

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

CASE NO. 48-2008-CF-0015606-O

JUDGE: Stan Strickland

STATE OF FLORIDA,

Plaintiff,

vs.

CASEY MARIE ANTHONY,

Defendant.

FILED IN OFFICE
CLERK OF THE
NINTH JUDICIAL
CIRCUIT
ORANGE COUNTY, FL
2009 APR 22 PM 3:21
L. J. BARKER
CLERK OF THE COURT

**OBJECTION TO MOTION AND APPLICATION FOR SUBPOENA
DUCES TECUM AND MOTION FOR PROTECTIVE ORDER**

AMY HUIZENGA, by and through her undersigned attorney, objects to the Defendant's Motion for Application for Subpoena *Duces Tecum*, and as grounds for this Objection states as follows:

1. Ms. Huizenga has been listed on the State's Witness List and her participation in this matter is solely in the capacity of a witness. To date, she has given no testimony in this case, by deposition or otherwise.
2. Ms. Huizenga, through the undersigned counsel, was served by mail with a copy of a Motion for Application for Subpoena *Duces Tecum* by which the Defendant seeks an order from this Court permitting Defendant to subpoena cell phone service providers to obtain "cell phone records" of Ms. Huizenga, among others. Also sought by the Defendant are "any and all records for telephone usage, including, but not limited to: phone calls, text messages, P2P communications, internet usage, WAP usage, cell tower pings, etc." Defendant's Motion is not limited by time or by the connection of any of the cell phone records to any issues to be determined in this case.
3. Ms. Huizenga objects to the issuance of such a subpoena in that the subpoena, as

Docketed By
o. [unclear]

requested, is overbroad, not reasonably calculated to lead to the discovery of admissible evidence, and constitutes harassment of Ms. Huizenga and a substantial invasion of her privacy. This objection is made pursuant to, among other things Fla.R.Crim.P. 3.220(e)(1) and (m), as well as Ms. Huizenga's constitutional and common law right of privacy.

4. To be clear, Ms. Huizenga does not object to the issuance of an appropriately crafted and appropriately limited subpoena reasonably calculated to lead to the discovery of information relevant to this case. Accordingly, an appropriately crafted and appropriated limited subpoena addressed to the issue of whether Ms. Huizenga had communications with the Defendant, her family, private investigators, and other witnesses may well be appropriate.¹ To the contrary, a subpoena of records showing calls to and from Ms. Huizenga and her friends, family, legal counsel, and others would constitute a clear invasion of her privacy, and should not be permitted.

WHEREFORE, Ms. Huizenga requests that the Court deny the Motion for Application for Subpoena Duces Tecum or, alternatively, enter a protective order, to prevent the issuance of a broad subpoena requiring cell phone vendors to provide information regarding Ms. Huizenga that would be violative of her personal privacy. To the extent that the Court permits the issuance of a subpoena, Ms. Huizenga requests that the subpoena be appropriately crafted and limited to minimize the violation of her privacy, as set forth above. Further, Ms. Huizenga requests the opportunity to be present for the hearing on this matter and to be heard, through counsel, regarding the matters set forth herein.

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by mail/hand delivery to Linda Drane Burdick, Assistant State Attorney, Sex Crimes/Child

¹These records will establish that Ms. Huizenga did not have any such communications.

Abuse Division, 415 N. Orange Ave., Orlando, Florida 32801; Jose A. Baez, Esq., 522 Simpson Road, Kissimmee, FL 34744; Thomas P. Luka, Esq., 390 N. Orange Avenue, Suite 1630, Orlando, FL 32801; Brad Conway, Esq., 390 N. Orange Avenue, Suite 1630, Orlando, FL 32801; David L. Evans, Esq., Mateer & Harbert, P.A., P.O. Box 2854, Orlando, FL 32802-2854; and Steward Cohen, Esq., 1510 E. Colonial Drive, Suite 305, Orlando, FL 32803, on this 22nd day of April, 2009.



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