

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

STATE OF FLORIDA,

CASE NO.: 2008-CF-015606-O

Plaintiff,

vs.

CASEY MARIE ANTHONY,

Defendant.

ORDER ON DEFENDANT'S MOTION TO DISQUALIFY TRIAL JUDGE

An innocent is dead and the life of an accused citizen hangs in the balance. The Court cannot conceive of any words with greater gravitational force or consequence. The Court's foundational belief in our judicial process, and the commitment to its purpose are unwavering.

The issue before the Court presently is the Defendant's Motion to Disqualify the undersigned filed (courageously!) at 4:48 p.m. on Friday afternoon, April 16th, 2010.¹ No courtesy copy or fax was provided to the Court. Obviously, defense counsel's intent was to maximize exposure, and minimize or delay any response. The crux of defense counsel's motion centers around this Court's comments to a local blogger/journalist many months past. The Court's comments to the blogger/journalist, delivered "secretly" in open court, with open mics, in front of rolling TV cameras, and with all counsel present was, indeed, a compliment. As a backdrop, the Court had recently begun looking at some internet material and blogs to get some

¹ An amended motion was filed Monday morning, April 19th, following alert defense counsel's discovery that his first motion was a nullity since he had used a notary stamp from a prior decade.

indication of the nature of general discussions about this matter, as well as the various locales from which they came. Internet discussions had become relevant to the Defendant's Motion for Change of Venue. During the Court's somewhat infrequent sojourns to the blogosphere, the undersigned noticed that this particular blogger/journalist admonished, and frequently chastised those who came onto his blog for the sole purpose of bashing the Defendant and her family. The Court thanked him for being both fair and civilized. The content of my words, and context (open court) both seemed unremarkable.

Over the past 20 plus months, in-between media interviews, guest appearances on television shows, and press conferences, defense counsel has filed a litany of motions. The content of the motions has ranged quite broadly from a Motion to Disqualify the State Attorney's Office, to a motion to stop law enforcement from securing and investigating the crime scene of a homicide, to a more recent motion wherein defense counsel invited the Court to simply "trust" him, and further informed the Court that certain defense experts (including Dr. Henry Lee) would be willing to accept a crate of oranges as payment for their services.² While few of the defense motions have caused the Court to scramble for a legal treatise, most have been generally responsible and relevant. This fact alone does not insure a favorable ruling. Defense counsel, who has been aware of the Court's brief discussion with the blogger/journalist for many months now, seems to have only recently lost confidence in the Court's ability to be fair and impartial.

The Court takes heed of the Defendant's present uneasiness. It is axiomatic that no judge "owns" a case. No defendant's rights should ever be subordinated to judicial ego. The Court

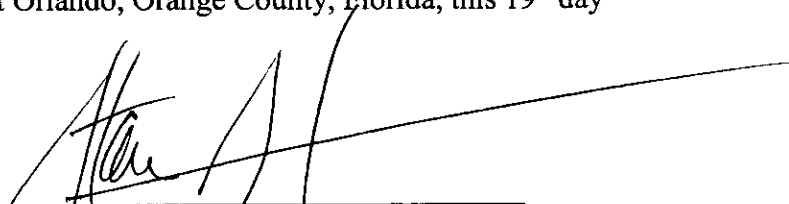
² It is the Court's most fervent hope that this promise was truthful, given the nature of our current budget. On the other hand, the Court fears that this statement may have merely been the product of an active imagination and tight boots.

does confess to a general affability that, at times, seems to belie the importance of the task at hand. Until now, enjoying my work has never seemed to pose a problem. Even so, the Court is now accused of being biased in favor of the prosecution.³ While dozens of motions have been filed, many more wait in the wings. If past is prologue, some defense motions may be denied. Since the undersigned has now been accused of bias and wrongdoing, potentially each denial of a defense motion will generate renewed allegations of bias. The cumulative effect will be to elevate an otherwise meaningless situation into a genuine appellate issue.

At its core, defense counsel's motion accuses the undersigned of being a "self-aggrandizing media hound". Indeed. The irony is rich.

Motion granted.

DONE AND ORDERED in Chambers, at Orlando, Orange County, Florida, this 19th day of April, 2010.

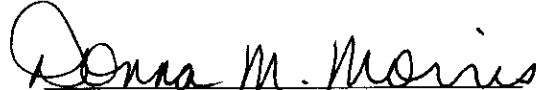


STAN STRICKLAND
Circuit Judge

³ This allegation must serve as a source of bemusement to ASA's Ashton, Drane, and George, each of whom has verbally sparred with the Court many times, in many prior cases following adverse rulings.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Order has been furnished via E-Mail to Linda Drane Burdick, Esquire, Jeff Ashton, Esquire, and Frank George, Esquire, Office of the State Attorney, 415 North Orange Avenue, Orlando, FL 32801; to Jose Baez, Esquire, 522 Simpson Road, Kissimmee, FL 34744; to J. Cheney Mason, Esquire, 390 N. Orange Avenue, Suite 2100, Orlando, FL 32801; and to Andrea Lyon, Esquire, Director, Center for Justice in Capital Cases, DePaul University College of Law, 1 E. Jackson Blvd, Chicago, IL 60604, on this 19th day of April, 2010.


Judicial Assistant