

# Analyst: Lack of evidence key factor

Others see no cause of death, length of trial as impetus for verdict

CNN

The lack of a cause of death, a lengthy trial and the possibility that Caylee Anthony's death was accidental were likely factors in her mother's acquittal on the most serious charges she faced, according to attorneys and analysts.

Bruce Poston, a defense attorney in Knoxville, Tenn., said he, like many others, was initially surprised by Tuesday's verdict in Casey Anthony's Florida trial.

But on reflection, he said, he realized jurors were given a circumstantial case in which there was no proven cause of death. And, Poston said, there was no evidence of premeditation by Anthony.

The jury found Anthony not guilty of first-degree murder and the other most serious charges against her in the 2008 death of Caylee, 2. But it convicted her on four misdemeanor counts of providing false information to law enforcement.

Jurors in the case didn't immediately comment on their decision.

Alternate juror Russell Huekler said that it appeared the Anthony family didn't know how to deal with a "horrific accident."

Anthony's defense attorneys maintained that Caylee drowned in the Anthonys' above-ground pool and that Casey Anthony and her father, George, panicked upon finding her there and covered up the death. In his testimony, George Anthony denied that.

According to analysts, jurors got past Casey Anthony's questionable behavior after Caylee

disappeared. Jurors were instead able to focus on the evidence, or lack of it, Poston said.

"It is just an extraordinary refutation of the prosecution," legal analyst Jeffrey Toobin said. "Casey Anthony was convicted of extremely minor crimes, compared with the potential death penalty she faced."

Toobin and Poston said they believed that the prosecution overcharged Anthony.

"This was not a first-degree murder case. They should have charged her with more modest crimes and would have had a better chance," Toobin said.

But Charles Mittelstadt, a criminal defense investigator based in Atlanta, said the prosecution would have looked like it wasn't confident if it had done so.

The length of the trial was also raised. Jurors were sequestered in an Orlando, Fla., hotel for the

duration, and they heard the case during the course of 36 days.

"You think jurors remember (all) that stuff?" Poston asked.

Observers said that prosecutors and defense attorneys were competent and that the state's summation against Anthony was particularly strong.

But Poston said that during the trial, jurors appeared to take a liking to defense attorney Jose Baez, who greeted them each day.

"It got to be where all 12 would, in unison (say) 'Good morning'" in return, Poston said.

Although Baez was repeatedly challenged by prosecutors and lost many rulings, jurors saw none of those exchanges, observers noted.

New Jersey defense attorney Remi Spencer said she didn't believe jurors based their verdict on attorneys.

"I believe you win the case

during the cross-examination of the witnesses," she said.

But Spencer said she was not surprised by the verdict. She cited the lack of direct evidence, including any DNA evidence.

Mittelstadt said the state appeared to have a compelling point in questioning why it took about a month for Anthony to go to police if it were an accidental death.

"That is pretty strong stuff to dispute," he said.

But publicity about wrongful convictions and post-conviction exonerations has made jurors increasingly wary in death penalty cases, Mittelstadt said.

"Jurors don't want to be part of that mistake when someone's life is on the line," he said.

For Poston, the verdict showed the circumstances of Caylee's fate never came to light.

"The jury said, 'We don't know how she died.'"

## Casey Anthony found not guilty

Continued from Page 1

Oh, my God, I can't believe it."

Anthony, 25, was found guilty of four counts of providing false information to law enforcement. She is scheduled to be sentenced Thursday morning and faces up to four years in prison.

She could be released from custody that day if she is given less than the maximum sentence and credit for time served.

After the jury left the courtroom, an emotional Anthony tightly hugged defense attorney Jose Baez and then the rest of her defense team.

"Casey did not murder Caylee; it's just that simple," Baez said.

The jury's verdict was a stunning victory for the defense and especially for Baez, who emerged from relative obscurity to become a nationally recognized criminal defense attorney as the case played out daily on cable news channels and the Internet.

"You cannot convict someone until they've had their day in court," Baez said.

Jurors, who were selected from Pinellas County, about 110 miles to the south-

west, declined to speak to reporters about their decision.

Just hours after the verdict was read in the biggest case of his career, veteran Assistant State Attorney Jeff Ashton announced he would retire at the end of the week. Ashton's last day at the Orange-Osceola State Attorney's Office, where he has worked for 30 years, will be Friday, a spokeswoman for State Attorney Lawson Lamar said.

While Anthony was hardly the first mother to be accused of killing her child, the attention paid to this case was unusual. More than 600 media passes were issued, and every major broadcast network had at least one reporter at the trial. CNN and NBC built two-story, air-conditioned structures across from the courthouse for reporters and crews.

And spectators flocked to the courthouse in hopes of obtaining one of the 50 seats made available to the public each day.

"The question is: Why this particular murder and not the hundreds of other murders that occur over the course of a year?" asked Michael Grinfeld, an associate journalism professor at the University of Missouri.



Kristen Welsh, left, and Christine Powell react Tuesday at a cafe in Leesburg, Fla., as they watch the verdict in the Casey Anthony murder trial being announced on television. Anthony was found guilty on four lesser counts.

Part of the reason stems from Florida law, which allows cameras in courtrooms, providing almost continuous live coverage of the trial. And in the doldrums of late spring and summer, the trial also gave an opportunity for reliably dramatic coverage day after day. As ratings for the trial coverage increased, so did the number of news outlets on the scene.

"It's a form of theater, but because in Florida there are cameras in the courtroom, the theater could be played out in a larger scale," said Kelly McBride, a senior faculty member at the Poynter Institute in Florida.

Jack Levin, a professor of sociology and criminology at Northeastern University in Boston, said Anthony's appearance and background also played a role. She was attractive, middle class and relatively calm during the trial, except for bouts of crying, such as when prosecutors showed photographs of her daughter's remains.

If Anthony had been a prostitute or drug addict, people would not have been so fascinated by her trial, Levin said. "But she was the girl next door," Levin said. "Everybody could identify with her."

Defense attorneys chided the public and the media after the verdicts, suggesting that the coverage had generated an unfair perception about their client.

Attorney Cheney Mason,

### What happens next to Casey Anthony?

**Q: How much time does she face?**

A: Casey Anthony will be sentenced Thursday by Judge Belvin Perry for the four counts of lying to law enforcement. She could face up to one year in prison for each count.

**Q: How much time has she served?**

A: Thursday will mark the 997th day Anthony will have spent at the Orange County (Fla.) jail, and it could be her last. In January 2010 she was convicted of six felony charges related to a check-fraud case but given credit for time served and one year probation to start once she leaves jail.

**Q: Will she have any restrictions once she leaves jail?**

A: A news conference was tentatively scheduled immediately after the verdict, but court spokeswoman Karen Levey said that, at that time, not one juror chose to participate. In a rare move, Perry signed an order weeks ago that prohibited release of the jurors' names.

— Bianca Prieto, Tribune Newspapers

A: The probation will not affect her ability to capitalize on the case by signing movie or book rights or selling interviews. There has been a lot of speculation that television and movie agents and book publishers will pursue her, as well as other players in this case.

**Q: Why didn't the jurors comment?**

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— Bianca Prieto, Tribune Newspapers

named Zenaida one month earlier.

In the weeks that followed, detectives with the Orange County Sheriff's Office, Florida Department of Law Enforcement and FBI followed up as leads poured in from across the country.

Not long after Casey Anthony's initial arrest on a child neglect charge, detectives publicly acknowledged that Caylee might be dead and her mother involved.

Evidence began to mount against Anthony. Cadaver dogs hit on the trunk of her Pontiac Sunfire and the family's backyard. Air samples taken from the trunk showed signs of decomposition. A hair sample taken from inside the trunk of the car showed signs of post-mortem root banding — meaning the hair had come from the head of a dead person.

In October 2008, a grand jury indicted Anthony on seven charges, including murder.

About two months later, a meter reader found Caylee's remains scattered in woods blocks from her family's home.

On May 9 this year, attorneys began to question prospective jurors, and they seated a 17-member panel 11 days later. On May 24, the trial began on the 23rd floor of the Orange County Courthouse.

Tribune Newspapers' Amy Pavuk, Bianca Prieto and Gerry Smith contributed.

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NOTICE OF PERPETUA TRUST CLAIMS DEADLINE

To: All Class 7, Class 8 and Class 9 Claimants pursuant to the Debtors' Modified Second Amended Joint Plan of Liquidation

PLEASE TAKE NOTICE that the Debtors' Modified Second Amended Joint Plan of Liquidation ("Plan") became effective on June 16, 2011. Pursuant to the Plan, Class 7, Class 8 and Class 9 Claims shall be distributed by the Perpetua Trust according to the terms of the Plan and supporting trust documents.

PLEASE TAKE FURTHER NOTICE that pursuant to Section 12.3 of the Plan, all Trust Claim Forms for Class 7, Class 8 and Class 9 Claimants must be received, if sent First Class Mail, by BMC Group, Inc., Attn: Perpetua Claims Processing, P.O. Box 3020, Chanhassen, MN 55317, or if sent Overnight or Hand Delivery, by BMC Group, Inc., Attn: Perpetua Claims Processing, 18750 Lake Drive East, Chanhassen, MN 55317, no later than August 15, 2011.

PLEASE TAKE FURTHER NOTICE that a Trust Claim Form will be deemed filed only when actually received by BMC Group, Inc. on or before August 15, 2011. A Trust Claim Form may not be delivered by facsimile or electronic mail transmission. Any facsimile or electronic mail submissions will not be accepted and will not be deemed filed until a Trust Claim Form is submitted by one of the methods described above. A Trust Claim Form which is received by BMC Group, Inc. after August 15, 2011 shall be denied and no Distribution shall be made on such late received Trust Claim Form.

PLEASE TAKE FURTHER NOTICE that failure to provide adequate support to your claim as required in the Trust Claim Form may result in the denial of your claim. If you are unable to obtain the necessary documentation, please explain your reasons in writing on a separate piece of paper.

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1 All capitalized terms used but not defined herein shall have the meanings ascribed to them in the Plan. To obtain a copy of the Plan and related documents, please visit <http://www.bmcgroup.com/perpetua>.

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