

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

STATE OF FLORIDA

CASE NO: 48-2008-CF-15606-O

Plaintiff,
vs.

DIVISION: 16

CASEY MARIE ANTHONY

Defendant.

STATE OF FLORIDA'S MOTION TO COMPEL RECIPROCAL DISCOVERY

COMES NOW, the State of Florida, by and through the undersigned Assistant State Attorney, pursuant to Florida Rule of Criminal Procedure 3.220(d), and moves this Honorable Court for an order compelling the defense to provide the names and addresses as well as all supporting documentation relative to their claim that someone other than Casey Anthony disposed of the body of Caylee Marie Anthony in the woods off of Suburban Drive. In support of this request, the State says as follows:

1. Caylee Marie Anthony had not been seen alive by anyone other than her mother, defendant CASEY MARIE ANTHONY, since June 16, 2008.
2. On December 11, 2008, Caylee Marie Anthony's skeletonized remains were located in a wooded area off of Suburban Drive near the Anthony family home.
3. All forensic evidence to date establishes that the remains of Caylee Marie Anthony had been deposited at that location many months prior to December 11, 2008.
4. On August 21, 2009, *Pro Hac Vice* attorney Todd Macaluso advised this Court that "there's substantial evidence, that we've discovered...that the body or the remains of Caylee Anthony were placed there after Casey Anthony was locked up in the Orange County Correctional facility." Mr. Macaluso further suggests that the defense team has spoken to one of the team leaders of Texas Equusearch "some time ago" and were informed "over one-hundred people" searched the area where the body was ultimately found.
5. On October 15, 2008, the defendant filed her Notice of Intent to Participate in Discovery and since that date has received over 10,000 scanned pages of discovery on compact disc as well as 100+ compact discs containing additional documents, audio and video taped evidence, and a witness list containing approximately 271 names and addresses of potential witnesses.
6. Florida Rule of Criminal Procedure 3.220(d) details the defendant's reciprocal discovery obligation, specifically:

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FLORIDA

(I) If a defendant elects to participate in discovery, either through filing the appropriate notice or by participating in any discovery process, including the taking of a discovery deposition, the following disclosures shall be made:

(A) Within 15 days after receipt by the defendant of the Discovery Exhibit furnished by the prosecutor pursuant to subdivision (b)(1)(A) of this rule, the defendant shall furnish to the prosecutor a written list of the names and addresses of all witnesses whom the defendant expects to call as witnesses at the trial or hearing.

(B) Within 15 days after receipt of the prosecutor's Discovery Exhibit the defendant shall serve a written Discovery Exhibit which shall disclose to and permit the prosecutor to inspect, copy, test, and photograph the following information and material that is in the defendant's possession or control:

(i) the statement of any person listed in subdivision (d)(1)(A), other than that of the defendant;

(ii) reports or statements of experts made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments, or comparisons; and

(iii) any tangible papers or objects that the defendant intends to use in the hearing or trial.

7. The only response that the defendant has made toward fulfilling her reciprocal obligation was a *Defense Witness List* filed November 20, 2008 and an *Amended Defense Witness List* filed January 22, 2009 due to improper form of the original. Said *Amended Defense Witness List* contains only two (2) names of witnesses different from those previously disclosed to the defense: Dr. Larry Kobilinsky, and Dr. Henry Lee. Neither has been designated an expert witness pursuant to *Luis v. State*, 851 So.2d 773 (Fla. 2d DCA 2003) and the cases cited therein.
8. Since counsel has proclaimed that the evidence they have discovered is "exculpatory", it is difficult to imagine that the defendant would not call witnesses to these "facts" at hearing or trial, or that they do not possess statements, reports, or other tangible papers or objects that support their claim.
9. More than the allotted fifteen (15) days under FRCP 3.220(d)(1) have passed since the defense made reference to this allegedly exculpatory evidence. The only conclusion this Court can draw from the fact that no additional reciprocal discovery exhibit has been filed is (1) the exculpatory evidence does not exist, or (2) the defendant is intentionally violating the rules of discovery.

WHEREFORE, the State of Florida respectfully requests that this Honorable Court conduct a hearing on this matter, or alternatively, order the defendant to immediately turn over any and all evidence to include the names and addresses of witnesses, any statements or reports generated by those witnesses, and any tangible papers or objects to be used at hearing or trial that supports their heretofore unsubstantiated claim that Caylee Marie Anthony's remains were deposited on Suburban Drive while Casey Anthony was incarcerated.

Respectfully Submitted this 10th day of September, 2009,



LINDA DRANE BURDICK
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Orlando, FL 32801
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing motion was delivered via FAX transmission to Jose Baez, Esquire, attorney for defendant Casey Anthony, 522 Simpson Road, Kissimmee, FL 34744 this 10th day of September, 2009.



LINDA DRANE BURDICK
Assistant State Attorney