

)	In the Circuit Court of the
)	Ninth Judicial Circuit, in and for
)	Orange County, Florida
STATE OF FLORIDA)	
)	Case No.: 49988888888888888888
v.)	Division 16
)	
CASEY MARIE ANTHONY,)	Hon. Stan Strickland
)	
Defendant.)	
)	

MOTION TO MODIFY THE COURT'S ORDER ON DEFENDANT'S APPLICATION FOR SUBPOENA DUCES TECUM FOR DOCUMENTS IN THE POSSESSION OF TEXAS EQUUSEARCH

COMES NOW the Defendant, CASEY MARIE ANTHONY, by and through her attorneys JOSE A. BAEZ and ANDREA D. LYON, and submits this Motion to Modify the Court's Order on Defendant's Application for Subpoena Duces Tecum for Documents in the Possession of Texas Equusearch.

In support of this motion, Miss Anthony states the following:

1. Miss Anthony's previous Motion, and accompanying Memorandum of Law, to Certify Timothy Miller as a Material Witness in the Instant Prosecution, or in the Alternative Application for Subpoena Duces Tecum for Documents in the Possession of Texas Equusearch, is incorporated here by reference.

2. In the response, to Miss Anthony's previous Motion, which was filed on behalf of Texas Equusearch (TES), it is asserted that "[n]one of thousands of searchers, who volunteered with TES, were ever at the exact spot where Caylee Anthony's remains were found." The response then goes on to state that, upon going through the documents from its thousands of

volunteers, TES identified only thirty-two who “searched the area between Hidden Oaks Elementary School and around where the remains were found.”

3. On August 29, 2009, this Court entered an Order requiring TES to disclose, to the State and Defense, documents relating to those thirty-two (32) searchers who performed a search of the area on Suburban Drive, near Hidden Oaks Elementary School.

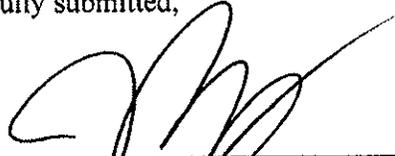
4. The Defense, through its own independent investigation, has interviewed several TES searchers who not only searched the area where the remains were found, but who were not among the thirty-two (32) identified by TES. As reflected in their individual signed statements, these individuals each submitted detailed reports of their search to TES, none of which were disclosed to the Defense. *See Exhibits A and B.*

5. None of the persons who searched the area where Caylee Anthony’s remains were ultimately found reported finding anything unusual. The searchers did not find a body, did not notice any smells which might be associated with a body, and did not see any unusual animal or insect activity which might be indicative of a decaying body. *See Exhibits A and B.*

6. This evidence, discovered by the Defense, shows that the statements made by TES, to this Court, were inaccurate. There were indeed TES searchers who searched the area where Caylee Anthony’s remains were found. There were also many more than thirty-two (32) individuals who searched the area on Suburban Drive, near Hidden Oaks Elementary School. The information most relevant to Miss Anthony’s defense was withheld.

WHEREFORE, for the foregoing reasons, Miss Anthony, by and through undersigned counsel, respectfully asks this Honorable Court to revise the previous Order entered and require TES to disclose all materials relating to the searches it conducted relating to Caylee Anthony and provide counsel with copies of everything forthwith.

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: 11/23, 2009

Jose A. Baez
The Baez Law Firm
520 [REDACTED]
[REDACTED] 44
[REDACTED]
407 [REDACTED]

Professor Andrea D. Lyon
Director, Center for Justice in Capital Cases
DePaul University College of Law
[REDACTED]
[REDACTED]
[REDACTED]
3 [REDACTED]
3 [REDACTED]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing has been furnished to Mark E. NeJame, counsel for TES, 189 South Orange Avenue, Orlando, Florida 32801; and the Office of the State Attorney, 415 North Orange Avenue, Orlando, Florida 32801; via facsimile and/or U.S. Mail on this 23 day of November, 2009.



JOSE A. BAEZ, ESQUIRE
FL Bar # [REDACTED]
JOSE L. GARCIA, ESQUIRE
[REDACTED]
THE BAEZ LAW FIRM
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

STATE OF FLORIDA)	In the Circuit Court of the
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v.)	Case No.: [REDACTED]
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**MEMORANDUM OF LAW IN SUPPORT OF
DEFENDANT'S MOTION TO MODIFY THE COURT'S ORDER ON DEFENDANT'S
APPLICATION FOR SUBPOENA DUCES TECUM FOR DOCUMENTS IN THE
POSSESSION OF TEXAS EQUUSEARCH**

COMES NOW the Defendant, CASEY MARIE ANTHONY, by and through her attorneys JOSE A. BAEZ and ANDREA D. LYON, and submits this Memorandum of Law in support of her Motion to Modify the Court's Order on Defendant's Application for Subpoena Duces Tecum for Documents in the Possession of Texas Equusearch.

In support of the motion, Miss Anthony states the following:

STATEMENT OF FACTS

1. The facts specified in the Memorandum of Law in support of Miss Anthony's original Motion to Certify Timothy Miller as a Material Witness in the Instant Prosecution, or in the Alternative Application for Subpoena *Duces Tecum* for Documents in the Possession of Texas Equusearch, are incorporated here by reference.

2. Texas Equusearch (TES), through their attorney, Mark NeJame, stated to this Court that no one, acting on their behalf, ever searched "at the exact spot where Caylee Anthony's remains were found." TES then further stated that it had reviewed all of the

documents in its possession and discovered only thirty-two (32) searchers had ever even been in the Suburban Drive neighborhood.

3. On August 29, 2009, this Court ordered TES to disclose documents relating to those thirty-two (32) searchers who were identified as having searched the Suburban Drive neighborhood.

4. On September 1, 2008, Joe Jordan, a volunteer for TES, along with approximately 30 other TES volunteers went to the Suburban Drive neighborhood to search for Caylee Anthony. Of those 30 volunteers, approximately five or six, along with Joe Jordan, searched the area near the wooden stockade fence on the south side of 8750 Suburban Drive. Along with Joe Jordan, and the other five or six searchers, were two dog handlers with dogs, Danny Ibison and a Panama City Sheriff's Deputy. The area they searched was within feet of where Caylee Anthony's remains were ultimately found. Joe Jordan documented his search in detail on forms specifically provided by TES and submitted those forms to TES officials. Joe Jordan's name was not among the thirty-two (32) searchers identified by TES and none of his reports were disclosed to the Defense. *See Exhibit A.*

5. On September 3, 2008, Laura Buchanan, a volunteer for TES, along with the team to which she was assigned, searched the area on Suburban Drive near where Caylee Anthony's remains were ultimately found. The group searched the area for three to four hours, and Laura Buchanan personally searched near the wooden privacy fence and worked her way towards, and beyond where Caylee Anthony's body was ultimately found. She did not notice anything unusual. There were no strange smells or any unusual animal or insect activity. It is Laura Buchanan's opinion based on her observations that Caylee Anthony's body was not there at the time of her team's search. Laura Buchanan was not listed among the thirty-two (32) searchers