

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

STATE OF FLORIDA,

Plaintiff,

vs.

CASEY MARIE ANTHONY,

Defendant.

CASE NO : 48-2008-CF-015606-O

DIVISION: 16

JUDGE: STIAN STRICKLAND

**EMERGENCY MOTION TO COMPEL PHOTOGRAPHS, VIDEO RECORDINGS
AND SCHEMATIC DRAWINGS TAKEN AT CRIME SCENE**

COMES NOW the Defendant, CASEY MARIE ANTHONY, by and through undersigned counsel, and moves this Honorable Court to enter an order compelling the State of Florida and its various police agencies to produce any and all photographs, video recordings, and schematic drawings taken at the crime scene. In support thereof the Defendant would allege that:

1. On October 14, 2008, the Defendant was arrested on charges of First Degree Murder, Aggravated Child Abuse and Providing False Information to Law Enforcement.
2. On October 15, 2008, the undersigned attorney submitted a Demand for Discovery.
3. On December 11, 2008, the unidentified remains of a small child were discovered.
4. The place where the discovery was made was then processed by the Orange County Sheriff's Office (OCSO) and the Office of the Medical Examiner as a crime scene.
5. On December 12, 2008, the Defense requested in open court that its own forensic experts be present at the crime scene as observers.
6. The Assistant State Attorney represented to the court that the State "would work it out" with the Defense and come to an agreement as to the access by the Defense to the crime scene.
7. The Court warned both parties by advising that he was "counting on cooperation."
8. The OCSO indicated that the processing would be completed on the evening of December 12, 2008.
9. After several minutes of debate, it was agreed that the OSCO would advise and give reasonable notice to the defense and that the defense may hire off-duty Orange County Sherriff Officers to secure the scene and provide security.

10. Based on the State and Law Enforcement representations, the defense flew in and kept in Orlando the following experts from the following locations:
 1. Forensic Pathologist Dr. Werner Spitz (Detroit, Michigan)
 2. Forensic Anthropologist Dr. Kathy Reichs (Montreal, Canada)
 3. Forensic Criminalist Dr. Henry Lee (New York, New York)
 4. Forensic Entomologist Dr. Timothy Huntington (Lincoln, Nebraska)
 5. Private Criminal Investigator Dennis Fahey (Naples, FL)
 6. Private Criminal Investigator Patrick McKenna (West Palm Beach, FL)
11. After reaching said agreement, on the afternoon of December 12, 2008, the Defense was notified that they would not be permitted to hire off-duty police officers to secure the scene and that the crime scene would not be released until the following afternoon.
12. On December 13, 2008, the time when the scene was expected to be released law enforcement then advised the defense that it would not be available until the following afternoon.
13. On December 14, 2008, the defense was again advised that the scene would not be available until possibly December 15, 2008.
14. After repeated efforts to resolve the matter with Law Enforcement, the defense was forced to fly their experts out without having had the opportunity to process or at the very least view the crime scene.
15. It is imperative to the Defense to have its own experts process the crime scene in as close to its original condition as possible.
16. Due to the large amount of time and anticipated destruction of the crime scene, (the defense has witnessed video of law enforcement sifting through numerous buckets of dirt) it may be impossible for the defense to have an accurate representation of what the crime scene looked like when the remains were found, much less the location.
17. Photographs, video and schematic drawings are required, so that the defense will at the bare minimum have an idea of what the crime scene might have looked like before it was processed and possibly contaminated.
18. At the point the crime scene is finally released to the Defense, its condition will have irretrievably altered.
19. Additionally, photographs, video recordings, and schematic drawings or maps taken at the scene by law enforcement and the medical examiners office would serve to

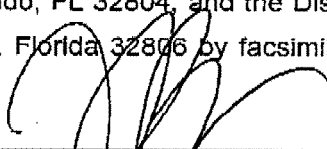
provide the Defense with a frame of reference since the scene will have changed substantially from when the remains were originally discovered.

20. Prior to the filing of this motion, the Defense contacted law enforcement in an attempt to resolve this matter and was told that the evidence, which is the subject of this motion, will be delivered under the normal course of discovery.

WHEREFORE the Defendant, CASEY MARIE ANTHONY, by and through undersigned counsel, prays that this Honorable Court enter an order compelling the State of Florida and its various police agencies to produce to the Defense all photographs, video recordings, and schematic drawings taken at the crime scene.

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, the Orange County Sheriff's Office, 2500 W. Colonial Dr, Orlando, FL 32804, and the District Nine Medical Examiners Office, 1401 Lucerne Terrace, Orlando, Florida 32806 by facsimile delivery on this 15th day of December, 2008.



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