

COPY

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

STATE OF FLORIDA,
Plaintiff,

CASE NO.: 48-2008-CF-0015606-O
Chief Judge: Belvin Perry, Jr.

vs.

CASEY MARIE ANTHONY,
Defendant.

_____ /

**UNOPPOSED MOTION FOR CERTIFICATE
FOR OUT-OF-STATE WITNESS**

Comes the Defendant, Casey Marie Anthony, pursuant to Florida Statutes Annotated §§ 942.01, et seq., and hereby respectfully moves this Honorable Court to issue a Certificate to compel the attendance at depositions of the following material witnesses:

Michael N. Burnett, Ph.D.
Oak Ridge National Laboratory
1 Bethel Valley Road MS6120
Oak Ridge, Tennessee 37831-6120

Madhavi A. Martin, Ph.D.
Oak Ridge National Laboratory
1 Bethel Valley Road MS6120
Oak Ridge, Tennessee 37831-6120

Mark Wise, Ph.D.
Oak Ridge National Laboratory
1 Bethel Valley Road MS6120
Oak Ridge, Tennessee 37831-6120

Arpad Alexander Vass, Ph.D.
Oak Ridge National Laboratory
1 Bethel Valley Road MS6120
Oak Ridge, Tennessee 37831-6120

In support of this motion, Ms. Anthony would show as follows:

1. Ms. Anthony has been charged with the offense of first degree murder in connection with the death of her daughter, Caylee Marie Anthony.

2. Michael N. Burnett, Ph.D., Madhavi Z. Martin, Ph.D., Mark Wise, Ph.D., and Arpad Alexander Vass, Ph.D. are material witnesses in possession of expert forensic information, analysis, and opinions related to the prosecution and defense in this case.

3. The deposition testimony of these witnesses is essential to the integrity of the fact-finding process in this case and the presentation of relevant scientific evidence for the jury's consideration and evaluation.

4. These witnesses are affiliated with the Oak Ridge National Laboratory and work in Oak Ridge, Tennessee, which is in Roane County, Tennessee, approximately 541 miles from Orange County, Florida.

5. The parties in this case have agreed and arranged to take the deposition testimony of Burnett, Martin, and Wise on Tuesday, September 21, 2010, and the deposition testimony of Vass on Wednesday, September 22, 2010, at a nearby law office convenient to the parties and the deponents, to wit: The Bosch Law Firm, P.C., 712 S. Gay Street, Knoxville, Tennessee 37902.

6. To safeguard the right to compulsory process, in 1939, Tennessee adopted the uniform law to secure the attendance of witnesses from within or without a state in criminal proceedings. *See* T.C.A. §§ 40-17-201, et seq. Tennessee Code Annotated § 40-17-203 provides:

If a judge of a court of record in any state, which by its laws has made provision for commanding persons within that state to attend and testify in this state, certifies under the seal of the court that there is a criminal prosecution

pending in the court, or that a grand jury investigation has commenced or is about to commence, and that a person being within this state is a material witness in the prosecution or grand jury investigation, and that the witness's presence will be required for a specified number of days, upon presentation of the certificate to any judge of a court of record in the county in which the person is found, the judge shall fix a time and place for a hearing, and shall make an order directing the witness to appear at a time and place certain for the hearing.

7. Florida has also ratified the Uniform Act. Florida Statutes Annotated § 942.02 provides:

If a judge of a court of record, in any state which by its laws has made provision for commanding persons within that state to attend and testify in this state, certifies under the seal of such court that there is a criminal prosecution pending in such court, or that a grand jury investigation has commenced or is about to commence, that a person being within this state is a material witness in such prosecution or grand jury investigation, and that that person's presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the county in which such person is, such judge shall fix a time and place for a hearing and shall make an order directing the witness to appear at a time and place certain for the hearing. The witness shall at all times be entitled to counsel.

8. Inasmuch as the summoned witnesses will not be traveling to attend and give deposition testimony in Florida, it is unnecessary to afford immunity from arrest or service of process, civil or criminal, in connection with the summons.


9. Further, inasmuch as the summoned witnesses will not be traveling to attend and give deposition testimony in Florida, Ms. Anthony, who is indigent, moves the Court to waive the mileage and attendance fees for the summoned witnesses; alternatively, Ms. Anthony requests that her counsel be reimbursed by the state for the

mileage and attendance fees tendered to each summoned witness, in the approximate amounts of \$43.20 for mileage (the approximately distance of 43.20 miles roundtrip between Oak Ridge and Knoxville at the statutory rate of ten cents (\$.10) per mile, Fla Stat. Ann. § 942.03(2)) and \$5.00 for one day of attendance to give deposition testimony, *id.* § 942.03(2).

Wherefore, the defendant asks respectfully that this Court certify to the above by an issuance of a certificate for out of state witnesses to be presented to a Judge of the court of record in the State of Tennessee to compel the attendance of witnesses Burnett, Martin, Wise, and Vass at the scheduled depositions.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery and electronic mail to Jeff Ashton, Esq. at the Office of the State Attorney, 415 N. Orange Avenue, Orlando, Florida 32801 this 13th day of September, 2010.



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
One of the Attorneys for the Defendant

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

STATE OF FLORIDA,
Plaintiff,

CASE NO.: 48-2008-CF-0015606-O
Chief Judge: Belvin Perry, Jr.

vs.

CASEY MARIE ANTHONY,
Defendant.

_____ /

CERTIFICATE OF SUMMONS FOR MATERIAL WITNESSES

Upon motion of the defendant, and for good cause shown, this Court, pursuant to Florida Statutes Annotated §§ 942.01, et seq., and Tennessee Code Annotated §§ 40-17-201, et seq., herein certifies the following under seal of this Court.

That **Michael N. Burnett, Ph.D., Madhavi A. Martin, Ph.D., Mark Wise, Ph.D.,** and **Arpad Alexander Vass, Ph.D.,** now being in Roane County, State of Tennessee, are necessary and material witnesses in the above-styled criminal prosecution by reasons of the following:

1. Casey Marie Anthony has been charged with the offense of first degree murder in connection with the death of her daughter, Caylee Marie Anthony.
2. Michael N. Burnett, Ph.D., Madhavi Z. Martin, Ph.D., Mark Wise, Ph.D., and Arpad Alexander Vass, Ph.D. are material witnesses in possession of expert forensic information, analysis, and opinions related to the prosecution and defense in this case.

3. The deposition testimony of these witnesses is essential to the integrity of the fact-finding process in this case and the presentation of relevant scientific evidence for the jury's consideration and evaluation.

4. These witnesses are affiliated with the Oak Ridge National Laboratory and work in Oak Ridge, Tennessee, which is in Roane County, Tennessee, approximately 541 miles from Orange County, Florida.

5. The parties in this case have agreed and arranged to take the deposition testimony of Burnett, Martin, and Wise on Tuesday, September 21, 2010, and the deposition testimony of Vass on Wednesday, September 22, 2010, at a nearby law office convenient to the parties and the deponents, to wit: The Bosch Law Firm, P.C., 712 S. Gay Street, Knoxville, Tennessee 37902.

6. To safeguard the right to compulsory process, in 1939, Tennessee adopted the uniform law to secure the attendance of witnesses from within or without a state in criminal proceedings. *See* T.C.A. §§ 40-17-201, et seq. Tennessee Code Annotated § 40-17-203 provides:

If a judge of a court of record in any state, which by its laws has made provision for commanding persons within that state to attend and testify in this state, certifies under the seal of the court that there is a criminal prosecution pending in the court, or that a grand jury investigation has commenced or is about to commence, and that a person being within this state is a material witness in the prosecution or grand jury investigation, and that the witness's presence will be required for a specified number of days, upon presentation of the certificate to any judge of a court of record in the county in which the person is found, the judge shall fix a time and place for a hearing, and shall make an order directing the witness to appear at a time and place certain for the hearing.

7. Florida has also ratified the Uniform Act. Florida Statutes Annotated § 942.02 provides:

If a judge of a court of record, in any state which by its laws has made provision for commanding persons within that state to attend and testify in this state, certifies under the seal of such court that there is a criminal prosecution pending in such court, or that a grand jury investigation has commenced or is about to commence, that a person being within this state is a material witness in such prosecution or grand jury investigation, and that that person's presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the county in which such person is, such judge shall fix a time and place for a hearing and shall make an order directing the witness to appear at a time and place certain for the hearing. The witness shall at all times be entitled to counsel.

8. Inasmuch as the summoned witnesses will not be traveling to attend and give deposition testimony in Florida, it is unnecessary to afford immunity from arrest or service of process, civil or criminal, in connection with the summons.

9. Further, inasmuch as the summoned witnesses will not be traveling to attend and give deposition testimony in Florida and inasmuch as Ms. Anthony is indigent, the mileage and attendance fees for the summoned witnesses are waived. It is anticipated that the witnesses will need travel only 43.2 miles to attend the depositions, which will require their presence for less than one day.


10. This Certificate is made for the purpose of being presented to a judge of a court of record in the County of Roane, State of Tennessee where the witnesses now are.

11. The times and dates of the scheduled depositions are as set forth in the attached subpoenas for deposition.

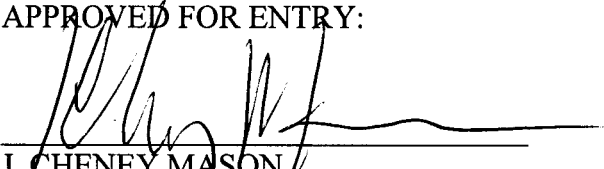
12. It is not requested that the witnesses be taken into immediate custody as is permissible under the statute.

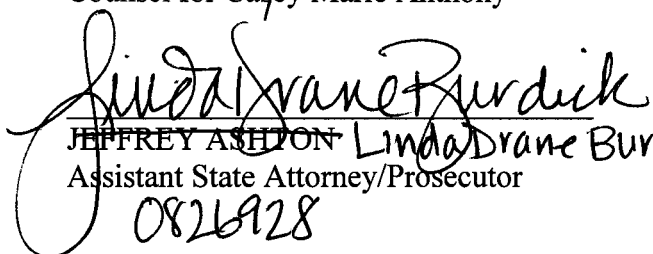
13. The appearance of the named witnesses is necessary in order to ensure and protect the defendant's rights to due process, equal protections of the law, and the right to a fair trial under both the Florida and United States Constitutions.

ORDER, this 15th day of September, 2010.


HONORABLE BELVIN PERRY, JR.
Chief Judge

APPROVED FOR ENTRY:


J. CHENEY MASON
Counsel for Casey Marie Anthony


JEFFREY ASHTON Linda Drane Burdick
Assistant State Attorney/Prosecutor

0826928

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail and/or electronic mail to Jeff Ashton, Esq. at the Office of the State Attorney, 415 N. Orange Avenue, Orlando, Florida 32801 and to J. Cheney Mason, Esq., 390 N. Orange Avenue, Suite 2100, Orlando, Florida 32801 this 15th day of September, 2010.


Judicial Assistant

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

STATE OF FLORIDA,
Plaintiff,

CASE NO.: 48-2008-CF-0015606-O
Chief Judge: Belvin Perry, Jr.

vs.

CASEY MARIE ANTHONY,
Defendant.

SUBPOENA FOR DEPOSITION

STATE OF FLORIDA
COUNTY OF ORANGE

TO: **Michael N. Burnett, Ph.D.**
Oak Ridge National Laboratory
1 Bethel Valley Road MS6120
Oak Ridge, Tennessee 37831-6120

Alternate address:
Oak Ridge National Laboratory
Post Office Box 2008 4500S
Room E-148, MS 6120
Oak Ridge, Tennessee 37831-6120

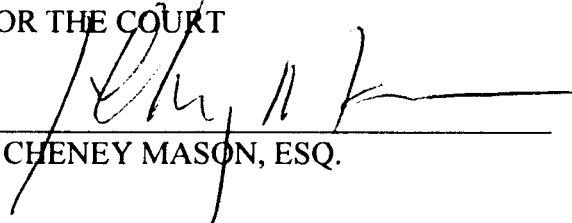
YOU ARE COMMANDED TO APPEAR before a person authorized by law to take your deposition on **Tuesday, September 21, 2010** from **10:00 a.m. to 12:00 p.m.**, at The Bosch Law Firm, 712 South Gay Street, Knoxville, Tennessee 37902, for the taking of your deposition in this action.

If you fail to appear you may be in contempt of court.

You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by said attorney or the court, you shall respond to this subpoena as directed.

DATED this 10 of September, 2010.

FOR THE COURT



J. CHENEY MASON, ESQ.

J. CHENEY MASON, ESQUIRE
Florida Bar No.: 131982
J. CHENEY MASON, P.A.
390 North Orange Avenue, Suite 2100
Orlando, Florida 32801
Telephone: 407-843-5785
Facsimile: 407-422-6858
One of the Attorneys for the Defendant

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

STATE OF FLORIDA,
Plaintiff,

CASE NO.: 48-2008-CF-0015606-O
Chief Judge: Belvin Perry, Jr.

vs.

CASEY MARIE ANTHONY,
Defendant.

SUBPOENA FOR DEPOSITION

STATE OF FLORIDA
COUNTY OF ORANGE

TO: **Madhavi Z. Martin, Ph.D.**
Oak Ridge National Laboratory
1 Bethel Valley Road MS6120
Oak Ridge, Tennessee 37831-6120

Alternate address:
Oak Ridge National Laboratory
Post Office Box 2008 4500S
Room E-148, MS 6120
Oak Ridge, Tennessee 37831-6120

YOU ARE COMMANDED TO APPEAR before a person authorized by law to take your deposition on **Tuesday, September 21, 2010** from **1:00 p.m. to 3:00 p.m.**, at The Bosch Law Firm, 712 South Gay Street, Knoxville, Tennessee 37902, for the taking of your deposition in this action.

If you fail to appear you may be in contempt of court.

You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by said attorney or the court, you shall respond to this subpoena as directed.

DATED this 10th of September, 2010.

FOR THE COURT



J. CHENEY MASON, ESQ.

J. CHENEY MASON, ESQUIRE
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One of the Attorneys for the Defendant

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

STATE OF FLORIDA,
Plaintiff,

CASE NO.: 48-2008-CF-0015606-O
Chief Judge: Belvin Perry, Jr.

vs.

CASEY MARIE ANTHONY,
Defendant.

SUBPOENA FOR DEPOSITION

STATE OF FLORIDA
COUNTY OF ORANGE

TO: **Mark Wise, Ph.D.**
Oak Ridge National Laboratory
1 Bethel Valley Road MS6120
Oak Ridge, Tennessee 37831-6120

Alternate address:
Oak Ridge National Laboratory
Post Office Box 2008 4500S
Room E-148, MS 6120
Oak Ridge, Tennessee 37831-6120

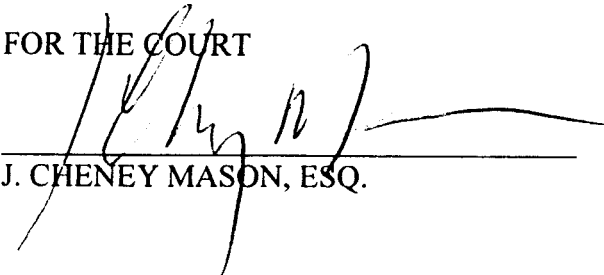
YOU ARE COMMANDED TO APPEAR before a person authorized by law to take your deposition on **Tuesday, September 21, 2010 from 3:00 p.m. to 5:00 p.m.**, at The Bosch Law Firm, 712 South Gay Street, Knoxville, Tennessee 37902, for the taking of your deposition in this action.

If you fail to appear you may be in contempt of court.

You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by said attorney or the court, you shall respond to this subpoena as directed.

DATED this 10 of September, 2010.

FOR THE COURT



J. CHENEY MASON, ESQ.

J. CHENEY MASON, ESQUIRE
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STATE OF FLORIDA,
Plaintiff,

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Chief Judge: Belvin Perry, Jr.

vs.

CASEY MARIE ANTHONY,
Defendant.

SUBPOENA FOR DEPOSITION

STATE OF FLORIDA
COUNTY OF ORANGE

TO: **Arpad Alexander Vass, Ph.D.**
Oak Ridge National Laboratory
1 Bethel Valley Road MS6120
Oak Ridge, Tennessee 37831-6120

Alternate address:
Oak Ridge National Laboratory
Post Office Box 2008 4500S
Room E-148, MS 6120
Oak Ridge, Tennessee 37831-6120

YOU ARE COMMANDED TO APPEAR before a person authorized by law to take your deposition on **Wednesday, September 22, 2010 from 10:00 a.m. to 5:00 p.m.**, at The Bosch Law Firm, 712 South Gay Street, Knoxville, Tennessee 37902, for the taking of your deposition in this action.

If you fail to appear you may be in contempt of court.

You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by said attorney or the court, you shall respond to this subpoena as directed.

DATED this 10th of September, 2010.

FOR THE COURT



J. CHENEY MASON, ESQ.

J. CHENEY MASON, ESQUIRE
Florida Bar No.: 131982
J. CHENEY MASON, P.A.
390 North Orange Avenue, Suite 2100
Orlando, Florida 32801
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One of the Attorneys for the Defendant