

STATE OF FLORIDA

v.

CASEY MARIE ANTHONY,

Defendant.

In the Circuit Court of the  
Ninth Judicial Circuit, in and for  
Orange County, Florida

Case No.: 482008-CF-0015606-O  
Division

Hon. Belvin Perry Jr.

**SUPPLEMENTAL MOTION TO COMPEL FORENSIC DISCOVERY**

COMES NOW the Defendant, CASEY MARIE ANTHONY, by and through her attorneys, LINDA KENNEY BADEN, J. CHENEY MASON and JOSE A. BAEZ, moves this Court to issue an order compelling the prosecution to provide her with certain forensic discovery. This motion is a supplement to the previously filed motions submitted at the request of Judge Belvin Perry in order to facilitate review, argument and decision.

In order to facilitate the Court's requested information and for the ease of the parties, the outstanding requested discovery is set up in the attached two (2) Excel<sup>®</sup> charts: **Chart 1 for Oak Ridge Laboratories** because of the number of requests applicable to it, and **Chart 2 for all other discovery**.

All documents previously relied on are incorporated by reference. But for the ease of the Court on the Oak Ridge issues, the following letters are resubmitted as one Exhibit "A" annexed hereto:

(1) Letter from Linda Kenney Baden, Esq. dated March 19, 2009 to Allen Parker, Esq.;

(2) Letter from Allen M. Parker, Esq. dated June 29, 2009 to Linda Kenney Baden, Esq.;

and

FILED IN OFFICE 3/20/10  
LYDIA GARDNER, Clerk, Cir. Ct., Orange Co., FL  
By *[Signature]* D.C.

(3) Letter from Linda Kenney Baden, Esq. dated July 22, 2009 to Allen Parker, Esq.; and

(4) E-mailed letter from Jeffrey Ashton, Assistant State Attorney dated March 4, 2010 to Linda Kenney Baden, Esq. and the communications between the State that have been attempted to facilitate this are also resubmitted as Exhibit "B" annexed hereto:

(1) Letter from Linda Kenney Baden, Esq. dated July 22, 2009 to Allen Parker, Esq.; and

(2) Letter from Linda Kenney Baden, Esq. dated December 17, 2009 to Allen Parker, Esq.;

(3) E-mail from Jeffrey Ashton, Assistant State Attorney to Linda Kenney Baden, Esq. dated February 26, 2010 re FBI depositions;

(4) E-mail from Jeffrey Ashton, Assistant State Attorney to Linda Kenney Baden, Esq. dated February 26, 2010 re Oak Ridge issue;

(5) E-mailed letter from Jeffrey Ashton, Assistant State Attorney dated March 4, 2010 to Linda Kenney Baden, Esq.;

(6) E-mail from Jeffrey Ashton, Assistant State Attorney to Linda Kenney Baden, Esq. dated March 8, 2010 re electronic data request;

(7) E-mail from Jeffrey Ashton, Assistant State Attorney to Linda Kenney Baden, Esq. dated March 11, 2010 re electronic data request;

(8) E-mail from Jeffrey Ashton, Assistant State Attorney to Linda Kenney Baden, Esq. dated March 29, 2010 re electronic data request; and

(9) Two e-mails (9:21 a.m. and 10:16 a.m.) from Jeffrey Ashton, Assistant State Attorney to Linda Kenney Baden, Esq. dated March 31, 2010 re scheduling depositions.

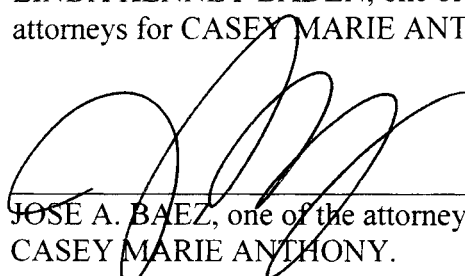
Additionally, Oak Ridge is adamantly refusing to supply any information concerning the 424 compounds associated with their experimental research even though they rely on those in the Journal articles which are considered the backup for their attempt to have their research validated for the first time ever in the United States by this Court in this death penalty case. For ease of the Court, the first page of a Journal article which mentions the importance of the 424 compounds that are refused to be given to the defense is attached hereto as Exhibit "C".

WHEREFORE, the Defendant CASEY MARIE ANTHONY respectfully asks this Court to grant her requests to Compel Bench the outstanding forensic discovery.

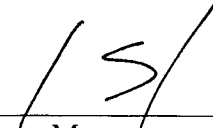
Respectfully submitted,



\_\_\_\_\_  
LINDA KENNEY BADEN, one of the attorneys for CASEY MARIE ANTHONY.



\_\_\_\_\_  
JOSE A. BAEZ, one of the attorneys for CASEY MARIE ANTHONY.



\_\_\_\_\_  
J. Cheney Mason, one of the attorneys for CASEY MARIE ANTHONY.

Dated: \_\_\_\_\_

5/18/10

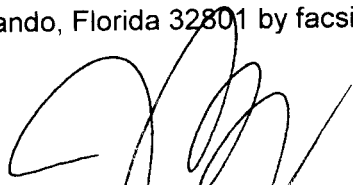
Linda Kenney Baden  
Law Office of Linda Kenney Baden  
15 West 53rd Street  
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732-219-7770 (phone)  
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Jose A. Baez  
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J. Cheney Mason  
390 N. Orange Avenue, Suite 2100  
Orlando, FL 32801  
407-843-5785 (phone)  
407-422-6858 (fax)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the above and foregoing has been furnished to the Office of the State Attorney, 415 North Orange Avenue, Orlando, Florida 32801 by facsimile delivery on this 18 day of May, 2010



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JOSE A. BAEZ, ESQUIRE  
FL Bar No.: 0013732  
THE BAEZ LAW FIRM  
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Tel.: (407) 705-2626  
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EXCEL CHART 1

FOR OUTSTANDING REQUESTED DISCOVERY FOR OAK RIDGE LABORATORIES

Discovery Request	Response Provided (if any)	Requested Items Do Not Exist	Previously Provided	Prosecution Objection	Court's Decision
<p>Oak Ridge: all government contracts, grants and communications between Oak Ridge Laboratories involving the section involving Dr. Arpad Vass for the last twelve years be produced.</p> <p>Oak Ridge: all marketing proposals of whatever type, including any type of "sniffer" machine relating to Oak Ridge Laboratories or any entity commercial or otherwise, involving Dr. Arpad Vass for the last twelve years, be produced (previous Request No. 28).</p> <p>Arpad Vass from Oak Ridge: ethics disclosure forms filed by Arpad Vass for the last twelve years with any government or employment entity (previous Request No. 29) NOTE: Oak Ridge has refused to supply any ethics disclosure forms filed by Arpad Vass for any period of time.</p> <p>Oak Ridge (per July 22, 2009, supplemental discovery requests).</p> <p>a. A list of all internal and published reports that characterize, assess or describe the decompositional odor analysis database approach to human remains detection (supplemental discovery request no. 1).</p> <p>b. A list of all 424 chemical compounds characteristic of decompositional odor described in the July 2004 JFS article (supplemental discovery request no. 2).</p> <p>c. Any subsequent deletions or additions to the list of chemical compounds analyzed for (supplemental discovery request no. 3).</p> <p>d. The standard operating procedures or written laboratory methods, and any amendments or updates thereto, for the analysis of decompositional odor, in effect between April 2008 and April 2009 with specific instructions for preparation of methanol or other extracts, tedlar bag contents, and headspace sampling of physical samples (as applied to carpet or blanket samples) (supplemental discovery request no. 4).</p>	<p>The documentation supporting the funding of this work cannot be produced. Others for a 12 year period are not provided and not relevant to this work.</p> <p>Not applicable. Sniffer machine(s) were not used in this work. Gas Chromatograph Mass Spectrometer (GCMS) was used.</p> <p>No forms are applicable to this work and are not provided.</p> <p>The only reports, on the issue described, are the ones in the Journal of Forensic Science of which you are already aware.</p> <p>The complete list would be considered the property of the organization that funded the research and cannot be released without their approval.</p> <p>The complete list would be considered the property of the organization that funded the research and cannot be released without their approval.</p> <p>The methodology is described in the articles mentioned above and no other written procedures related to this work exist.</p>				
					X
					X

**FOR OUTSTANDING REQUESTED DISCOVERY FOR OAK RIDGE LABORATORIES**

Discovery Request	Response Provided (if any)	Requested Items Do Not Exist	Previously Provided	Prosecution Objection	Court's Decision
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<p>j. Print out of all material on the above referenced disks (supplemental discovery request no. 10);</p> <p>k. Provide the complete results for all 424 database compounds tested for and whether they were positive, none detected, trace or inconclusive, for each of the following samples (supplemental discovery request no. 11):</p> <ul style="list-style-type: none"> <li>i. Carpet exposed to dead squirrel</li> <li>ii. Montana blanket control</li> <li>iii. Florida Trunk carpet sample</li> <li>iv. Contents of trash bag</li> <li>v. Decomposing Pizza</li> </ul> <p>Since the Melich-Oak Ridge (Vass) e-mail notes that Oak Ridge was waiting for standards which were on backorder and a VFA analysis. These standards, nor were the VFA analysis, included in discovery. Therefore, Miss Anthony requests those specifically (previous Request No. 32).</p> <p>In order to confront the State's scientific evidence, Miss Anthony must also know the conditions under which it was created. She must therefore have access to any communications between the State of Florida and/or its agents (including law enforcement) and the expert witnesses in question. Such information is necessary to allow her to examine, among other things, the information provided by the prosecution to the experts to aid their tests, the dates on which the prosecution received the reports in question, and the extent to which the prosecution is aware of any inconsistent results or data (previous Request No. 33). NOTE: There have been no communications supplied between the State and Oak Ridge since certain e-mails of 2008, yet obviously there were communications and conversations between the State and Oak Ridge concerning these requests in both 2009 and 2010, in light of the State's obligation for continuing discovery, we ask that these be supplied.</p>	<p>Mr. Ashton examined Mr. Parker's letter in response to initial defense request and can find no reference to CD and requested clarification</p> <p>All information as to relevant compounds are contained in the excel spreadsheet attached to the report, as to any other information, please see "2" above which states: The complete list would be considered the property of the organization that funded the research and cannot be released without their approval</p>				
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**FOR OUTSTANDING REQUESTED DISCOVERY FOR OAK RIDGE LABORATORIES**

<i>Discovery Request</i>	<i>Response Provided (if any)</i>	<i>Requested Items Do Not Exist</i>	<i>Previously Provided</i>	<i>Prosecution Objection</i>	<i>Court's Decision</i>
<p>Oak Ridge. Itemizations of reference manuals, photographs, notes of persons consulted, peer reviews, backup notes, lab notes (if any), e-mails, correspondence, and any other memorializations of conversations with law enforcement regarding Dr. Arpad Vass' retention, analysis or work on this matter including but not limited to, his contract for services and his billing records (previous Request No. 34).</p>			<p>Oak Ridge lab notes previously provided, "peer review," provided and limited e-mails from 2008 provided ONLY</p>		

EXCEL CHART 2

FOR OUTSTANDING REQUESTED DISCOVERY FOR OTHERS THAN OAK RIDGE LABORATORIES

Discovery Request	Prosecution Response (if any)	Requested Items Do Not Exist	Previously Provided	Prosecution Objection	Court's Decision
<p>1. Any applications for ASCLAD or other outside agency certification filed by any lab or evidence handling entity. This includes OCSO forensic unit, the UCF (Dr. Sigman's lab), the Forensic Toxicology Laboratory at the University of Florida (Dr. Goldberger's lab) who handled the evidence who was not ASCLAD (American Society of Crime Laboratory Directors) certified.</p>					
<p>2. The complete ASCLAD certification documents or proficiency test results from the FBI. However, defendant has been (through Linda Kenney Baden, Esq., attorney for Casey Anthony, and Paula Wulff, Esq., attorney for the FBI crime lab) working this issue out and therefore, the Court's intervention is not requested at this time.</p>	<p>The Court's intervention is not requested at this time.</p>	<p>The Court's intervention is not requested at this time.</p>	<p>The Court's intervention is not requested at this time.</p>	<p>The Court's intervention is not requested at this time.</p>	
<p>3. Some of the evidence was transported to the Florida Department of Law Enforcement (FDLE) Laboratory. Since they did handle the evidence and since according to the attached exhibit the FDLE Regional Crime Laboratory is ASCLAD certified, it is requested that the following items be turned over for the lab and all persons who handled the evidence, logged in the evidence or transported the evidence in this matter:</p>					
<p>a. All chain of custody documents</p>					
<p>b. All laboratory submission requests for any and all testing in this matter</p>					
<p>4. It is requested that the following items be turned over for all persons who handled the evidence, logged in the evidence or transported the evidence in this matter:</p>					
<p>a. All updated Curriculum Vitae (CV) of all experts, analysts, examiners, criminalists, and lab personnel.</p>					

**FOR OUTSTANDING REQUESTED DISCOVERY FOR OTHERS THAN OAK RIDGE LABORATORIES**

Discovery Request	Prosecution Response (if any)	Requested Items Do Not Exist	Previously Provided	Prosecution Objection	Court's Decision
<p>b. With regard to the laboratories of Dr. Goldberger, Dr. Michael Sigman (UCF Chemistry Lab) and any other lab utilized by Drs. Haskell and Hall, any documents from any certifying agency including but not limited to all certifications, results of all testing for units and for individuals, any audits, surveys, reports, or other written documents generated by the certifying agency representatives to the laboratory by the certifying agency or to the certifying agency representatives by the government laboratory unit or for any individual representatives or employees thereof including any recommendations, warning notices, failure notices or any other documents related to proficiency, standards, manuals, procedures or other tangential items concerning or relating to the laboratory, its protocol, analysts, individuals, application of certification or any other documents concerning certifying agency and the lab for the past twelve years</p>					
<p>c. The name of the Quality Control officer responsible for compliance involving any certification for any lab used in this matter</p>					
<p>d. Pursuant to any certifying agency certification or any other certifying agency: please provide the following documents, standards, tests, policies, audits and any other written item that relates to, discusses, implements or touches upon the below issues for any LAB or EXAMINER involved in this case. Also to include the names and addresses of inspectors</p>					
<p>e. All internal audits and reports for the last five years.</p>					
<p>f. All proficiency testing given, the results thereof, administered by any third party or intra unit or agency for any employee, criminalist or agent of any laboratory unit that tested any item for the government in the above matter.</p>					
<p>g. All lab submission requests for any and all testing in this matter.</p>					
<p>h. Any and all stereoscopic photographs or other photographs if personally taken by all persons who reviewed the evidence of the State.</p>					

**FOR OUTSTANDING REQUESTED DISCOVERY FOR OTHERS THAN OAK RIDGE LABORATORIES**

**Discovery Request**

i. For all experts, criminalists, examiners, investigators, and lab personnel please provide all lab notes, correspondence, pictures and complete copies of formal or informal files kept by the expert including all bench notes, draft reports **if same show changes requested either at the direction of the prosecutors or after consultation with the prosecutors**, memorializations of telephone conversations relating to the above matter and any photographs in the possession of the expert. Please also provide all notes taken at the time or soon thereafter the review by the expert and all draft reports.

5. Additionally for the Orange County Sheriff's Department forensic unit, we have not received CV's of Gerald Bloise or Michael Vincent of the OCSO nor have we received any internal audits (even if they are not ASCLAD laboratories) or reports concerning the laboratory, or any proficiency standards, tests, policies, audits or other items relating to the quality control, the standards to be followed or for each individual criminalist who handled the evidence.

6. Any and all ethics disclosure forms filed by any government expert for the last twelve years with any governmental or employment entity (previous Request No. 16). We are requesting same for any criminalist, expert including those from Oak Ridge, Dr. Goldberger's lab at the University of Florida, Dr. Sigman's lab, Dr. Hall, Dr. Haskell or any other identified expert and if the Court feels that 12 years is too long, we request last two ethics or disclosure forms filed, if any.

7. Any and all electronic media of, relating to, concerning, directing, communicating by, among, and/or between any of the above persons involving this matter. Electronic media should be supplied raw, as found in the electronic system of the person or entity in which it is found and or printed out, and in a searchable metadata format with a TIFF load (previous Request No. 17).

Requested  
Items Do Not  
Exist

Previously  
Provided

Prosecution  
Objection

Court's Decision

Prosecution Response (if any)

**FOR OUTSTANDING REQUESTED DISCOVERY FOR OTHERS THAN OAK RIDGE LABORATORIES**

**Requested  
Items Do Not  
Exist**

**Previously  
Provided**

**Prosecution  
Response (if any)**

**Prosecution  
Objection**

**Discovery Request**

**Court's Decision**

8. Fingerprints (NOTE: initially this request applied to both OCSO and FBI since Inv. Bloise has reports on fingerprints in discovery. This now only applies to OCSO as a deposition of the FBI concerning any involvement with fingerprints has already been taken):

a. (i) A copy of the latent print and print card as set forth in reports in this matter; (ii) A copy of the 18 fingerprint lifts as set forth in files in this matter; (iii) A copy of the eight areas of latent fingerprint lifts developed with dye stain as set forth in reports in this matter; and (iv) A copy of the fragment of the latent fingerprint lift from the exterior trunk of the vehicle as set forth in files in this matter;

b. All photographs, latent lift cards and other duplications of the latent lifts that are in the possession of any law enforcement agency;

c. Any and all automated fingerprint searches performed on the above latent fingerprints;

d. Any and all bench notes, other notes, or other written memorializations of any visual comparisons made by any criminalist, fingerprint examiner or law enforcement officers including the FBI concerning the above listed latent prints;

e. Any and all standards, policies, or checklists concerning points of interest concerning the identification or exclusion regarding fingerprint comparisons.

9. Dr. David Hall, forensic botanist: backup notes, e-mails, correspondence, messages or other communications with law enforcement is contained in the discovery, itemizations of reference manuals, photographs, notes of persons consulted, peer reviews, backup notes, lab notes (if any), e-mails, correspondence, and any other memorializations of conversations with law enforcement regarding his retention, analysis or work on this matter including but not limited to, his contract for services and his billing records (previous Request No. 26).

**FOR OUTSTANDING REQUESTED DISCOVERY FOR OTHERS THAN OAK RIDGE LABORATORIES**

<b>Discovery Request</b>	<b>Prosecution Response (if any)</b>	<b>Requested Items Do Not Exist</b>	<b>Previously Provided</b>	<b>Prosecution Objection</b>	<b>Court's Decision</b>
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10. Neal Haskell, entomologist. all itemizations of reference manuals, photographs, notes of persons consulted, backup notes, lab notes (if any), e-mails, correspondence, and any other memorializations of conversations with law enforcement regarding his retention, analysis or work on this matter including but not limited to, his contract for services and his billing records, including all communications, memorializations, e-mails that relate specifically to the objection to having Haskell have another Board-certified entomologist to receive, as is Haskell's common practice, to send directly to another expert the bugs for their review (previous Request No. 27)

# EXHIBIT A

Law Office of  
Linda Kenney Baden, Esq.

15 West 53<sup>rd</sup> Street, Suite 18B  
New York, New York 10019

Telephone: (732) 219-7770  
Admitted New Jersey, US Sup. Ct., D.C. Cir  
and New York

Facsimile: (212) 397-2754  
E-Mail: [kenneybaden@msn.com](mailto:kenneybaden@msn.com)

19 March 2009

*Via Facsimile 865 241 4456*  
Allen Parker, Esq.  
Assoc General Counsel  
University of Tennessee - Battelle  
P.O. Box 2008  
Oak Ridge, TN 37831-6265

*Re: State of Florida v. Casey Anthony*

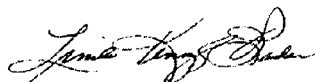
Dear Mr. Parker:

Pursuant to a hearing last week before the Honorable Stan Strickland in the above-captioned matter, the State Attorney's Office indicated that they had not asked for nor was it their duty to ask for discovery documents as set forth in the attached Request for Discovery concerning Dr. Arpad Vass and his work at Oak Ridge National Laboratory and/or the University of Tennessee. In fact, Prosecutor Prosecutor Jeff Ashton handed me a sheet of paper with your name and phone number in order to request these documents.

Please accept the attached herein list as a defense request for discovery documents in this matter. Please advise.

Very truly yours,

LAW OFFICE OF LINDA KENNEY BADEN



Linda Kenney Baden, Esq.

LKB:ph

Attachment (1)

cc: Jose Baez, Esq. (w/Att.)(via e-mail)  
Jeff Ashton, Prosecutor (w/Att.) (via facsimile)

## DEFENSE REQUEST FOR DISCOVERY

Any and all Bench Notes/Reports and Standards applicable to the collection of evidence. The information requested is as follows:

1. All updated Curriculum Vitae (CV) of all experts, analysts, examiners, criminalists, and lab personnel.
2. ***If you lab is accredited by the American Society of Crime Lab Directors (ASCLAD)*** - then please produce: documents or any other certifying agency relating to all government labs used in this matter including but not limited to all certifications, results of all testing for units and for individuals, any audits, surveys, reports, or other written documents generated by the ASCLAD representatives to the laboratory or to the ASCLAD representatives by the government laboratory unit or for any individual representatives or employees thereof including any recommendations, warning notices, failure notices or any other documents related to proficiency, standards, manuals, procedures or other tangential items concerning or relating to the laboratory, its protocol, analysts, individuals, application of certification or any other documents concerning ASCLAD and the lab for the past twelve years.
3. The name of the Quality Control officer responsible for compliance involving any certification for any lab used in this matter.
4. Pursuant to ASCLAD certification or any other certifying agency: please provide the following documents, standards, tests, policies, audits and any other written item that relates to, discusses, implements or touches upon the below issues for any LAB or EXAMINER involved in this case. Also to include the names and addresses of inspectors. (See attached).
5. All internal audits and reports for the last five years.
6. All proficiency testing given, the results thereof, administered by any third party or intra unit or agency for any employee, criminalist or agent of any laboratory unit that tested any item for the government in the above matter.
7. All lab submission requests for any and all testing in this matter.
8. Any and all stereoscopic photographs or other photographs if personally taken

by all persons who reviewed the evidence of the State.

9. For all experts, criminalists, examiners, investigators, and lab personnel please provide: all notes, correspondence, pictures and complete copies of formal or informal files kept by the expert including all notes, draft reports, memorialization of telephone conversations relating to the above matter and any photographs in the possession of the expert. Please also provide all notes taken at the time or soon thereafter the review by the expert and all draft reports.
10. All correspondence, emails, written memos sending draft reports to the prosecutor and memorializations or recommendations changes or other responses by the prosecutor regarding draft reports.
11. Validation studies for any testing performed.
12. All peer review policies for 2008 and 2009 for any lab involved in this case including but not limited to both external or internal peer review policies.
13. All peer review performed on any expert or scientific conclusion or opinion on behalf of any expert report turned over in this matter.
14. All government contracts, grants and communications between Oak Ridge Laboratories involving the section relating to Dr. Arpad Vass for the last twelve years.
15. All marketing proposals of whatever type, including drafts concerning any type of "sniffer" machine relating to Oak Ridge Laboratories or any entity, commercial or otherwise, involving Dr. Arpad Vass for the last twelve years.
16. Any and all ethics disclosure forms filed by any government expert for the last twelve years with any governmental or employment entity.
17. Any and all electronic media of, relating to, concerning, directing, communicating by, among, and/or between any of the above persons involving this matter. Electronic media should be supplied raw, as found in the electronic system of the person or entity in which it is found and or printed out, and in a searchable metadata format with a TIFF load.

# OAK RIDGE NATIONAL LABORATORY

MANAGED BY UT-BATTELLE FOR THE DEPARTMENT OF ENERGY

P.O. Box 2008  
Oak Ridge, TN 37831-6265  
Phone: (865) 241-9514  
Facsimile: (865) 241-4456  
Email: parkeram@ornl.gov

June 29, 2009

Linda Kenny Baden, Esq.  
15 W. 53<sup>rd</sup> Street, Suite 18B  
New York, NY 10019

RE: *State of Florida v. Casey Anthony*

Dear Ms. Baden:

I am responding herewith to your informal discovery request.

## **DEFENSE REQUEST FOR DISCOVERY**

Any and all Bench Notes/Reports and Standards applicable to the collection of evidence.

The information requested is as follows:

1. All updated Curriculum Vitae (CV) of all experts, analysts, examiners, criminalists, and lab personnel.

**RESPONSE: Attached are CV's of Arpad Alexander Vass, Madhavi Z. Martin and Marcus B. Wise.**

2. If you (sic) lab is accredited by the American Society of Crime Lab Directors (ASCLAD) – then please produce: documents or any other certifying agency relating to all government labs used in this matter including but not limited to all certifications, results of all testing for units and for individuals, any audits, surveys, reports, or other written documents generated by the ASCLAD representatives to the laboratory or to the ASCLAD representatives by the governmental laboratory unit or for any individual representatives or employees thereof including any recommendations, warning notices, failure notices or any

other documents relate to proficiency, standards, manuals, procedures or other tangential items concerning or relating to the laboratory, its protocol, analysts, individuals, application of certification or any other documents concerning ASCLAD and the lab for the past twelve years.

**RESPONSE: Oak Ridge National Laboratory is not a crime lab, but is the largest multi-purpose research and development science laboratory owned by the U.S. Department of Energy, Office of Science.**

3. The name of the Quality Control officer responsible for compliance involving any certification for any lab used in this matter.

**RESPONSE: See response to Question No. 2.**

4. Pursuant to ASCLAD certification or any other certifying agency: please provide the following documents, standards, tests, policies, audits and any other written item that relates to, discusses, implements or touches upon the below issues for any LAB or EXAMINER involved in this case. Also to include the names and addresses of inspectors. (See attached).

**RESPONSE: This question is not applicable to ORNL as a DOE owned laboratory under the DOE Office of Science.**

5. All internal audits and reports for the last five years.

**RESPONSE: See response to Question No. 4.**

6. All proficiency testing given, the results thereof, administered by any third party or intra unit or agency for any employee, criminalist or agent of any laboratory unit that tested any item for the government in the above matter.

**RESPONSE: See response to Question No. 4.**

7. All lab submission requests for any and all testing in this matter.

**RESPONSE: Dr. Vass recalls such requests were made via phone.**

8. Any and all stereoscopic photographs or other photographs if personally taken by all persons who reviewed the evidence of the State.

**RESPONSE: None.**

9. For all experts, criminalists, examiners, investigators, and lab personnel please provide: all notes, correspondence, pictures and complete copies of formal or informal files kept by the expert including all notes, draft reports, memorialization of telephone conversations relating to the above matter and any photographs in the possession of the expert. Please also provide all notes taken at the time or soon thereafter the review by the expert and all draft reports.

**RESPONSE: See attached.**

10. All correspondence, emails, written memos sending draft reports to the prosecutor and memorializations or recommendations changes or other responses by the prosecutor regarding draft reports.

**RESPONSE: The only correspondence retained by Dr. Vass is the preliminary reports and the final report sent to the prosecution's office.**

11. Validation studies for any testing performed.

**RESPONSE: See preliminary and final report.**

12. All peer review policies (sic) for 2008 and 2009 for any lab involved in this case including but not limited to both external and internal peer review policies.

**RESPONSE: See response to Question No. 4. See reference section of Final Report for peer reviewed publications.**

13. All peer review performed on any expert or scientific conclusion or opinion on behalf of any expert report turned over in this matter.

**RESPONSE: See response to Question No. 12.**

14. All government contracts, grants and communications between Oak Ridge Laboratories involving the section relating to Dr. Arpad Vass for the last twelve years.

**RESPONSE: The documentation supporting the funding of this work cannot be produced. Others for a 12 year period are not provided and not relevant to this work.**

15. All marketing proposals of whatever type, including drafts concerning any type of "sniffer" machine relating to Oak Ridge Laboratories or any entity, commercial or otherwise, involved Dr. Arpad Vass for the last twelve years.

**RESPONSE: Not applicable. Sniffer machine(s) were not used in this work. Gas Chromatograph Mass Spectrometer (GCMS) was used.**

16. Any and all ethics disclosure forms filed by any government expert for the last twelve years with any governmental or employment entity.

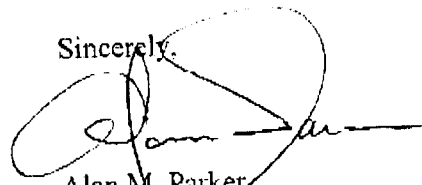
**RESPONSE: No forms are applicable to this work and are not provided.**

17. Any and all electronic media of, relating to, concerning, directing, communicating by, among, and/or between any of the above persons involving this matter. Electronic media should be supplied raw, as found in the electronic system of the person or entity in which it is found and or printed out, and in a searchable metadata format with a TIFF load.

Linda Kenny Baden, Esq.  
June 29, 2009  
Page 5

**RESPONSE: GCMS stored data files are in a non-searchable format and would be un-readable without the supporting software.**

Sincerely,



Alan M. Parker  
Associate General Counsel

Attachments

cc: Jeff Ashton, Esq.  
Office of the State Attorney  
415 North Orange Ave.  
Orlando, FL 32801

Law Office of  
Linda Kenney Baden, Esq.

15 West 53<sup>rd</sup> Street, Suite 18B  
New York, New York 10019

Telephone: (732) 219-7770  
Admitted New Jersey, US Sup. Ct., D.C. Cir  
and New York

Facsimile: (212) 397-2754  
E-Mail: [kenneybaden@msn.com](mailto:kenneybaden@msn.com)

22 July 2009

*Via Facsimile 865 241 4456  
and USPS Priority Mail Delivery No. 01038555749678112019*

Allen Parker, Esq.  
Associate General Counsel  
University of Tennessee - Battelle  
P.O. Box 2008  
Oak Ridge, TN 37831-6265

*Re: State of Florida v. Casey Anthony*

Dear Mr. Parker:

Please accept this correspondence as an additional defense request for supplemental discovery relative to the above captioned matter. They are as follows:

1. A list of all internal and published reports that characterize, assess or describe the decompositional odor analysis database approach to human remains detection;
2. A list of all 424 chemical compounds characteristic of decompositional odor described in the July 2004 JFS article;
3. Any subsequent deletions or additions to the list of chemical compounds analyzed for;
4. The standard operating procedures or written laboratory methods, and any amendments or updates thereto, for the analysis of decompositional odor, in effect between April 2008 and April 2009 with specific instructions for preparation of methanol or other extracts, tedlar bag contents, and headspace sampling of physical samples (as applied to carpet or blanket samples);

5. Copies of any validation testing results for the decompositional odor analysis database approach to human remains detection;

6. Documentation of laboratory standards in effect at Oak Ridge National Laboratory in General, and Dr Vass's laboratory in particular, for purposes of accreditation by any accrediting organization, including but not limited to American Association for Laboratory Accreditation (A2LA), National Voluntary Laboratory Accreditation Program, International Accreditation Service, ANSI-ASQ National Accreditation Program, American Board of Forensic Toxicology, International Laboratory Accreditation Cooperation (ILAC), ISO17025, ISO 15189, Forensic Quality Services, or any other generally recognized laboratory accreditation process;

7. The make, model and software identification for the gas chromatograph, mass spectrometer and data system used in the identification of compounds in this case;

8. With respect to the specific samples tested in this case, provide information concerning calibrators, and analytical controls, and copies of the associated chromatograms, and mass spectral data printouts from those analyses, as well as for the chemicals identified in the carpet samples and air from the car trunk;

9. A copy of the cd disk referenced in your response to discovery along with the name of the software utilized to read;

10. Print out of all material on the above referenced disks; and

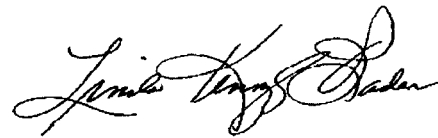
11. Provide the complete results for **all** 242 database compounds tested for and whether they were positive, none detected, trace or inconclusive, for each of the following samples:

- a) Carpet exposed to dead squirrel
- b) Montana blanket control
- c) Florida Trunk carpet sample
- d) Contents of trash bag
- e) Decomposing Pizza

Thank you for your anticipated courtesies in this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,

LAW OFFICE OF LINDA KENNEY BADEN

A handwritten signature in cursive script, reading "Linda Kenney Baden". The signature is written in black ink and is positioned below the typed name of the law office.

Linda Kenney Baden, Esq.

LKB:ph

cc: Jeff Ashton, Prosecutor (via facsimile and regular mail)  
Jose Baez, Esq. (via e-mail)  
Todd Macaluso, Esq. (via- email)  
Andrea Lyon (via e-mail)

March 4, 2010

Linda Kenney Baden, Esquire  
15 West 53<sup>rd</sup> Street, Suite 188  
New York, New York 10019

Dear Linda:

In response to your request for assistance and in an attempt to help expedite the setting of depositions of the witnesses at ORNL, I have discussed with Dr. Vass and Allen Parker your request for additional discovery dated July 22 2009. I am not communicating with you as the agent of ORNL, or exercising any control over their decisions in these matters. My role is merely as a facilitator. That said, this is my summary of their position on these additional requests numbered as they appear in your letter.

1. The only reports, on the issue described, are the ones in the Journal of Forensic Science of which you are already aware.
2. The complete list would be considered the property of the organization that funded the research and cannot be released without their approval.
3. Same as 2.
4. The methodology is described in the articles mentioned above and no other written procedures related to this work exist.
5. Certain of this information is contained in the report, as to those compounds most relevant to this case. The requested information, as to every compound, could not be easily produced, requiring weeks of work and would be overly burdensome upon the staff of ORNL, not paid for under their grant, and therefore will not be provided.
6. No such documentation exists.
7. HP 5890 Series II with 5972 Series mass selective detector.  
Software: Enhanced Chem Station G17013A Version B.01.00  
Agilent 7890A gas Chromatograph with 5975C Triple Axis detector  
Software: Enhanced Chem Station, MSD Chem Station E.02.00.493

Page Two  
Letter to Linda Kenney Baden, Esquire

8. Same response as to 5 above.
9. I have examined Mr. Parker's letter in response to your initial request and can find no reference to a CD, please clarify.
10. Same as 9.
11. All information as to relevant compounds are contained in the excel spreadsheet attached to the report as to any other information please see 2 above.

I hope this is helpful in expediting the setting of the depositions.

Sincerely,

Jeffrey Ashton  
Assistant State Attorney  
407-836-1314

# EXHIBIT B

Law Office of  
Linda Kenney Baden, Esq.

15 West 55<sup>th</sup> Street, Suite 188  
New York, New York 10019

Telephone: (732) 219-7770  
Admitted New Jersey, US Sup. Ct., D.C. Cir  
and New York

Facsimile: (212) 397-2754  
E-Mail: [kenneybaden@msn.com](mailto:kenneybaden@msn.com)

22 July 2009

*Via Facsimile 865 241 4456  
and USPS Priority Mail Delivery No. 01038555749678112019*

Allen Parker, Esq.  
Associate General Counsel  
University of Tennessee - Battelle  
P.O. Box 2008  
Oak Ridge, TN 37831-6265

*Re: State of Florida v. Casey Anthony*

Dear Mr. Parker:

Please accept this correspondence as an additional defense request for supplemental discovery relative to the above captioned matter. They are as follows:

1. A list of all internal and published reports that characterize, assess or describe the decompositional odor analysis database approach to human remains detection;
2. A list of all 424 chemical compounds characteristic of decompositional odor described in the July 2004 JFS article;
3. Any subsequent deletions or additions to the list of chemical compounds analyzed for;
4. The standard operating procedures or written laboratory methods, and any amendments or updates thereto, for the analysis of decompositional odor, in effect between April 2008 and April 2009 with specific instructions for preparation of methanol or other extracts, tedlar bag contents, and headspace sampling of physical samples (as applied to carpet or blanket samples);

5. Copies of any validation testing results for the decompositional odor analysis database approach to human remains detection;

6. Documentation of laboratory standards in effect at Oak Ridge National Laboratory in General, and Dr Vass's laboratory in particular, for purposes of accreditation by any accrediting organization, including but not limited to American Association for Laboratory Accreditation (A2LA), National Voluntary Laboratory Accreditation Program, International Accreditation Service, ANSI-ASQ National Accreditation Program, American Board of Forensic Toxicology, International Laboratory Accreditation Cooperation (ILAC), ISO17025, ISO 15189, Forensic Quality Services, or any other generally recognized laboratory accreditation process;

7. The make, model and software identification for the gas chromatograph, mass spectrometer and data system used in the identification of compounds in this case;

8. With respect to the specific samples tested in this case, provide information concerning calibrators, and analytical controls, and copies of the associated chromatograms, and mass spectral data printouts from those analyses, as well as for the chemicals identified in the carpet samples and air from the car trunk;

9. A copy of the cd disk referenced in your response to discovery along with the name of the software utilized to read;

10. Print out of all material on the above referenced disks; and

11. Provide the complete results for all 242 database compounds tested for and whether they were positive, none detected, trace or inconclusive, for each of the following samples:

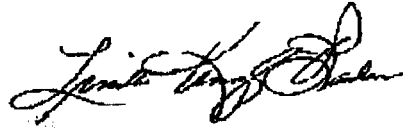
- a) Carpet exposed to dead squirrel
- b) Montana blanket control
- c) Florida Trunk carpet sample
- d) Contents of trash bag
- e) Decomposing Pizza

Allen Parker, Esq.  
22 July 2009  
Page 3

Thank you for your anticipated courtesies in this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,

LAW OFFICE OF LINDA KENNEY BADEN

A handwritten signature in cursive script, appearing to read "Linda Kenney Baden".

Linda Kenney Baden, Esq.

LKB:ph

cc: Jeff Ashton, Prosecutor (via facsimile and regular mail)  
Jose Baez, Esq. (via e-mail)  
Todd Macaluso, Esq. (via e-mail)  
Andrea Lyon (via e-mail)

Law Office of  
Linda Kenney Baden, Esq.

15 West 53<sup>rd</sup> Street, Suite 18B  
New York, New York 10019

Telephone: (732) 219-7770  
Admitted New Jersey, US Sup. Ct., D.C. Cir  
and New York

Facsimile: (212) 397-2754  
E-Mail: [kenneybaden@msn.com](mailto:kenneybaden@msn.com)

17 December 2009

Via Facsimile 865 241 4456 and  
USPS Priority Mail Delivery No. 9405503699300081082901

Allen Parker, Esq.  
Associate General Counsel  
University of Tennessee - Battelle  
P.O. Box 2008  
Oak Ridge, TN 37831-6265

Re: *State of Florida v. Casey Anthony*

Dear Mr. Parker:

On July 22, 2009, I sent you the attached supplemental request for discovery relative to the above-captioned matter. To date, I have had no response. Please advise when we may expect a response to this discovery request.


In addition, we would like to schedule the depositions of Dr. Arpad Vass, Madhavi Martin and Marcus Wise for a two day period. We suggest the dates of March 18 and 19, 2010 or March 25 and 26, 2010, which are far enough in advance that your clients should have flexibility in planning their schedule.

Thank you for your anticipated courtesies in this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,

LAW OFFICE OF LINDA KENNEY BADEN

By:

  
Linda Kenney Baden, Esq.

LKB:ph

Attachment (1)

cc: Jeff Ashton, Prosecutor (via facsimile and regular mail)  
Jose Baez, Esq. (via e-mail)  
Todd Macaluso, Esq. (via email)  
Andrea Lyon (via e-mail)

From: "Ashton, Jeff" <JAshton@sao9.org>  
Subject: RE: Trying to do the out of state scheduling first for experts that you and I are handling as opposed to any Florida based person or non expert-here is first tier of depos proposed  
Date: February 26, 2010 2:13:31 PM EST  
To: 'BADEN' <kenneybaden@msn.com>

As to the FBI deposes I would appreciate it if you would include the FBI's counsel and the paralegal in these arrangements. Now that we have agreed on a date all of the other arrangements are between the two of you. Just cc me on the discussions.

Jeffrey L. Ashton  
Assistant State Attorney  
(407)896-1814

-----Original Message-----

From: BADEN [mailto:kenneybaden@msn.com]  
Sent: Friday, February 26, 2010 2:05 PM  
To: Ashton, Jeff  
Subject: Re: Trying to do the out of state scheduling first for experts that you and I are handling as opposed to any Florida based person or non expert-here is first tier of depos proposed

Thanks Jeff.

Okay why don't we hold those dates and set the schedule for the specific person at end of next week or soon thereafter. Ms. Wulff is here at the AAFS conference I am attending in Seattle and mentioned this to me as we both attended Jurisprudence business meeting on Wednesday past. I told her I would get back to her and you on the Martin issue once I was back in NYC and re-reviewed the file. Do you have any problem if I copy her on logistics etc and on these deposes. We did trade contact info. In the spirit of continued cooperation -she and I did agree that if they ( the FBI) had an issue about whether something could be legally answered( as there may be differences in law from Va/Dc, Feds and Fla) from the FBI I would agree that she could be heard and if we couldn't work it out then we would place the question on the record, the reason for the refusal to answer and submit it to the court. I will let you know whose law office in DC we will use.

Yes: re Oak Ridge- that they will not object to a commission and deppo subpoena- But I am preparing two motions about this- actually will be an in the alternative motion - one for the out of state commission and one in the alternative asking the court to compel them to produce in Fla on varying legal basis and not force us to get a commission. Motion will be worded in the alternative. Should be able to file that motion soon. I do have one clarification- is Oak Ridge also not objecting to the duces tecum production of documents/info previously requested and not responded too? I think we should set some dates in early June for Oak ridge deposes just so we have them set?

I am still in Seattle and won't be checking email much today due to the conference.

Linda

On Feb 26, 2010, at 6:42 AM, Ashton, Jeff wrote:

It looks like the april dates are you best bet to get off the FBI people at once. Did Jose pass along the info I got from Parker at Oakridge?

Hi Jeff,

From: "Ashton, Jeff" <JAshton@sao9.org>  
Subject: RE: Trying to do the out of state scheduling first for experts that you and I are handling as opposed to any Florida based person or non expert- here is first tier of depos proposed  
Date: February 26, 2010 2:14:50 PM EST  
To: 'BADEN' <kennedybaden@msn.com>

As to the Oakridge issue, I have not completed my discussion as to the other items you have requested.

Jeffrey L. Ashton  
Assistant State Attorney  
(407)836-1314

-----Original Message-----

From: BADEN [mailto:kennedybaden@msn.com]

Sent: Friday, February 26, 2010 2:05 PM

To: Ashton, Jeff

Subject: Re: Trying to do the out of state scheduling first for experts that you and I are handling as opposed to any Florida based person or non expert- here is first tier of depos proposed

Thanks Jeff.

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Linda

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Hi Jeff,

March 4, 2010

Linda Kenney Baden, Esquire  
15 West 53<sup>rd</sup> Street, Suite 188  
New York, New York 10019

Dear Linda:

In response to your request for assistance and in an attempt to help expedite the setting of depositions of the witnesses at ORNL, I have discussed with Dr. Vass and Allen Parker your request for additional discovery dated July 22 2009. I am not communicating with you as the agent of ORNL, or exercising any control over their decisions in these matters. My role is merely as a facilitator. That said, this is my summary of their position on these additional requests numbered as they appear in your letter.

1. The only reports, on the issue described, are the ones in the Journal of Forensic Science of which you are already aware.
2. The complete list would be considered the property of the organization that funded the research and cannot be released without their approval.
3. Same as 2.
4. The methodology is described in the articles mentioned above and no other written procedures related to this work exist.
5. Certain of this information is contained in the report, as to those compounds most relevant to this case. The requested information, as to every compound, could not be easily produced, requiring weeks of work and would be overly burdensome upon the staff of ORNL, not paid for under their grant, and therefore will not be provided.
6. No such documentation exists.
7. HP 5890 Series II with 5972 Series mass selective detector.  
Software: Enhanced Chem Station G17013A Version B.01.00  
Agilent 7890A gas Chromatograph with 5975C Triple Axis detector  
Software: Enhanced Chem Station, MSD Chem Station E.02.00.493

Page Two  
Letter to Linda Kenney Baden, Esquire

8. Same response as to 5 above.
9. I have examined Mr. Parker's letter in response to your initial request and can find no reference to a CD, please clarify.
10. Same as 9.
11. All information as to relevant compounds are contained in the excel spreadsheet attached to the report as to any other information please see 2 above.

I hope this is helpful in expediting the setting of the depositions.

Sincerely,

Jeffrey Ashton  
Assistant State Attorney  
407-836-1314

From: "Ashton, Jeff" <JAshton@sao8.org>  
Subject: RE: Jeff-Re your question concerning CD disk- here is where it come from- our electronic data request in July letter- we will have access to the software mentioned in your answer number 9/10 believe.  
Date: March 8, 2010 12:52:39 PM EST  
To: 'BADEN' <kenneybaden@msn.com>  
2 Attachments, 1.5 MB

I don't think it would be appropriate to have what would amount to answers to interrogatories in this case, while those tool exist under our civil rules no such provision exists for criminal cases. You of course may ask whatever questions you like of the witnesses at deposition. As I made clear in my letter, I was attempting to expedite your receipt of whatever they were willing to give you. Of course you may file whatever you want but it hardly seems like a productive course of action. If I am missing some statute or legal precedent that would give a Florida court jurisdiction a federal laboratory in another state I will be happy to reconsider my position.

Jeffrey L. Ashton  
Assistant State Attorney  
(407)838-1314

-----Original Message-----

From: Linda [mailto:kenneylinda@msn.com]  
Sent: Monday, March 08, 2010 11:52 AM  
To: Ashton, Jeff  
Cc: Kenney Baden Linda  
Subject: Jeff-Re your question concerning CD disk- here is where it come from- our electronic data request in July letter we will have access to the software mentioned in your answer number 9/10 believe.

I suggest the first step re the other answers in your letter to me is to have Dr. Arpad Vass certify, declare or execute an affidavit re the answers in your letter- in effect her can answer them as written interrogatories under oath on Tennessee and forward them to you to give in discovery. If this is agreeable, then perhaps you and I can agree to a consent order for the out of state commission ( since you indicated Oak ridge would have no objection) for the three people I seek to depose - then I don't need to file any motion to compel. I have held off filing any such motions to see if we can resolve this.

Linda

17. Any and all electronic media of, relating to, concerning, directing, communicating by, among, and/or between any of the above persons involving this matter. Electronic media should be supplied raw, as found in the electronic system of the person or entity in which it is found and or printed out, and in a searchable metadata format with a TIF load

**RESPONSE:** GCMS stored data files are in a non-searchable format and would be un-readable without the supporting software.

From: "Ashton, Jeff" <JAshton@sao9.org>  
Subject: RE: Jeff-Re your question concerning CD disk- here is where it came from- our electronic data request in July letter- we will have access to the software mentioned in your answer number 9/10 believe.  
Date: March 11, 2010 9:12:38 AM EST  
To: 'BADEN' <kenneybaden@msn.com>

On the first issue the plan sounds good. My impression is that ORNL would not object to the subpoena for deposition being issued by the Tenn.. court. If the subpoena is for documents I believe they might want to litigate that in the Tenn.. court depending on what is requested.

As far as the electronic data, can you let me know where it is referenced in the report or Parker's letter so I can inquire of them if it can be produced. If it is the data requested in the fifth paragraph of your July 22 2009 request I already know they will not produce it based upon the time and expense involved. If it is otherwise let me know.

Here are some areas of my summer calendar which have filled up recently that will not be available for depositions. May 10 & 11th, May 12 to 20th I can do depositions in town but central Tenn. August 4 to 12 I will be on vacation.

Have we finalized the FBI depositions in April?

Jeffrey L. Ashton  
Assistant State Attorney  
(407)836-1314

-----Original Message-----

From: BADEN [mailto:kenneybaden@msn.com]

Sent: Wednesday, March 10, 2010 11:18 AM

To: Ashton, Jeff

Cc: Kenney Baden Linda

Subject: Re: Jeff-Re your question concerning CD disk- here is where it came from- our electronic data request in July letter- we will have access to the software mentioned in your answer number 9/10 believe.

Jeff- I think I had two areas

The first -since you have represented that the Oak Ridge contingent will not object to a commission ( bc they need a subpoena to be pulled) being issued to take their depositions ( the three names I gave you previously)- instead of spending the time to file and wait for a motion why don't you and I enter into a consent order allowing the commission to issue for the depositions in Tennessee. Once we have that order signed by Judge Strickland, either Oak Ridge can then consent to the issuance of the subpoena by the clerk of the court of Tennessee and have a Tennessee deposition subpoena for testimony and documents issue issued based on the Florida one approved in the commission and documents issue or require us to file the motion to issue the subpoena in Tennessee. That way we can schedule them to get them moving rather than waiting for you to bring them here to trial to gain jurisdiction?

On the second- I accept take your representation in the letter to have come from them- and reask the questions at deposition. However, the electronic data was mentioned by ORNL. Our consultants can read it with the software that is set forth in your letter. I would appreciate if you could get the electronic data on disk and given over in discovery- because if I have to wait to get it from them at depositions- then I will have to take the deposition of the representatives of ORNL two times- once just on the electronic data. So this would facilitate getting everything done at once.

I appreciate your courtesy in trying to resolve these issues.

LKB

On Mar 8, 2010, at 12:52 PM, Ashton, Jeff wrote:

I don't think it would be appropriate to have what would amount to answers to interrogatories in this case, while those tools exist under our civil rules no such provision exists for criminal cases. You of course may ask whatever questions you like of the witnesses at deposition. As I made clear in my letter, I was attempting to expedite your receipt of whatever they were willing to give you. Of course you may file whatever you want but it hardly seems like a productive course of action. If I am missing some statute or legal precedent that would give a Florida court jurisdiction a federal laboratory in another state I will be happy to reconsider my position.

I suggest the first step re the other answers in your letter to me is to have Dr. Arpad Vass certify, declare or execute an affidavit re the answers in your letter- in effect he can answer them as written interrogatories under oath on Tennessee and forward them to you to give in discovery. If this is agreeable, then perhaps you and I can agree to a consent order for the out of state commission ( since you indicated Oak ridge would have no objection) for the three people I seek to depose - then I don't need to file any motion to compel. I have held off filing any such motions to see if we can resolve this.

Linda

From: "Ashton, Jeff" <JAshton@sao9.org>  
Subject: RE: Jeff-Re your question concerning CD disk- here is where it came from- our electronic data request in July letter- we will have access to the software mentioned in your answer number 9/10 believe.  
Date: March 29, 2010 2:22:16 PM EDT  
To: 'BADEN' <kenneybaden@mon.com>

Got a final reply from ORNL. apparently the digital data you seek is not on a single CD or in a discnet file so that it can be easily copied. It would require someone to go thru the entire hard drive to pull out and copy what you are requesting and they do not feel the man hours would be justified.

Jeffrey L. Ashton  
Assistant State Attorney  
(407)896-1314

-----Original Message-----

From: BADEN [mailto:kenneybaden@mon.com]  
Sent: Thursday, March 11, 2010 10:21 AM  
To: Ashton, Jeff  
Cc: Kenney Baden Linda  
Subject: Re: Jeff-Re your question concerning CD disk- here is where it came from- our electronic data request in July letter- we will have access to the software mentioned in your answer number 9/10 believe.

On Mar 11, 2010, at 9:12 AM, Ashton, Jeff wrote:

On the first issue the plan sounds good. My impression is that ORNL would not object to the subpoena for deposition being issued by the Tenn. court. If the subpoena is for documents I believe they might want to litigate that in the Tenn. court depending on what is requested.

Ok- let me work on the depo subpoena and/ or documents production- and have you take a look at it. The commission order should be pro forma. If you have a commission order you are comfortable with just email it and I will have it retyped as a consent order/commission.

As far as the electronic data, can you let me know where it is referenced in the report or Parker's letter so I can inquire of them if it can be produced. If it is the data requested in the fifth paragraph of your July 22 2009 request I already know they will not produce it based upon the time and expense involved. If it is otherwise let me know.

It is the electronic data that they said we couldn't read because we don't have the software- but we do and can (some I believe from the gas chromatography) which they printed out the results from. It is merely copying a disk so our consultant can look at the underlying data that is read by the software program they answered they us and then interpreted by them. I should take all but five minutes to copy a disk. It is standard for the scientists to look at the electronic data- it is like the discs the FBI supplied. Can you please recheck.

Here are some areas of my summer calendar which have filled up recently that will not be available for depositions. May 10 & 11th. May 12 to 20th I can do depositions in town but cannot travel. August 4 to 12 I will be on vacation.

Okay same here in August. Maybe you can see what 2 days in June are good for them at Oak Ridge. Travel to Knoxville can take some time bc most plane trips are now one stop. I think some small airline who flies outside Orlando may have a direct flight to Knoxville. So we should look that the plane schedule once we have the dates so we can fly back without spending an additional night there. I would suggest we do the depositions in Knoxville rather than out at Oak Ridge for convenience?

Have we finalized the FBI depositions in April?

We have finalized the dates, place, court reporter, still awaiting to hear back from Ms. Wulff re Susbert and Cowan. Once we have that we can set up a tentative timing schedule for the 2 1/2 days

I don't think it would be appropriate to have what would amount to answers to interrogatories in this case, while those too exist under our civil rules no such provision exists for criminal cases. You of course may ask whatever questions you like of the witnesses at deposition. As I made clear in my letter, I was attempting to expedite your receipt of whatever they were willing to give you. Of course you may file whatever you want but it hardly seems like a productive course of action. If I am missing some statute or legal precedent that would give a Florida court jurisdiction a federal laboratory in another state I will be happy to reconsider my position.

I suggest the first step re the other answers in your letter to me is to have Dr. Arpad Vass certify, declare or execute an affidavit re the answers in your letter - in effect her can answer them as written interrogatories under oath on Tennessee and forward them to you to give in discovery. If this is agreeable, then perhaps you and I can agree to a consent order for the out of state commission ( since you indicated Oak ridge would have no objection) for the three people I seek to depose - then I don't need to file any motion to compel. I have held off filing any such motions to see if we can resolve this.

Linda

From: "Ashton, Jeff" <JAshton@sao9.org>  
Subject: RE: RE C.A. matter- I have reviewed the deposition list scheduled per Ms. Wulff's request.  
Date: March 31, 2010 9:21:04 AM EDT  
To: 'BADEN' <kenneybaden@msn.com>

Sorry June is out one of the witnesses will be out of the country all month. I will get them checking on July

Jeffrey L. Ashton  
Assistant State Attorney  
(407)636-1314

-----Original Message-----

From: BADEN (mailto:kenneybaden@msn.com)

Sent: Tuesday, March 30, 2010 4:28 PM

To: Ashton, Jeff

Subject: Re: RE C.A. matter- I have reviewed the deposition list scheduled per Ms. Wulff's request.

ok - let me know when you can.

On Mar 30, 2010, at 4:24 PM, Ashton, Jeff wrote:

I will check with them

[kenneybaden@msn.com](mailto:kenneybaden@msn.com)

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[JAshton@sao9.org](mailto:JAshton@sao9.org)  
[kenneybaden@msn.com](mailto:kenneybaden@msn.com)

I just had a capital case set for trial 6-1 to 6-12 but I am clear 6-17 to 6-30

I know Vass is around and free in June just e-mailed about the other 2. I don't have an out of state commission form but I would assume Cheney would be able to scare one up. What dates in June were we looking at again ?

Just heard from Ms. Lowe and she has completed all of the work and will be faxing me the report probably tomorrow which I will then e-mail to you she will bring the discovery materials to the depo. She indicated nothing of significance was found so hopefully we can complete her next week, if you find anything in the discovery materials later I would have no problem with having her redeposited on the new material at a later time.

The schedule looks fine to me. Two caveats. First Ms. Goettman is presently looking at the letters which were recently turned over in discover for handwriting comparison. I don't know the extent to which you think you all will be challenging the authenticity of the letters however if you want to depose her on the other matters and then depose her on the letters later that is fine with me. Second Ms. Lowe I believe has been asked to examine the content of various vacuum cleaners from the Anthony house, in the interest of being thorough, which I assume is the work that has yet to be completed. Again should anything relevant be revealed in that examination I would have no objection to you deposing her again as to that examination.

We are trying to determine when/if the trace examiner will have her work completed in time for the currently scheduled April deposition and will let you know when we have a date certain. It is also my understanding that additional material was recently received by the Lab for analysis and will keep you apprised as to the expected timeframe for completion of this additional material.

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From: "Ashton, Jeff" <JAshton@sao8.org>  
Subject: RE: RE C.A. matter- I have reviewed the deposition list scheduled per Ms. Wulff's request.  
Date: March 31, 2010 10:10:18 AM EDT  
To: 'BADEN' <kenneybaden@msn.com>

Ditto on the dates in July. No Problem extending the deadlines if we need to be based upon the ORNL issues. Why don't we try and start talking about getting some of the other experts in May or June. When do you want to depose Haskell? I here Indiana in June is quite lovely.... We could also get some of the local expert out of the way in the mean time. I could start exploring their vacation schedules which will clear up time late in the summer to deal with an ORNL issues.

Jeffrey L. Ashton  
Assistant State Attorney  
(407)836-1314

-----Original Message-----

From: BADEN (mailto:kenneybaden@msn.com)  
Sent: Wednesday, March 31, 2010 9:32 AM

To: Ashton, Jeff

Cc: Kenney Baden Linda

Subject: Re: RE C.A. matter- I have reviewed the deposition list scheduled per Ms. Wulff's request.

Ok there are a few times in July I can't do it -the week around the 4th of July b/c that is the week every year the grandkids come east to visit from California and the last week of July which already has something else booked- middle is ok anytime. But what I want to avoid is to get caught in a timing issue if I have to make any motions to compel answers or documents as a result of depo -in that we end up past the sked deadlines of the order- that was what we discussed in the past re the order- so I hope if that happens bc the depos are in July that you and I can work out as we discussed in the past the timing re motions with regard Oak Ridge like we have the sked and other issues if we need to go the same month or so beyond the order just as to Oak Ridge items - okay?

On Mar 31, 2010, at 9:21 AM, Ashton, Jeff wrote:

Sorry June is out one of the witnesses will be out of the county all month. I will get them checking on July

I will check with them

[kenneybaden@msn.com](mailto:kenneybaden@msn.com)

# EXHIBIT C

## DECOMPOSITIONAL ODOR ANALYSIS DATABASE – PHASE I

Arpad A. Vass, Ph.D., Rob R. Smith, B.S., Cyril V. Thompson, M.S., Michael N. Burnett, Ph.D., Dennis A. Wolf, Ph.D., Jennifer A. Synsteliën, M.A., Brian A. Eckenrode, Ph.D. and Nishan Dulgerian, B.S.

**ABSTRACT:** This study, conducted at the University of Tennessee's Anthropological Research Facility (ARF), describes the development of the Decompositional Odor Analysis (D.O.A.) Database and seeks to establish the chemical basis for canine's scenting ability when detecting human remains. This database is composed of chemicals that are liberated during the decompositional process from buried human remains. This 'living' database currently spans the first year and a half of burial, providing identification, chemical trends and semi-quantitation of chemicals liberated below, above and at the surface of 1.5 – 2.5 ft graves for three individuals (two males and one female). A fourth male individual (buried in 1990) was also sampled to provide possible 'endpoint' information. In-ground, in-corpse thermocouples provided temperature information which can be used to correlate accumulated degree days (ADDs) to surface decompositional events and indicated an approximate 12 hour lag between equilibration of grave temperature with the surface air. Clear, sealed, hollow pipes were also placed in the grave vault providing viewing ports by which the burial decompositional process could be monitored. Results confirm that burial decomposition is approximately eight times slower than surface decomposition. Movement of these chemicals through the soil column significantly reduces the chemical species which might be available to detection devices, including canines. Triple sorbent traps (TSTs) were used to collect air samples in the field. The TSTs were thermally desorbed in the laboratory and analyzed on a GC-MS system revealing eight major classes of chemicals containing 424 specific volatile compounds associated with the decompositional process of burials. This research furthers our understanding of human decomposition and has profound ramifications on cadaver dog training procedures and in the development of field portable analytical instruments which can be used to locate buried human remains.

**KEYWORDS:** forensic science, human decomposition, odor analysis, cadaver dog, burials