

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 FOR PROTECTIVE ORDER
PROHIBITING ORANGE COUNTY JAIL FROM VIDEOTAPING ATTORNEY VISITS**

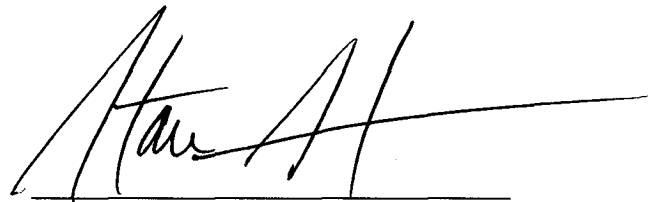
Being duly advised in the premises, the defendant's Motion for Protective Order Prohibiting Orange County Jail from Videotaping Attorney Visits is denied. While Orange County is correct in their assertion that it is not a party to this matter, defendant's counsel has correctly asserted that its involvement here is not so tangential, and does concern the defendant's right to counsel and access to the courts. The Court generally agrees.

Having reviewed all written submissions, and having carefully considered argument of counsel, this Court is of the opinion that it cannot force the Orange County Jail to cease and desist from videotaping Ms. Anthony's meetings with her attorneys. Additionally, the Court has also given careful consideration to simply delaying the release of any videotapes of these meetings until after the trial. The Court, however, is aware of no authority which would justify delaying the release. This is especially true in light of the lengthy delay for the start of the trial in this matter.

The Court does harbor some level of concern over the contents of any videotape that might be released (even without audio). The Court has witnessed at least one prior video which could arguably affect the defendant's right to a fair trial, as well as jury selection. While state law on this issue clearly favors public access, this Court is ordering that no video of the defendant and her counsel be released without an *in camera* viewing by the undersigned. Following an *in camera* review the Court would then either promptly release the video, or prohibit its release if the Court felt a public viewing might be prejudicial¹. Thus, any delay in release would be minimal, and the defendant's right to access to counsel, and access to the courts would be protected.

Therefore, the defendant's Motion for a Protective Order is denied, however, the Court will act as an intermediary to view, *in camera*, any jail videos scheduled to be released to the media.

DONE AND ORDERED in Chambers, at Orlando, Orange County, Florida, this 17th day of December, 2009.

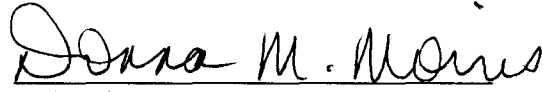
A handwritten signature in black ink, appearing to read 'Stan Strickland', written over a horizontal line.

STAN STRICKLAND
Circuit Judge

¹ The Court would then set a hearing at the request of any party in interest.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Order has been furnished via U.S. Mail or hand delivery to Linda Drane Burdick, Esquire, Office of the State Attorney, 415 North Orange Avenue, Orlando, FL 32801; to Jose Baez, Esquire, 522 Simpson Road, Kissimmee, FL 34744; to Andrea Lyon, Esquire, Director, Center for Justice in Capital Cases, DePaul University College of Law, 1 East Jackson Boulevard, Chicago, IL 60604; and to Tamara Gappen, Esquire, Office of the County Attorney, P. O. Box 1393, Orlando, FL 32802-1393, this 17th day of December, 2009.


Judicial Assistant