



relation between the propositions for which the evidence is offered and the issues in the case. If the evidence is offered to help prove a proposition which is not a matter in issue, the evidence is irrelevant." McCormick, Evidence (4th ed.), S 185, p. 773.

4. These photographs of Miss Anthony, some of which were taken long before Caylee's disappearance, are not material to any issue in the case. The issue in this case is whether or not Miss Anthony committed first-degree murder of her daughter. These photographs add nothing to the resolution of that issue.
5. Because the ultimate punishment of death is categorically different from any other punishment, the United States Supreme Court requires heightened reliability in the decisions made by a judge or jury during the course of a capital trial. *See, e.g., Zant v. Stephens*, 462 U.S. 862, 884 (1983).

WHEREFORE, Casey Anthony prays:

1. That her motion be granted and that the prosecution be directed not to introduce or refer in any way to the photographs of Miss Anthony.
2. As a less favored alternative, Miss Anthony asks that this court hold an evidentiary hearing at which this evidence can be presented prior to trial so this Court can make its own determination as to the materiality and relevance of the evidence.
3. At the very least, this Honorable Court should require the prosecution to make an offer of proof in writing by the prosecution as to how this evidence is relevant and material and therefore admissible.
4. Further, Miss Anthony requests that should such an offer be made, or hearing held, that she be

