

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,

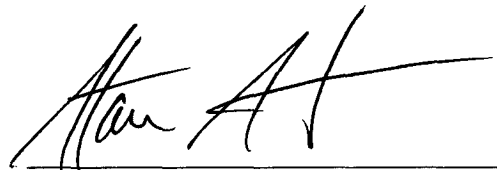
Defendant.

**ORDER ON STATE OF FLORIDA'S MOTION TO STRIKE
DEFENDANT'S MOTION TO DISMISS COUNTS I AND II OF
THE INDICTMENT AGAINST CASEY MARIE ANTHONY**

Being duly advised in the premises, the State's Motion to Strike Defendant's Motion to Dismiss Counts I and II of the Indictment Against Casey Marie Anthony is granted. While the lengthy motion is both thoughtful and interesting, it does not meet the requirements of Florida Rule of Criminal Procedure 3.190(c)(4) which allows a defendant to move for dismissal alleging that there are no material disputed facts, and the undisputed facts do not establish a prima facie case of guilt against the defendant. While certain facts are undisputed, the bulk of the material facts are disputed.

The contents of the motion, as well as Ms. Anthony's brief affirmations, are not enough to carry the day under Florida Rules of Pleading. Therefore, the State's Motion to Strike is granted without prejudice.

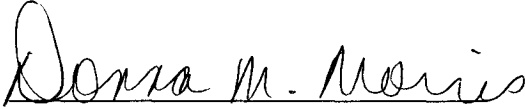
DONE AND ORDERED in Chambers, at Orlando, Orange County, Florida, this 16th day of October, 2009.



STAN STRICKLAND
Circuit Judge

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, Jeffrey Ashton, Esquire, and Frank George, Esquire, Office of the State Attorney, 415 North Orange Avenue, Orlando, FL 32801; to Jose Baez, Esquire, 522 Simpson Road, Kissimmee, FL 34744; and to Andrea Lyon, Esquire, Director of the Center for Justice in Capital Cases, DePaul University College of Law, 1 East Jackson Boulevard, Chicago, IL 50504, on this 16th day of October, 2009.


Judicial Assistant