

FILED IN OFFICE
CLERK OF CIRCUIT COURT
ORANGE COUNTY, FL

In the Circuit Court of the
Ninth Judicial Circuit, in and for
Orange County, Florida

STATE OF FLORIDA 10 MAR -8 AM 9:44

Case No.: 482008-CF-0015606-O
Division 16

v.

LYDIA GARDNER
CLERK OF CIRCUIT COURT
ORANGE COUNTY, FL

Hon. Stan Strickland

CASEY MARIE ANTHONY, ORANGE CO, FL

Defendant.

DEFENDANT'S MOTION FOR DETERMINATION OF INDIGENCY FOR COSTS

COMES NOW the Defendant, CASEY MARIE ANTHONY, by and through her attorneys, JOSE A. BAEZ and ANDREA D. LYON, and pursuant to Florida Statute, Section 27.52(5), respectfully asks this Court to declare Casey Anthony indigent for costs and in the alternative, partially indigent for costs, and in support thereof:

1. Miss Anthony is guaranteed a right to a fair trial by an impartial jury under the Sixth and Fourteenth Amendments to the United States Constitution and Article I, Sections 9, 16, and 22 of the Florida Constitution.
2. On October 14, 2008, Miss Anthony was indicted on the charge of first degree murder and taken into custody. She has been incarcerated in the Orange County Jail since that date. Miss Anthony does not have sufficient funds to pay for the costs associated with her defense.
3. Florida Statute Section 27.52 (5) authorizes Miss Anthony to move this court for a determination that she is indigent for costs. The relevant section of the statute provides:

A person who is eligible to be represented by a public defender under s. 27.51 but who is represented by private counsel not appointed by the court for a reasonable fee as approved by the court, on a pro bono basis, or who is proceeding pro se, may move the court for a determination that he or she is indigent for costs and

COSTS = travel, depositions, etc

Fees =

eligible for the provision of due process services, as prescribed by ss. 29.006 and 29.007, funded by the state.

Fla. Stat. §27.52(5)

4. Florida Statute, Subsection 29.006 prescribes the due process services to be provided upon a determination of indigency. Under Subsection 29.006, reasonable anticipated costs include but are not limited to: the service of subpoenas, investigative costs for both guilt and sentencing, travel, hiring experts to interpret forensic evidence, and transcripts.
Fla. Stat. §§29.006
5. Here, as Ms. Lyon appears *pro bono*, Miss Anthony only seeks a determination of indigency to cover the costs necessary to ensure adequate assistance of counsel and due process of law.
6. In determining indigent status, Florida Statute Section 27.52 requires the trial court to consider the probable expense and burden of defending the case as well as the defendant's income.
7. The costs of defending this case have increased beyond anticipation as the case has become increasingly complex. Further, Miss Anthony has received no income during the time that she has been incarcerated. In order to meet the unique standard of care required for a capital defense, Miss Anthony must be found indigent for costs.
8. The Affidavit of Attorney's Fees from Miss Anthony, attached as prescribed under Section 27.52 (5)(a)(2), indicates that the \$22,500 has been paid to Ms. Lyon has been used directly to cover those costs outlined by subsection 29.006 such as transcripts, travel, and investigation. Ms. Lyon has not received any fees. She has been and continues to appear *pro bono*.

9. Under Section 27.52 (5)(b)(6) in reviewing this motion, the court shall consider the amount of any attorney's fees and who is paying the fees. Given that Ms. Lyon has never received fees, and Miss Anthony is indigent, the request for costs necessary to ensure an adequate defense is reasonable.
10. Miss Anthony is charged with a capital offense and the United States Supreme Court has consistently held that the death penalty is a unique punishment that requires a higher standard of care. Further, the Florida Rules of Criminal Procedure provide that this standard of care be higher than those for noncapital cases; in particular, the rules state that death penalty counsel must have "adequate time and resources for preparation." Fla. R. Crim. P. 3.112(a). The determination of indigency for costs is essential to meet that higher standard of care and to provide adequate assistance of counsel.
11. Mr. Baez has been representing Miss Anthony for over a year and a half. He has expended many hours ensuring that she have adequate and effective representation. All of Miss Anthony's resources are exhausted. Miss Anthony's indigency must be recognized so that her defense may continue to meet the standard of care required for capital cases.
12. Over the past ten months, Ms. Lyon has built relationships with experts and worked with investigators in order to provide Miss Anthony the unique standard of care required, and to facilitate the relationship between Ms. Lyon and Miss Anthony— a relationship that is the very foundation of adequate assistance.
13. These costs are necessary to maintain that necessary standard of care and will go directly to expert witnesses, investigative costs, travel, transcripts, and necessary depositions. Without a determination of indigency to cover all necessary costs, the risk associated

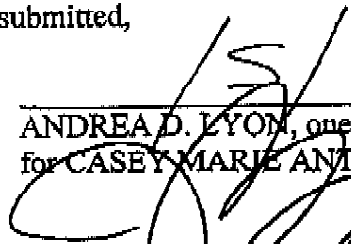
with delay and the potential for Constitutionally inadequate assistance are too great to ignore.

14. In support for her motion, Miss Anthony submits the following:


- a. A completed application as prescribed by section 27.52 (5)(a)(1).
- b. An affidavit attesting to the estimated amount of attorney's fees and the source of payment for these fees as prescribed by section 27.52 (5)(a)(2).

WHEREFORE, Miss Anthony respectfully requests this Court grant this motion and declare her indigent, or in the alternative partially indigent, for costs.

Respectfully submitted,



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



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

Dated: 3-5- _____, 2010

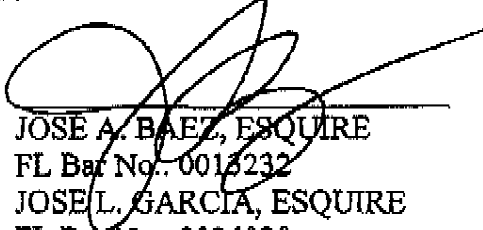
Professor Andrea D. Lyon
Director, Center for Justice in Capital Cases
DePaul University College of Law
14 E. Jackson Blvd., First Floor
(Mailing Address: 1 E. Jackson Blvd.)
Chicago, Illinois 60604
312-362-8402 (phone)
312-362-6918 (fax)

Jose A. Baez
The Baez Law Firm

522 Simpson Road
Kissimmee, Florida 34744
407-705-2626 (phone)
407-705-2625 (fax)

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 to the Justice Administrative Commission, 227 N. Bronough Street, Suite 2100, Tallahassee, FL 32301; via facsimile and /or U.S. Mail on this 5 day of March, 2010.



JOSE A. BAEZ, ESQUIRE
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FL Bar No.: 0026020
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IN AND FOR ORANGE COUNTY, FLORIDA

CASE NO. 2008-CF-015606-A-0

STATE OF FLORIDA vs. Casey M. Anthony
Defendant Minor Child

APPLICATION FOR CRIMINAL INDIGENT STATUS

I AM SEEKING THE APPOINTMENT OF THE PUBLIC DEFENDER
OR
 I HAVE A PRIVATE ATTORNEY OR AM SELF-REPRESENTED AND SEEK DETERMINATION OF INDIGENCE STATUS FOR COSTS

Notice to Applicant: The provision of a public defender/court appointed lawyer and costs/due process services are not free. A judgment and lien may be imposed against all real or personal property you own to pay for legal and other services provided on your behalf or on behalf of the person for whom you are making this application. There is a \$50.00 fee for each application filed. If the application fee is not paid to the Clerk of the Court within 7 days, it will be added to any costs that may be assessed against you at the conclusion of this case. If you are a parent/guardian taking this affidavit on behalf of a minor or tax-dependent adult, the information contained in this application must include your income and assets.

1. I have 0 dependents. (Do not include children not living at home and do not include a working spouse or yourself.)

2. I have a take home income of \$ 0.00 paid () weekly () bi-weekly () semi-monthly () monthly () yearly
(Take home income equals salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments, minus deductions required by law and other court ordered support payments)

3. I have other income paid () weekly () bi-weekly () semi-monthly () monthly () yearly: (Circle "Yes" and fill in the amount if you have this kind of income, otherwise circle "No".)

Social Security benefits..... Yes \$ _____	<input checked="" type="radio"/> No	Veterans' benefit..... Yes \$ _____	<input checked="" type="radio"/> No
Unemployment compensation..... Yes \$ _____	<input checked="" type="radio"/> No	Child support or other regular support from family members/spouse..... Yes \$ _____	<input checked="" type="radio"/> No
Union Funds..... Yes \$ _____	<input checked="" type="radio"/> No	Rental income..... Yes \$ _____	<input checked="" type="radio"/> No
Workers compensation..... Yes \$ _____	<input checked="" type="radio"/> No	Dividends or interest..... Yes \$ _____	<input checked="" type="radio"/> No
Retirement/pensions..... Yes \$ _____	<input checked="" type="radio"/> No	Other kinds of income not on the list..... Yes \$ _____	<input checked="" type="radio"/> No
Trusts or gifts..... Yes \$ _____	<input checked="" type="radio"/> No		

4. I have other assets: (Circle "yes" and fill in the value of the property, otherwise circle "No.")

Cash..... Yes \$ _____	<input checked="" type="radio"/> No	Savings..... Yes \$ _____	<input checked="" type="radio"/> No
Bank account(s)..... Yes \$ _____	<input checked="" type="radio"/> No	Stocks/bonds..... Yes \$ _____	<input checked="" type="radio"/> No
Certificates of deposit or money market accounts..... Yes \$ _____	<input checked="" type="radio"/> No	*Equity in Real estate (excluding homestead) Yes \$ _____	<input checked="" type="radio"/> No
*Equity in Motor vehicles/Boats/ Other tangible property..... Yes \$ _____	<input checked="" type="radio"/> No	*Include expectancy of an interest in such property	

5. I have a total amount of liabilities and debts in the amount of \$ _____

6. I receive: (Circle "Yes" or "No.")

Temporary Assistance for Needy Families-Cash Assistance.....	Yes	<input checked="" type="radio"/> No
Poverty-related veterans' benefits.....	Yes	<input checked="" type="radio"/> No
Supplemental Security Income (SSI).....	Yes	<input checked="" type="radio"/> No

7. I have been released on bail in the amount of \$ N/A Cash _____ Surety _____ Posted by: Self _____ Family _____ Other _____

A person who knowingly provides false information to the clerk or the court in seeking a determination of indigent status under s. 27.52, F.S. commits a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S. or s. 775.083, F.S. I attest that the information I have provided on this Application is true and accurate to the best of my knowledge.

Signed this 2 day of 3, 2010

Date of Birth 02/19/1986

Driver's license or ID number UNKNOWN

[Signature]
Signature of Applicant for indigent status
Casey Marie Anthony
Print full legal name
Address 4137 HOPE SPRING DR.
City, State, Zip ORLANDO, FL 32834
Phone number N/A

CLERK'S DETERMINATION

Based on the information in this Application, I have determined the applicant to be () indigent () Not indigent

The Public Defender is hereby appointed to the case listed above until relieved by the Court.

Dated this _____ day of _____, 20 _____

Clerk of the Circuit Court

This form was completed with the assistance of _____

Clerk/Deputy Clerk/Other authorized person

APPLICANTS FOUND NOT INDIGENT MAY SEEK REVIEW BY ASKING FOR A HEARING TIME. Sign here if you want the judge to review the clerk's decision of not indigent. _____

IN THE CIRCUIT/COUNTY COURT OF THE Ninth JUDICIAL CIRCUIT
IN AND FOR Orange COUNTY, FLORIDA

STATE OF FLORIDA

CASE NO. 2008-CF-005606-0

vs.
Casey Marie Anthony
Defendant

INDIGENT FOR COSTS AFFIDAVIT OF ATTORNEY'S FEES
Pursuant to §27.52(5), Florida Statutes

I, Casey Marie Anthony (print name), am represented
by Andrea Lyon (name of attorney) in
the above entitled action. The estimated amount of fees for the attorney named above
in this case is \$22,500 dollars

(\$22,500). The fees paid or to be paid to the attorney were or are being paid by:

Name: Casey Marie Anthony Relationship: myself

Name: _____ Relationship: _____

No other compensation, things of value or funds have been paid or are anticipated to be
paid in the future to the attorney in this case from any other person or source. The
attorney represents me in other cases as follows:

Case No: N/A Fee: \$ N/A

Case No: _____ Fee: \$ _____

Other information: _____

Under penalty of perjury, I declare that I have read the foregoing Indigent for
Costs Affidavit of Attorney's Fees and that the facts stated in it are true.

Dated: 3-3-10

[Signature]
Signature

IN THE CIRCUIT/COUNTY COURT OF THE 4th JUDICIAL CIRCUIT
IN AND FOR Orange COUNTY, FLORIDA

STATE OF FLORIDA

CASE NO. 2008-CF-0015606-0

vs.

Casey M. Anthony
Defendant

INDIGENT FOR COSTS AFFIDAVIT OF ATTORNEY'S FEES
Pursuant to §27.52(5), Florida Statutes

by Casey Marie Anthony (print name), am represented
by Jose Balez (name of attorney) in
the above entitled action. The estimated amount of fees for the attorney named above
in this case is \$ 89,454.⁸³ dollars

(\$ 89,454.⁸³). The fees paid or to be paid to the attorney were or are being paid by:
Name: Casey Marie Anthony Relationship: MYSELF
Name: _____ Relationship: _____

No other compensation, things of value or funds have been paid or are anticipated to be
paid in the future to the attorney in this case from any other person or source. The
attorney represents me in other cases as follows:

Case No: 2008-CF-013331-A-0 Fee: \$ 0.00

Case No: _____ Fee: \$ _____

Other information: _____

Under penalty of perjury, I declare that I have read the foregoing Indigent for
Costs Affidavit of Attorney's Fees and that the facts stated in it are true.

Dated: 3-3-10

[Signature]
Signature