: I mean, he didn't specifically say they know, but he had said that they had signed the releases, so, you know, the assumption would be there.

JL: That they knew about the book?

DL: Yeah.

JL: Okay. Is there anything else you can add?

DL: Um, oh, just that, throughout the conversation about the book, you know, Tim Miller's name came up, I had mentioned that myself and Tim Miller had had a recent falling out and upon, you know, me disclosing that, he said that he wasn't, you know, basically, wasn't interested in me doing the project because he didn't want anybody involved, who wasn't, you

know, who didn't like Tim Miller.

JL: Oh, okay. So he didn't want anybody involved with him, Mark didn't want anybody involved with him who didn't have a good relationship with Tim Miller?

DL: Yeah. Yep, and at that point, he said he was going to speak to some other reporter he knew, I believe he said the reporter was from the Orlando Sentinel.

JL: Okay. Did he tell you why he wanted somebody on good terms with Tim?

DL: Just because, you know, he basically said he loved Tim to death, and he wanted to make sure that Equusearch was prominently featured in the book.

JL: Did he give you the impression that Tim Miller knew that he was writing the book?

DL: I don't, I don't know if, I don't recall him specifically saying that, but, you know, he did say that the book would include interviews with Tim and stuff, so I assumed that Tim knows.

JL: Okay. Is there anything else you can add?

DL: I don't think so, I think we covered it all.

JL: Okay. Today is August 3, 2010 and the time now is 4:53 p.m. Dave, thank you very much, I am going to turn the recorder off right now.