

IN THE CIRCUIT COURT, NINTH
JUDICIAL CIRCUIT, IN AND FOR
ORANGE COUNTY, FLORIDA.

CASE NO.: 48-08-CF-013331-O

DIVISION: 16

STATE OF FLORIDA

vs.

CASEY MARIE ANTHONY
_____ /

**EMERGENCY MOTION FOR HEARING TO QUASH, VACATE, AND SET ASIDE
COURT'S ORDER**

COMES NOW the Defendant, CASEY MARIE ANTHONY, by and through her undersigned Counsel and moves this Honorable Court to quash, vacate, and set aside the recently signed Order amending the Defendant's original Plea Agreement and Sentence based on the Order's status as a fraudulently filed product of a previously disqualified judge, lack of jurisdiction by the Court, a violation of Defendant's right to Due Process, and a violation of double jeopardy. In support, the Defendant provides the following:

Facts

After a plea negotiation, the Defendant was sentenced to time served and a probationary period of one year. See Original Plea Agreement and Sentence, hereto attached as "Exhibit A." In open Court, the Honorable Stan Strickland expressed that it was his intention that probation would be served on the Defendant's release. However, the final Order on release did not state this condition. See Exhibit A.

As a result of the Final Order, the Department of Corrections did, in fact, begin probation with the Defendant while she was incarcerated. See Case Notes from Florida Dept. of

SCANNED

FILED IN OFFICE 8/2/11
LYDIA GARDNER, Clerk, Cir. Ct., Orange Co., FL
By A Chambers D.C.

Corrections, Probation and Parole for Casey Anthony attached hereto as "Exhibit B." A public records request for Ms. Anthony's entire probation record has been made and will be made available to the Court upon receipt. See email for public records request and reply attached hereto as "Exhibit C." This probationary period ran one year, included an initial interview, supervision orders, review of the case, several residence verifications, and, ultimately, a supervision termination dated January 24, 2011. See Exhibit C. Subsequently, after meeting all the probationary requirements, Ms. Anthony's probation was official terminated by the Florida Department of Corrections. See termination letter hereto attached as "Exhibit D."

On July 29, 2011, the Honorable Stan Strickland, sua sponte, signed an amended and amended Plea Agreement and Sentence, hereto attached as "Exhibit E." Although the amended Plea Agreement and Sentence states that the document was filed in open Court on July 29, 2011, neither the Defendant nor her counsel received notice. This amended Order placed the additional term that "The Defendant is to report to Probation upon release." The Defendant has been given until August 3, 2011 to meet with her probation officer in Orange County, Florida.

Argument

Upon motion by the Defendant based on reasonable fear that she would not receive a fair trial, the Honorable Stan Strickland was disqualified in Case Number 48-2008-0015606-O on April 19, 2010. The Defendant's fears have only been confirmed the Judge's participation in tabloid entertainment program Nancy Grace, in which he expressed his "shock" with the Defendant's acquittals. Available at <http://transcripts.cnn.com/TRANSCRIPTS/1107/06/ng.01.html>. On the local NBC affiliate, WESH, the Honorable Stan Strickland criticized the jury's findings and blamed a lack of understanding of circumstantial evidence and reasonable

doubt. Available at <http://www.wesh.com/casey-anthony-extended-coverage/28523567/video.html>.

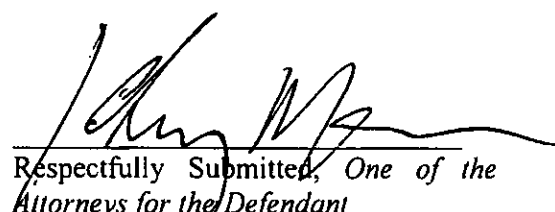
Such unbridled prejudice by a sitting Judge calls into question the validity of any rulings made after recusal. Further, even if Judge Strickland did retain jurisdiction of this case, the Judge has lost jurisdiction, as the amended Order was made well past 60 days of the original. Additionally, the Order was fraudulently entered. There was no attempt to notice the Defendant or her Counsel (however, the media had ample notice), the Defendant has not signed the Order, as required, and the statement on the Order was not filed during any proceedings in open court, as stated in the Order. There is no record of a proceeding, the claims that Defendant was present are false, as are claims that the Defendant's attorneys were present.

Further, Ms. Anthony actually did serve her probation, as evidence by her record with the Florida Department of Corrections. Any second sentence for probation imposed will be in violation of Ms. Anthony's rights of protection against double jeopardy under both the Florida state and United States Constitution. Additionally, it must be noted that in amending the Order, the Judge acted on his own, without motion or request from the State of Florida, and instead of noticing the Defendant (even through her counsel) revealed his intention in a media interview. Further, the Department of Corrections was correct in following the original order, as the Court cannot order a sentence for some later, undetermined time, as Judge Strickland has done in the present situation.

In ordering additional probation time, the amended Order by the Judge were made with a reckless disregard for Ms. Anthony's Due Process and Civil Rights. As such, the Order must be vacated and set aside for further hearings.

In the alternative, the Defendant requests Administrative Probation, as any requirement that she return to Orange County put her in great peril, as well as impose a significant cost to taxpayers in securing her safety. The Defendant has received several threats upon her safety and life, the most egregious of which is attached. See attached as "Exhibit F."

I HEREBY CERTIFY that a true and correct copy of the foregoing has been delivered, by hand/U.S. Mail/facsimile, to the Office of the State Attorney, representing the State of Florida and to the Office of the Attorney General, representing the State of Florida, by mail, this 2nd day of August, 2011.



Respectfully Submitted, *One of the*
Attorneys for the Defendant
J. CHENEY MASON, ESQ.
Florida Bar No.: 131982
J. Cheney Mason, P.A.
390 North Orange Avenue Suite 2100
Orlando, Florida 32801
Telephone: 407-843-5785
Facsimile: 407-422-6858

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

CASE NUMBER: 48-08-CF-13331-O/A

DIVISION NO: 3516

STATE OF FLORIDA,
Plaintiff,

vs.

CASEY MARIE ANTHONY,
Defendant.

- X70160

(M-F)

29 Coburn Ave.

(after
hours)

cell
phone

This cause coming on this day to be heard before me, and you, the defendant being now present before me, and it appearing to the satisfaction of this Court that you are not likely again to engage in a criminal course of conduct, and that the ends of justice and the welfare of society do not require that you should suffer the penalty authorized by law:

Now, therefore, based on the plea or court finding and judgment of the court set forth below, it is ordered that you are hereby placed on probation under the supervision of the Department of Corrections and its Officers, such supervision to be subject to the provisions of the laws of this State, as follows:

The Defendant having pled guilty to the offense, the Court hereby withholds Adjudication of Guilt and sentences you to 412 Day(s) in the Orange County Jail with credit for 412 Day(s) time served. To be followed by 1 Year(s) Probation concurrent with EACH COUNT with the following SPECIAL CONDITION(S):

- NO PERSONAL CONTACT WITH THE VICTIM,

The Defendant having pled guilty to the offense, the Court hereby withholds Adjudication of Guilt and sentences you to 412 Day(s) in the Orange County Jail with credit for 412 Day(s) time served. To be followed by 1 Year(s) Probation concurrent with EACH COUNT with the following SPECIAL CONDITION(S):

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- NO PERSONAL CONTACT WITH THE VICTIM,

The Defendant having pled guilty to the offense, the Court hereby withholds Adjudication of Guilt and sentences you to 412 Day(s) in the Orange County Jail with credit for 412 Day(s) time served. To be followed by 1 Year(s) Probation concurrent with EACH COUNT with the following SPECIAL CONDITION(S):

- NO PERSONAL CONTACT WITH THE VICTIM,

- 1) Not later than the fifth day of each month, you will make a full and truthful report to your Probation Officer on the form provided for that purpose.
- 2) You will pay to the State of Florida \$20.00 per month toward the cost of supervision, plus a 4% surcharge per month by the fifth day of each month unless otherwise waived in compliance with Florida Statutes.
- 3) You will not change your residence or employment or leave the county of your residence without first procuring the consent of your Probation Officer.
- 4) You will neither possess, carry or own any weapons or firearm without first securing the consent of your Probation Officer.
- 5) You will live and remain at liberty without violating any law. A conviction in a court of law shall not be necessary in order for such a violation to constitute a violation of your probation.
- 6) You will not use intoxicants to excess; nor will you visit places where intoxicants, drugs or other dangerous substances are unlawfully sold, dispensed or used.
- 7) You will work diligently at a lawful occupation and support any dependents to the best of your ability as directed by your Probation Officer.

- 8) You will promptly and truthfully answer all inquiries directed to you by the Court or the Probation Officer, and allow the Officer to visit in your home, at your employment site or elsewhere, and you will comply with all instructions he may give you.
- 9) You will not possess or use any marijuana or other controlled substance except upon prescription of a duly licensed medical or osteopathic doctor and then only in accordance with the prescribed dosage. You will not possess any controlled substance paraphernalia or forged or blank prescription forms.
- 10) Unless prohibited from consuming alcoholic beverages by a special condition elsewhere in this order, you will not consume alcoholic beverages to the extent that your normal faculties are impaired.
- 11) You will submit to a reasonable search without a warrant by the Probation Officer of your person, effects, residence or business premises or vehicle for alcoholic beverages, controlled substances, weapons or firearms. You will submit to chemical tests (breath, urine and blood) upon request of your Probation Officer to determine the presence and quantity of alcohol or controlled substance in your blood.
- 12) The Court retains jurisdiction to place you in the Probation and Restitution Center upon recommendation of your Probation Officer without finding of violation of probation.
- 13) You will not knowingly associate with any persons engaged in criminal activity.

You are hereby placed on notice that the court may at any time rescind or modify any of the conditions of your probation, or may extend the period of probation as authorized by law, or may discharge you from further supervision; and that if you violate any of the conditions of your probation, you may be arrested and the Court may revoke your probation and impose any sentence which it might have imposed before placing you on probation.

You shall report in person within 72 hours of your release from confinement to the Probation and Parole Office in Orange County, Florida, unless otherwise instructed by your officer. (This condition applies only if released from the Department of Corrections confinement.) Otherwise, you must report immediately to Probation and Parole, 5449 S. Semoran Blvd Ste 21, Orlando, FL 32822.

It is further ordered that when you have reported to the Probation Officer and have been instructed as to the conditions of probation you shall be released from custody if you are in custody and if you are at liberty on bond, the sureties thereon shall stand discharged from liability.

It is further ordered that the Clerk of this Court file this Order in her office, record the same in the Minutes of the Court, and forthwith provide copies of same to the Probation Officer for his use in compliance with the requirements of law.

Filed in Open Court this 25th day of January, 2010.

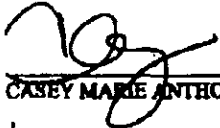
Done and Ordered at Orange County, Florida this 25th day of
January, 2010.

Lydia Gardner
Clerk of the Circuit and County Courts

By: K. DePilar,
Deputy Clerk in Attendance

Honorable Sean Strickland, Judge Presiding

I acknowledge receipt of a copy of this order and am thus responsible for complying with the conditions of my sentence contained herein, this 25th day of January, 2010.

 2/2/2010
CASEY MARIE ANTHONY, Defendant

Instructed by N. Lewis 2/2/10

acknowledge receipt of a copy of this order and am thus responsible for complying with the conditions of my sentence contained herein, this 25th day of January, 2010.


CASEY MARIE ANTHONY, Defendant

2/2/2010

Instructed by *Natasha Lewis*
2/2/10

DATE: 07/28/11
PPPG666- 37FLORIDA DEPARTMENT OF CORRECTIONS
PROBATION & PAROLE SERVICES
BEGINNING 01/01/10 ENDING 06/01/11

PAGE 2

CASE NOTES - ANTHONY, CASEY M.

| DATE | TIME/SSO | USERID | CONTACT TYPE | NARRATIVE |
|------------|----------|---------|----------------------|---|
| | | | | INVOLVEMENT IN CRIME ACCOUNTS, RESTORATION OF CIVIL RIGHTS & MIPAA. |
| 02/02/2010 | 09:09 | P090912 | LINSFORD NOTIFICATIO | JLR & JESSICA LINSFORD REVIEW COMPLETED |
| 02/02/2010 | 09:10 | P090K17 | RECORDS CHECK | |
| 02/04/2010 | 09:01 | P090912 | CASE NOTE | COPY OF ORDERS SENT TO C. ANTHONY VIA US MAIL NLEWIS |
| 03/01/2010 | 09:01 | P090912 | RESIDENCE VERIFICATN | VERIF S. STILL IN OCJ NLEWIS |
| 03/10/2010 | 09:01 | P090K07 | INITIAL RRVN | COMPLETED INITIAL REVIEW |
| 03/10/2010 | 09:02 | P090K07 | AUDIT COMPLETE | SENTENCE STRUCTURE, INDIVIDUALIZED SUPERVISION PLAN AND COURT ORDERED PAYMENT SYSTEM AUDITED. |
| 03/10/2010 | 09:03 | P090K07 | SUPERVISION ORDERS A | SUPERVISION ORDERS ADDED |
| 03/10/2010 | 09:04 | P090K07 | SENTENCE STRUCTURE A | SENTENCE STRUCTURE ADDED |
| 03/10/2010 | 09:05 | P090K07 | COMP ADDIT COMPLETND | COMP ADDIT COMPLETED |
| 03/10/2010 | 09:06 | P090K07 | CASE REVIEW | |
| 04/01/2010 | 09:01 | P090912 | RESIDENCE VERIFICATN | STILL IN OCJ. HOUSING CHANGED 1/24/10 NLEWIS |
| 05/03/2010 | 09:01 | P090912 | RESIDENCE VERIFICATN | VERIF S. STILL IN OCJ, STATUS SAME NLEWIS |
| 06/01/2010 | 09:01 | P090912 | RESIDENCE VERIFICATN | S STILL IN OCJ NLEWIS |
| 07/01/2010 | 09:02 | P090912 | RESIDENCE VERIFICATN | S. STILL IN OCJ, MAR 11, CUSTODY 2. NEXT HEARING SCHEDULED 7/15/10 NLEWIS |
| 08/02/2010 | 09:01 | P090912 | RESIDENCE VERIFICATN | NO CHANGES IN STATUS NOTED NLEWIS |
| 12/06/2010 | 09:01 | P090912 | RESIDENCE VERIFICATN | |
| 12/06/2010 | 09:01 | P090CG6 | 90 DAY PRE-TERM RRVN | 90 DAY PRE-TERM REVIEW |
| 12/06/2010 | 09:01 | P090CG6 | 90 DAY PRE-TERM RRVN | S IN JAIL UNRELATED CASE, NO ACTIVE SUPERVISION COS WILL BE WAIVED ALONG WITH D.T. VRS.TREDDICE. |
| 12/06/2010 | 09:01 | P090CG6 | 90 DAY PRE-TERM RRVN | NO NEW ARREST |
| 12/07/2010 | 09:01 | P090CG6 | 30 DAY PRE-TERM RRVN | 30 DAY PRE-TERM REVIEW |
| 12/15/2010 | 09:01 | P090K07 | CASE REVIEW | OFF 01 BK TO TERM. OFFENDER HAS REMAINED IN OCJ PENDING TRIAL ON MURDER CHARGES HER ENTIRE PERIOD OF SUPERVISION. CASE COULD NOT BE TOLLED AS ADDITIONAL CHARGES HAVE NOT BEEN DISPOSED. SBIWIGAN |
| 12/15/2010 | 09:02 | P090K07 | RESIDENCE VERIFICATN | CONFIRMED S. REMAINS IN OCJ PENDING CHARGES IN DOCKET # 48-2008-CF-18608-O/A. SBIWIGAN |
| 01/24/2011 | 09:02 | P090K07 | TRANSACTION REGISTER | FROM NON-REPORTING |
| 01/24/2011 | 09:02 | P090K07 | SUPV TERMINATION | NORMAL TERMINATION |

*** END OF REPORT ***

EXHIBIT B

RE: Casey Anthony Public Records Request

From: "Plessinger, Gretl" <plessinger.gretl@mail.dc.state.fl.us>
To: "fryerlaw@mindspring.com"
Subject: RE: Casey Anthony Public Records Request
Date: Aug 2, 2011 11:35 AM

Ms. Fryer,

Community Corrections staff is in the process of redacting the file. Once the file is ready for review, I will let you know.

-----Original Message-----

From: Lisabeth Fryer P.A. [mailto:]
Sent: Tuesday, August 02, 2011 11:26 AM
To: Scala, Barbara
Subject: Casey Anthony Public Records Request

Ms. Scala,

Hello, I am attorney Lisabeth Fryer with J. Cheney Mason's office. We are requesting all probation records for Casey Marie Anthony. If you have any questions, please call me at (407) 426-2333 or email me back. We are happy to receive the records either through email at this address or by mail at:

Casey Anthony c/o Lisabeth Fryer
390 N. Orange Avenue, Suite 2100
Orlando, FL 32801

Thank You,
Lisabeth

EXHIBIT C



FLORIDA
DEPARTMENT of
CORRECTIONS

Governor
RICK SCOTT

Secretary
EDWIN G. BUSS

An Equal Opportunity Employer

501 South Calhoun Street • Tallahassee, FL 32399-2500

<http://www.dc.state.fl.us>

Date: 01/25/2011

RE: TERMINATION OF SUPERVISION
DC# X70160
DOCKET/UC NO(S) 48-2008-CF-013331

Casey Anthony
C/O Orange Co. Jail
3723 Vision Blvd.
Orlando, FL 32839

Dear Ms. Casey

You are hereby notified that you completed your term(s) of supervision on 01/24/2011, as referenced above, and are no longer under the supervision of the Department of Corrections.

I would like to extend to you best wishes for a very successful future.

If you were adjudicated guilty and on supervision for a felony offense, please see attached information sheet prepared by the Office of Executive Clemency, entitled **RESTORATION OF CIVIL RIGHTS, PARDONS, PARDONS WITHOUT FIREARM AUTHORITY, FIREARM AUTHORITY, REMISSION OF FINES AND FORFEITURES** updated March 25, 2011, for information regarding the restoration of civil rights process. This information sheet and the application can be accessed on the following website for future reference: <https://fpc.state.fl.us/Clemency.htm> or call (850) 488-2952.

Sincerely,


Natalie Lewis, CPS

- If you were on supervision for a sexual offense, attached is a copy of the Notice of Responsibilities, which outlines your continued responsibilities in accordance with Florida Statutes.
- If you were sentenced as a career offender, attached is a copy of the Career Offender Notice of Responsibilities, which outlines your continued responsibilities in accordance with Florida Statutes.

Original: Offender
Copy: Offender File
Clerk of Court (if required)

EXHIBIT D

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

CASE NUMBER: 48-10-CF-CASEY-M-O/A
08-CF-1331-0

DIVISION NO: 10

STATE OF FLORIDA,
Plaintiff,

vs.

CASEY MARIE ANTHONY,
Defendant.

None Prob Time 425/10
Corrected as to reporting to probation and court investigation

This cause coming on this day to be heard before me, and you, the defendant being now present before me, and it appearing to the satisfaction of this Court that you are not likely again to engage in a criminal course of conduct, and that the ends of justice and the welfare of society do not require that you should suffer the penalty authorized by law:

Now, therefore, based on the plea or court finding and judgment of the court set forth below, it is ordered that you are hereby placed on probation under the supervision of the Department of Corrections and its Officers, such supervision to be subject to the provisions of the laws of this State, as follows:

[REDACTED]

The Defendant having pled guilty to the offense, the Court hereby withholds Adjudication of Guilt and sentences you to 412 Day(s) in the Orange County Jail with credit for 412 Day(s) time served. To be followed by 1 Year(s) Probation concurrent with each count with the following SPECIAL CONDITION(S):

- The Defendant is to report to Probation upon release.
- No personal contact with the victim, Amy Huizenga

[REDACTED]

The Defendant having pled guilty to the offense, the Court hereby withholds Adjudication of Guilt and sentences you to 412 Day(s) in the Orange County Jail with credit for 412 Day(s) time served. To be followed by 1 Year(s) Probation concurrent with each count with the following SPECIAL CONDITION(S):

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- No personal contact with the victim, Amy Huizenga

[REDACTED]

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- The Defendant is to report to Probation upon release.

EXHIBIT E

- No personal contact with victim, Amy Huizenga

The Defendant having pled guilty to the offense, the Court hereby withholds Adjudication of Guilt and sentences you to 412 Day(s) in the Orange County Jail with credit for 412 Day(s) time served. To be followed by 1 Year(s) Probation concurrent with with each count with the following SPECIAL CONDITION(S):

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- No personal contact with victim, Amy Huizenga

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- The Defendant is to report to Probation upon release.
- No personal contact with victim, Amy Huizenga

- 1) Not later than the fifth day of each month, you will make a full and truthful report to your Probation Officer on the form provided for that purpose.
- 2) You will pay to the State of Florida \$20.00 per month toward the cost of supervision, plus a 4% surcharge per month by the fifth day of each month unless otherwise waived in compliance with Florida Statutes.
- 3) You will not change your residence or employment or leave the county of your residence without first procuring the consent of your Probation Officer.
- 4) You will neither possess, carry or own any weapons or firearm without first securing the consent of your Probation Officer.

[Exhibit E]

- 5) You will live and remain at liberty without violating any law. A conviction in a court of law shall not be necessary in order for such a violation to constitute a violation of your probation.
- 6) You will not use intoxicants to excess; nor will you visit places where intoxicants, drugs or other dangerous substances are unlawfully sold, dispensed or used.
- 7) You will work diligently at a lawful occupation and support any dependents to the best of your ability as directed by your Probation Officer.
- 8) You will promptly and truthfully answer all inquiries directed to you by the Court or the Probation Officer, and allow the Officer to visit in your home, at your employment site or elsewhere, and you will comply with all instructions he may give you.
- 9) You will not possess or use any marijuana or other controlled substance except upon prescription of a duly licensed medical or osteopathic doctor and then only in accordance with the prescribed dosage. You will not possess any controlled substance paraphernalia or forged or blank prescription forms.
- 10) Unless prohibited from consuming alcoholic beverages by a special condition elsewhere in this order, you will not consume alcoholic beverages to the extent that your normal faculties are impaired.
- 11) You will submit to a reasonable search without a warrant by the Probation Officer of your person, effects, residence or business premises or vehicle for alcoholic beverages, controlled substances, weapons or firearms. You will submit to chemical tests (breath, urine and blood) upon request of your Probation Officer to determine the presence and quantity of alcohol or controlled substance in your blood.
- 12) The Court retains jurisdiction to place you in the Probation and Restitution Center upon recommendation of your Probation Officer without finding of violation of probation.
- 13) You will not knowingly associate with any persons engaged in criminal activity.

You are hereby placed on notice that the court may at any time rescind or modify any of the conditions of your probation, or may extend the period of probation as authorized by law, or may discharge you from further supervision; and that if you violate any of the conditions of your probation, you may be arrested and the Court may revoke your probation and impose any sentence which it might have imposed before placing you on probation.

You shall report in person within 72 hours of your release from confinement to the Probation and Parole Office in Orange County, Florida, unless otherwise instructed by your officer. (This condition applies only if released from the Department of Corrections confinement.) Otherwise, you must report immediately to Probation and Parole, 400 W. Robinson St., Suite 709S, Orlando, Fl. 32801.

It is further ordered that when you have reported to the Probation Officer and have been instructed as to the conditions of probation you shall be released from custody if you are in custody and if you are at liberty on bond, the sureties thereon shall stand discharged from liability.

It is further ordered that the Clerk of this Court file this Order in her office, record the same in the Minutes of the Court, and forthwith provide copies of same to the Probation Officer for his use in compliance with the requirements of law.

Filed in Open Court this 29th day of July, 2011.

Done and Ordered at Orange County, Florida, this 29th day of July, 2011.

Lydia G. ...
Clerk of the Circuit and County Courts

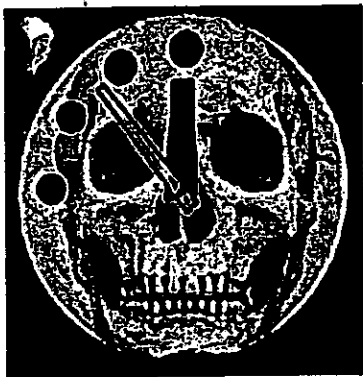
Nunc. ProTunc
425110

Deputy Clerk of Appointments

[Handwritten Signature]
Honorable Stan Strickland, Judge Presiding

I acknowledge receipt of a copy of this order and am thus responsible for complying with the conditions of any sentence contained herein, this 29th day of July, 2011.

CASEY MARIE ANTHONY, Defendant



THE TOC KC

T
I
M
E
R

1
8
0



KEEP SMILING BITCH

With a forehead that big,
the headshot will be easier..

EXHIBIT F