

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

STATE OF FLORIDA,

Plaintiff,

vs.

CASE NO.: 48-2008-CF-0015606-O

DIVISION: 16

JUDGE: STAN STRICKLAND

CASEY MARIE ANTHONY,

Defendant

**MOTION FOR PROTECTIVE ORDER AND TO BAR PRIVILEGED TESTIMONY OF
MR. LEONARD PADILLA, MR. TONY PADILLA, MS. TRACY MCLAUGHLIN, AND
MR. ROBERT DICK**

COMES NOW the Defendant, CASEY MARIE ANTHONY, by and through her attorneys JOSE A. BAEZ and ANDREA D. LYON, and pursuant to Fla. Stat. § 90.502 respectfully requests that this Court grant Miss Anthony's motion to preclude Leonard Padilla, Tony Padilla, Tracy McLaughlin, and Robert Dick from giving statements to and/or serving as witnesses for the State, as any statements made by Miss Anthony to these individuals is covered by the attorney-client privilege. Miss Anthony also respectfully requests that this Court preclude the release to the media of any statements made by Miss Anthony in the presence of the above named individuals that concern the investigation into the disappearance of Caylee Marie Anthony and subsequent litigation, as those statements are also covered by the attorney-client privilege.

In support of her application, Miss Anthony states as follows upon information and belief:

1. On July 16, 2008, Miss Anthony was arrested for child neglect and giving false statements to law enforcement officers.

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NINTH JUDICIAL CIRCUIT COURT
ORANGE COUNTY, FL.

FILED IN OFFICE
CRIMINAL DIVISION

2. On August 19, 2008, Tony Padilla acted as a surety for Miss Anthony and posted the \$50,000 bond required for Miss Anthony's release from the Orange County jail.
3. On August 19, 2008, Leonard Padilla, Tony Padilla, Tracy McLaughlin and Robert Dick entered into a Privacy Agreement with defense counsel (*See* "Privacy Agreement" herein Exhibit A).
4. On August 21, 2008, Miss Anthony was released from the Orange County jail.
5. In addition to the written Privacy Agreement, defense counsel also entered into an oral agreement with Leonard Padilla, Tony Padilla, Tracy McLaughlin and Robert Dick for those individuals to serve as agents of Miss Anthony's defense counsel and to act as security for Miss Anthony during her release from the Orange County jail on bond.
6. Prior to Miss Anthony's re-arrest on August 29, 2008 for check fraud, Leonard Padilla, Tony Padilla, and Robert Dick lived in a trailer outside of Miss Anthony's home and continuously provided security during the course of Miss Anthony's release from the Orange County jail. During this time, Tracy McLaughlin lived inside the Anthony home.
7. Leonard Padilla, Tony Padilla, Tracy McLaughlin and Robert Dick all spent countless hours in the Antony backyard while providing security to Miss Anthony.
8. Miss Anthony made numerous statements and engaged in many conversations in the presence of Leonard Padilla, Tony Padilla, Tracy McLaughlin and Robert Dick that related to the ongoing investigation into the disappearance of Caylee Marie Anthony and litigation arising out of the disappearance of Caylee Marie Anthony while Miss Anthony was out on bond.

9. Miss Anthony made these statements with the understanding that, as agents of defense counsel, any statement made by Miss Anthony was covered by the attorney-client privilege.
10. According to the terms of the Privacy Agreement, all parties to the Privacy Agreement agreed to protect Miss Anthony's right to privacy at all times. *See Exhibit A.*
11. According to the terms of the Privacy Agreement, all parties to the Privacy Agreement agreed that should any questions regarding the propriety of any actions not covered by the agreement arise, the issues would be resolved in favor of Miss Anthony's right to privacy and against self-incrimination. *See Exhibit A.*

In support of her application to bar Leonard Padilla, Tony Padilla, Tracy McLaughlin and Robert Dick, from giving statements to and/or serving as witness for the State and to preclude the release of any statements given by these individuals to the media, Miss Anthony presents the attached Memorandum of Law.

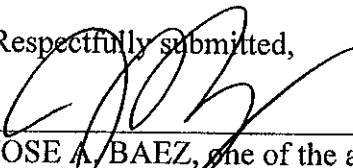
WHEREFORE, the Defendant, CASEY MARIE ANTHONY, respectfully requests that this Court grant her application and preclude the following:

- 1) Leonard Padilla, Tony Padilla, Tracy McLaughlin, and Robert Dick from making statements to the prosecution regarding any statements made by Miss Anthony regarding the disappearance of Caylee Marie Anthony, the investigation of the disappearance of Caylee Marie Anthony, or any litigation arising out of the disappearance of Caylee Marie Anthony;
- 2) Leonard Padilla, Tony Padilla, Tracy McLaughlin, and Robert Dick from serving as witnesses for the prosecution if any testimony will pertain to statements made by Miss Anthony regarding to the disappearance of Caylee Marie Anthony, the

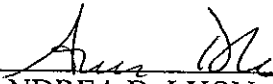
investigation of the disappearance of Caylee Marie Anthony, or any litigation arising out of the disappearance of Caylee Marie Anthony;

- 3) The release of any statements to the media that were made by Leonard Padilla, Tony Padilla, Tracy McLaughlin, and Robert Dick to the prosecution as it pertains to statements made by Miss Anthony regarding to the disappearance of Caylee Marie Anthony, the investigation of the disappearance of Caylee Marie Anthony, or any litigation arising out of the disappearance of Caylee Marie Anthony

Respectfully submitted,



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



ANDREA D. LYON, one of the attorneys
for CASEY MARIE ANTHONY.

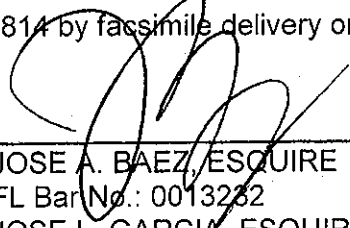
Dated: 7/16/09

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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; and Leonard Padilla, 816 H Street, Suite 244, Sacramento, CA 95814 by facsimile delivery on this 16 day of July, 2009.



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