

IN THE CIRCUIT COURT
OF THE NINTH JUDICIAL
CIRCUIT IN AND FOR ORANGE
COUNTY, FLORIDA
CRIMINAL DIVISION:99
CASE NO: 48-08-CF-15606-O
JUDGE: BELVIN PERRY JR.

STATE OF FLORIDA

VS

CASEY MARIE ANTHONY,
Defendant

**DEFENDANT'S MOTION TO SEAL PENALTY PHASE DISCOVERY
RESPONSE**

Comes now the defendant, CASEY MARIE ANTHONY, by and through under-
signed counsel, pursuant to Rules 3.220(l)(1) Florida Rules of Criminal Procedure and
requests Defendant's Initial Penalty Phase Discovery Response be sealed or exempt-
ed from discovery at this time pursuant to Rule 3.220 (l) (1), Florida Rules of Criminal
Procedure. Defendant asserts the following in support of her motion:

1. This case has received an extreme degree of media attention not just in
Orlando, Florida, but nationally. Defendant asks this Court to take judicial notice of this
undisputed fact pursuant to Section 90.202(11), Florida Statutes.

2. The intense media scrutiny of this case has resulted in the media and the
public conducting their own independent investigations in the facts of this case as
reflected in various general internet sites as well as internet blog sites and You Tube
sites. Defendant asks this Court to take judicial notice of this undisputed fact pursuant

to Section 90.202(11), Florida Statutes.

3. Rule 3.220 (l) authorizes this Court to order that specified disclosures be restricted, deferred, or exempted from discovery as is appropriate to *inter alia* protect a witness from harassment or invasion of privacy. To date witnesses in this case, especially defense witnesses, have already been subjected to intense media pressure and harassment by the media and the public at large. This has resulted in a chilling effect with some witnesses becoming reluctant to come forward with information for fear of harassment and stalking.

4. The necessity for a penalty phase has not yet become an issue. However, this Court has entered an Order requiring penalty phase witnesses to be listed by November 30, 2010. The trial of this cause is set for May 10, 2011.

5. An Order restricting disclosure of these witness from the media and the public until such time as the necessity for a penalty phase has been established will promote the integrity of the judicial process by insuring that Defendant receives a fair penalty phase should that matter become necessary.

6. Should the Court refuse to grant Defendant's requests for judicial notice contained in paragraphs 1 and 2 *supra*, Defendant requests an evidentiary hearing on these issues.

7. Should the Court refuse to grant an Order restricting disclosure to the public and media at this time, Defendant objects to any disclosure at this time and requests this Court delay disclosure of any kind until after the innocence/guilt phase of the trial.

Wherefore, Defendant prays this Honorable Court grant her motion.

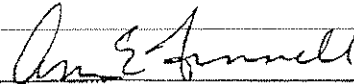
I hereby Certify that a copy of this motion has been furnished to the State

Attorney's Office, and Jose Baez, Esq., by mail this 23rd day of November, 2010.

Respectfully submitted,

**FINNELL, MCGUINNESS, NEZAMI,
& ANDUX P.A.**

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