

Casey Anthony and the Social Media Trial

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Abstract: In 2008, 22-year-old Casey Anthony was charged with first degree murder of her toddler, Caylee Anthony. Press coverage and social media discussion of the case sparked nationwide attention. Though Anthony's trial began in 2011, media platforms offered interpretations of the evidence and accounts of Anthony's life before the crime as early as 2008—making an exceptional quantity of information accessible to the public before jury selection began. Anthony's trial calls the court system's capacity to effectively sequester juries into question, as media reports are largely protected under the first amendment and difficult to keep accountable. The Casey Anthony trial was among the first court cases tried by social media in the court of public opinion. Contrary to the decision made by the selected jury, the court of public opinion found Anthony guilty of murdering her daughter and enforced social and economic punishments separate from the court system as such. In the age of the social media trial, a person's right to a fair trial and reasonable punishment comes in direct conflict with the media's right to free expression and the general public's right to consume news sources of their choosing. The inability of the Florida courts to truly sequester a jury in the social media era inadvertently results in the prioritization of one inherent right over another, solidifying social media users' right to post at will. Anthony may have been acquitted in the courtroom, but in the outside world she suffered social punishments that clash with her court-ordained status as an innocent woman.

The Case for Casey Anthony¹

In June of 2008, Casey Anthony was by most accounts a normal, fun 22-year-old woman. She worked for Universal Studios and had many friends with whom she went out to clubs and bars. Unlike most 22-year-olds, however, Casey Anthony was responsible for a child: her daughter Caylee Anthony, who was just shy of three years old. Caylee Anthony was a precocious, big-eyed toddler. Her sweetness both in appearance and disposition garnered a lot of attention from friends and family. Though Casey Anthony was unable to shoulder the responsibility of young motherhood on her own, she was able to rely on her supportive parents, raise her child in her family home, and comfortably leave Caylee Anthony behind when she had other obligations. Casey Anthony's mother Cindy Anthony and father George Anthony maintained that Anthony was a good, caring mother, who put Caylee Anthony first (*Anthony v. Florida* 2011). Though she was

¹ The Statement of the Case and Facts of the Casey Anthony brief, found on pages 1-32, case 5D11-2357 *Anthony v. Florida*, deem the events recounted in this section accurate for the purpose of the appeal. The description of the details of the death of Caylee Anthony, as detailed in "The Case for Casey Anthony" section of this case, can be found on these pages. For further reading of *Anthony v. Florida*, see *Anthony v. State of Florida*. 2011.

young and Caylee Anthony's paternity was unclear, all could tell that Anthony loved her daughter just as any typical mother would.

The following events, beginning with Caylee Anthony's disappearance in June of 2008 and ending with Anthony's arrest for the murder of her daughter, are chronicled in the Statement of the Case and Facts section of the Answer Brief of Appellee written by the Ninth Judicial Circuit in and for Orange County². In early June, Cindy Anthony found pictures online of Anthony at parties time stamped during hours Anthony should have been working. The two argued over Anthony's actions. Cindy Anthony was responsible for looking after Caylee Anthony on these occasions, which she had justified on the grounds that Anthony needed to keep a job. The day after their argument, June 16th, Anthony and Caylee Anthony left the house. Nobody could attest to seeing Caylee Anthony alive again.

After leaving her family home, Anthony moved in with her boyfriend Anthony Lazzaro and his two roommates Nathan Lesniewicz and Cameron Campana. Lazzaro and his roommates testified that Caylee Anthony never entered their apartment. Cindy Anthony soon began a dialogue with Anthony about her living situation and plans to return to the family home. Anthony maintained to her mother and her boyfriend that Caylee Anthony was under the care of a long-time friend and nanny, Zenaida Fernandez-Gonzalez or "Zanny." Anthony's family and friends testified that they never met Zanny.

Anthony's work at Universal Studios played an important role in Anthony's explanation for her and Caylee Anthony's absence from the family home. Anthony told her mother that "work was conducting various meetings and negotiations were going to be very lengthy." These purported meetings kept Anthony, and therefore her daughter, from visiting Cindy Anthony during the daytime. Further, Anthony claimed it was more sensible for her and Caylee Anthony to stay in Zanny's apartment, because it was closer to Universal Studios, and Zanny would be easily accessible to watch the child. On June 18th, Anthony told her mother she was attending a work trip to Busch Gardens theme park in Tampa, Florida. She told Cindy Anthony that she was bringing Caylee Anthony, along with Zanny to watch her while she was in meetings. Over the course of the alleged six-day trip, Cindy Anthony went without hearing from her daughter and left her multiple voicemail messages. When Anthony finally returned her calls, she told Cindy Anthony that Zanny had been in a bad car accident and that they were stuck in the hospital. She and Caylee Anthony were unable to come home.

The next day, George Anthony, Casey's father, reported the theft of multiple gas cans from his shed to the Orange County Sheriff's Office. Cindy Anthony relayed this story to Anthony over the phone. Anthony responded by telling Cindy Anthony that she had returned to Orlando the same afternoon the cans were stolen to pick up insurance information and communicate with Zanny's family about her hospitalization. Anthony mentioned "she stopped home to get some things because she was headed back to Tampa, and she didn't know, at that point, when she would be home" (*Anthony v. Florida* 2011, 5). She admitted to stealing the gas cans.

Through July, Anthony dodged her mother's requests to see her and Caylee Anthony in person. Anthony told her mother she was out of town with Caylee Anthony in tow, trying to rekindle an old relationship. Anthony refused to allow Cindy Anthony to speak to Caylee Anthony on the phone. Cindy Anthony expected Anthony to return home over Fourth of July weekend, but alleged car troubles during an out of town excursion kept Anthony confined to Jacksonville, Florida through July 14th.

On July 15th, Anthony and Caylee Anthony still had not returned. George Anthony received a letter that placed Anthony's vehicle in an Orlando tow yard, not in Jacksonville at all.

George Anthony relayed this information to Cindy Anthony, who then tried calling and texting Anthony regarding a “major problem that she needed to discuss with her immediately.” Cindy Anthony and George Anthony retrieved the car. Both reported that the trunk reeked strongly of decomposition. Both law enforcement and the Anthonys were unable to determine what produced the scent, but there were bags of garbage left in the trunk. Cindy Anthony decided to call a work friend of Anthony’s, Amy Huizenga, to ask after her daughter and granddaughter. Amy confirmed that Anthony was home in Orlando, staying in her boyfriend’s apartment. Leaving the city had been another of Anthony’s lies.

Cindy Anthony arrived at Anthony Lazzaro’s apartment and found Anthony. She demanded Anthony take her to see her granddaughter. The two drove around for some time, but Anthony gave her mother no indication of their final destination. During the drive, Cindy Anthony resorted to calling the police on Anthony. Finally, Anthony admitted that Caylee Anthony had been missing for 31 days. She claimed Zanny took the child from her as punishment for being a bad mother, but that they had spoken on that day, July 15th, and she had heard Caylee Anthony’s voice. When the 911 operator asked Anthony what took her so long to report Caylee Anthony’s absence, she replied, “I have been looking for her and have gone through other resources to try to find her, which was stupid²” (*Anthony v. Florida* 2011,14-15) So began the investigation in Caylee Anthony’s disappearance.

Anthony claimed she spent every day since Caylee Anthony’s disappearance looking for Caylee Anthony, lying to her family and friends out of fear. During the investigation, she led officers to Zanny’s apartment, the last place she claimed to have seen her child. The apartment, however, was vacant. Anthony was unable to contact Zanny or give the police any of her information because she “had lost her personal phone while working in Universal Studios.” She led the officers through Universal Studios, despite supervisors there repeatedly insisting she was not an employee. After wandering through the facility for close to an hour, she admitted to lying to the police about working there. The police arrested Anthony and charged her with child neglect, making false official statements, and obstructing an investigation. The police used George Anthony’s testimony regarding the smell of the car trunk as incriminating evidence against Anthony in the disappearance of her daughter and set bail at \$500,000. Around this time, the media began to file for record release of Casey Anthony’s in-prison interviews, 911 tapes and visitor logs. The press would release thousands of pages of such documents in coming years.

The Anthony family made enough money to get by comfortably, but \$500,000 is a substantial sum for most people. Social media buzz about the missing child and the Anthony family’s economic situation inspired Californian bounty hunter Leonard Padilla to enter the scene and function as a bail bondsman for the Anthonys. He paid for Anthony’s release and offered to use his services as a bounty hunter to help search for Caylee Anthony and the offender who took her, be that Zanny as Anthony insisted or someone else. Leonard Padilla joined the statewide search in late August of 2008, a little over a month after Cindy Anthony notified the police of Caylee Anthony’s absence. During this time, many Orlando natives had already organized manhunts and efforts to find Caylee Anthony. Anthony would return to and be released from jail several times before mid-October on charges of check fraud, fraudulent use of identification, and petty theft.

Between periods of incarceration, Anthony stayed confined to her family home. Leonard Padilla, two of his associates, and security personnel hired by Padilla to keep Anthony safe also

² See case 5D11-2357 *Anthony v. State of Florida* 14-15. 2011. for the full transcript of the 911 call reporting Caylee Anthony’s absence.

took up residence with the Anthony family. In an interview with the Orlando Sentinel, Padilla described Anthony's temperament during this period of time while Caylee Anthony was still missing as jovial and overly concerned with her public persona. "I didn't come 3,000 miles and leave my chihuahua behind to listen to this [expletive]," Padilla said, lamenting his decision to spend great sums of money on a woman he perceived as cold-hearted (Edwards, Prieto and Pacheco 2009, n.p.). Padilla's contact with Anthony came to an end on October 14th, 2008, when a grand jury indicted Anthony on charges of first-degree murder, aggravated child abuse, aggravated manslaughter of a child, and four counts of providing false information to police. The state held Anthony without possibility of bond.

On December 11th, 2008, meter reader Ron Kronk reported skeletal remains in what the FBI would later identify as a Winnie the Pooh blanket and multiple garbage bags less than a mile from the Anthony home. On December 19th, DNA testing confirmed that the remains belonged to Caylee Anthony. Duct tape covered the mouth of the remains. However, because the body had been left to decompose for so long, no tests were able to discern Caylee Anthony's cause of death. As of December 2008, the state of Florida did not seek the death penalty for Anthony Anthony. The prosecution reversed this decision on April 14th, 2009.

The media reported on the disappearance of Caylee Anthony, the investigation, and eventual trial for Anthony extensively throughout the three years between the death of Caylee Anthony and the selection of the jury. Due to Florida's Government-In-The-Sunshine law, "any records made or received by a public agency in the course of its official business are available for inspection, unless specifically exempted by the Florida legislature" (Pam Bondi Office of the Attorney General 2011, n.p.). These measures are put in place to ensure transparency in the Floridian government and court system. Media sources could utilize the vast majority of documents, interviews, tapes, or photos describing the particulars of the case in their news reports. From readers of People to The Washington Post, the court of public opinion—a term coined by government official Alger Hiss in his book *In the Court of Public Opinion* to refer to public support for one side of a court case due to the influence of news media—accessed such a breadth of information on Anthony's life, character, and the alleged crimes, they could easily form an opinion on Anthony, and about what a judicious outcome for her trial should look like (Hiss 1957). The ability of the media to reach a wide audience reflects positively on the achievements of the first amendment, but could the same wide-reaching quality compromise Casey Anthony's right to a fair trial?

The Function of the Courts

The right to a speedy and public trial by an impartial jury is an inalienable right protected in the United States Constitution under the sixth amendment of the Bill of Rights. The purpose of this guarantee is to prevent a prejudiced application of justice and provide transparency and fairness in criminal law (Smentkowski 2012). Integral to the function of the court system is the assemblage of an unbiased jury for any offense punishable by more than six months of imprisonment (*Baldwin v. New York* 1970). The purpose of a jury is not only to ensure the courts punish purported criminals, but also to prevent arbitrary action against United States citizens. The impartiality of the jury is essential for the court system to function equitably, and many measures have been put in place to ensure their objective stance.

Jury members need an accurate and transparent account of all of the facts surrounding an event so they can select the most effective course of action within the context of our judicial system's freedoms. The authors of the constitution instituted jury trials to prevent tyranny, because

they give citizens the final say in enforcing the law (The National Judicial College 2015). “Spoliation of evidence,” be it the withholding or destruction of relevant information, is a serious crime punishable by fines and incarceration (*Smith v. Superior* 1984, 21-22). Jurors are charged with interpreting both evidence and the law itself, so “they incur the moral responsibility of accomplices in any injustice which they have reason to believe will be done by the government on the authority of their verdict” (Spooner 1852, 188). Regardless of a jury member’s personal beliefs about the character of the accused and the crime, they must be certain beyond reasonable doubt that a crime has been committed. Punishment by a court of law results in serious lasting consequences, and thus the judicial process is meant to err on the side of freedom (Hantler, Schwartz and Goldberg 2004).

No trial can be perfectly impartial, but legal precedents ensure the jury selection and decision-making processes are as just as possible. First, the panel from which the prosecution and defense select jurors must be representative of the demographics of the community (*Taylor v. Louisiana* 1975). After the court deems the panel fair, the prosecution and defense question potential jurors to determine bias. The prosecution and defense can dismiss a set number of potential jurors without reason, on “peremptory challenges.” They may also dismiss other potential jurors on “valid challenges for cause” that prove a person unable to make a fair decision (The National Judicial College 2015). In the case of especially high-profile crimes, the chosen jurors are subjected to jury sequestration—limited isolation to avoid incurring accidental biases. These instances are rare and expensive, as the state must accommodate for transportation, housing, food, and other needs for the duration of the sequestration. In the high-profile O.J. Simpson case of 1995, the jury was sequestered for 265 days for a total cost of \$835,000 (Johnson 2004, 1). During a period of sequestration, jury members cannot access WiFi, phones, the newspaper, or television. Typically, selected members stay in hotels and visit with persons unconnected to the case, including their families, only under police supervision (Keene 2013). Sequestration is important not only in ensuring the jury remains unaffected by public discourse, but also in preventing extraneous sources from tampering with the jury through threats or bribery (Givens 1988).

The courts acknowledged the threat of biased, outside opinion in the Casey Anthony case, and took measures to maintain her due process and the legitimacy of the trial. However, the Casey Anthony case was among the first cases to receive extensive social media attention in which everyday users interpreted the death of Caylee Anthony according to their own opinions and beliefs. Historical precedents offered no solutions for the influence of popular platforms on the impartiality of both the jury and the population at large (Cloud 2016). Due to the widely circulated coverage of the case, jury members were selected from Pinellas County, nearly 100 miles away, on the grounds that media coverage may have been less prominent there (Banfield and Hopper 2011). The defense dismissed all potential jurors who had, given the information they could access via the press or social media, already formed their decisions about Anthony’s culpability. The jury selection occurred three years after police arrested Anthony. Their sequestration lasted 43 days (Colarossi 2011).

The Social Media Trial

The Casey Anthony trial was a case tried by social media in the court of public opinion (Ashton 2012, 32). Though Anthony’s trial was exceptional in its sheer quantity of accessible information, sensationalized public news sources have long carried weight in the court of public opinion (Grissom 2011). Even before television and the internet, the press exercised their right to speak freely on the subject of high-profile court cases, reporting both facts and opinions to mass

audiences (Perry 1931). Members of the court have long identified the influence of the media as a disservice to one's right to fair trial. Judge Stuart H. Perry took issue with local newspaper reports' influence on court trials as early as 1931. Though Perry conceded that the press offers an important check on the court's power by relaying the general public's critiques of the court, he claimed that the function of newspapers as a forum for mobilization is compromised when it is the papers influencing the general public, and not the other way around. Newspapers, as Perry saw during his time in the courts, asserted their moral authority over their audiences. On occasions when the jury did not corroborate the verdict championed by the media, popular resentment surrounding the courts arose for unjust reasons (Perry 1931). With increasing diversification of media outlets, the press's infringement on the sanctity of trials by jury has drawn increased attention.

Trial by social media is a phrase used to describe the impact television, newspaper, or social media coverage of a court case can have on public perception of guilt or innocence of an accused person before a trial has begun (Hantler, Schwartz and Goldberg 2004). It is a more recent phenomenon. Traditional media formats like television and newspapers are bound by sub judge suppression laws which limit their discussion of certain aspects of a trial to reduce bias. Publication of certain material, such as a defendant's previous convictions, breaches of injunctions, paid statements by eyewitnesses, and the publication of confidential court documents interferes with the administration of justice, and can result in fines or imprisonment (Johnston et al. 2014). Social media profiles for the typical citizen are held to no sub judge standard. They can publish information large news networks cannot. Further, a person can make a Twitter or Facebook post regarding a court case without corroborating any of the information they choose to discuss. For the Casey Anthony trial, social media deliberation over Anthony's innocence occurred before the jury selection process began. As a result, information meant to be unavailable to jurors to prevent partiality flowed freely. Social media profiles representative of the general public are just as likely to share, like, or retweet biased and source less information as they are facts released by official sources (Battaglia 2011). Participants in public discourse surrounding a court case make up the "armchair jury," and their impact on the judicious process can be profound, as most members of the public will hold themselves responsible for maintaining the integrity of a trial in which they played no role (Battaglia 2011, 1579). This becomes problematic, because the armchair jury can form an opinion on the proper outcome of the trial without any real evidence. Polarizing discourse surrounding high profile litigation impacts courtroom dynamics and the quality of life for the judges, lawyers, plaintiffs and defendants involved (Hantler, Schwartz and Goldberg 2004).

Traditional forms of media, such as television and newspapers, also influence public opinion surrounding court cases. Over the three years leading up to the Casey Anthony trial, broadcast networks and small-scale newspapers alike retold the events preceding and following the death of Caylee Anthony. Though the press cannot release confidential information, they can sensationalize reports and overemphasize aspects of a story that will appeal to viewers. Media sources are participants in the market economy; their economic value hinges on their network ratings (Grissom 2011). There are incentives to media sensationalization; if the news is more interesting, it follows that more viewers will take the time to watch. Media consumers tend to disincentivize facts, which rarely offer the gripping stories viewers crave (Ashton 2012).

Media sensationalization hindered the judicial process of the Casey Anthony case, because the process of dissemination of information by the media preceded the selection of the jury and the prosecution's choice to charge Anthony with the death penalty. According to prosecutor and journalist Stone Grissom:

Casey's failure to call the police to report her daughter missing was bizarre, arguably reprehensible, but certainly not enough to seek the death penalty. The government couldn't explain how Caylee died, where she died, or whether it was an accident or murder. They had no DNA, no confession, no witnesses, and they were unable to rule out other family members and accidental drowning (Grissom 2011, 32).

As Grissom understood it, the accusations against Anthony were relatively baseless. The government could have more successfully charged her with any number of other, less severe felonies. Grissom blames the court's implicit and explicit accommodation of the media for this choice (Grissom 2011). The choice to enact the death penalty was for the benefit of viewership, not legal principles (Grissom 2011). The impact of the media on the Casey Anthony trial is a pertinent example of the difficult balance between the fundamental right to access information and speak freely and the right to a fair trial.

Both social media and the press convinced the armchair jury of Anthony's guilt, and she was informally convicted in the court of public opinion during the investigation of 2008, long before the official trial (Grissom 2011). Though a conviction in the court of public opinion holds no legal weight, the social repercussions of this decision entail punishment through ostracization. If the jury appointed by the courts acquitted Anthony, using all credible information and substantive evidence from the trial, the verdict would be widely perceived as a wrongful exoneration. The public would recall the case as a miscarriage of justice, regardless of whether or not the jury was acting impartially as the law ordains. The social media trial raises questions about the effectiveness of the judicial system in the United States. Yet, the media's right to speak freely is just as coveted by Americans as one's right to a fair and speedy trial. The First Amendment's protection of expression is a durable, incontestable pillar of democracy. Free speech is not entirely unregulated—the court condemns incitements of violence, slander, and the publishing of confidential materials (Post 2011). Examples of regulation exist, but they are few and far between. The infrequency of instances of regulation is considered a testament to the legitimacy of the First Amendment, demonstrating the government's ability to safely maintain individual liberties without intrusion (Corwin 1921). Defenders of the United States' expansive First Amendment protections say:

In fact...under the Constitution [there is] no such thing as seditious libel, however determined, but only the power to publish incidents of crime, when there is imminent danger that the incitements will prove successful; and if this doctrine is not embodied in the First Amendment, at least it is implied in our theory of government, which makes government the property of the people and not vice versa (Corwin 1921, 48).

The protection of the rights of news sources is especially important, because it allows the general public to access reliable information, even if the content of a news story is detrimental for a person in a position of power (Corwin 1921). Free access to information without fear of repercussions allows informed citizens to make decisions which benefit the nation at large—a “hallmark of democratic political life” (Fenton 2010, 39). A limit to journalism would compromise both the Constitution and our democratic processes. Nevertheless, the high-profile nature of the Casey Anthony court case called for a balance of one's right to free speech and right to a fair trial. Was Casey Anthony's right to fair trial in the court of law compromised by her simultaneous trial in the court of public opinion?

Media Representation of Unfit Mothers

The press has a long history of unreasonably villainizing and categorizing mothers who display unfeminine characteristics to generate more marketable reporting, often at the expense of the truth (Seal 2010). Heinous crimes are highly gendered. When a woman commits a heinous crime, she is also committing a crime against societal standards for femininity. Criminology professor and gender violence expert Lizzie Seal posits that social perceptions of women who kill are generalizing and stray from objectivity. We typify women accused of unthinkable crimes and construct stock narratives about their intentions, their character, and inevitably, their culpability (Seal 2010). The courts and the media alike use these narratives regardless of the workings of the case as a method to rectify female violence with social standards of femininity. The sanctity of these tales lie in popular discourse surrounding female sexuality, pathology, and norms of domesticity (Seal 2010). Anthony embodied many of these tropes with her inability to conform to social standards, display emotions, and keep a proper home.

Narratives about female killers, according to Washington Post journalist Joanna Scutts, have an especially disturbing impact on the public, which encourages further consumption. “Mothers are considered to be especially, perhaps uniquely responsible for the psychological health of their children—and therefore “bad mothers” need to be feared, shamed and tamed” (Scutts 2016, n.p.). Mass media sources direct public punishment through the content of their news reports. To observe social capitalization on female criminality, one can look to the realm of TV movies. For Diana Downs, mother of three found guilty of killing her children to earn the affection of a man, it was the film “Small Sacrifices,” starring Farrah Fawcett. “Belle Gunness: The Movie,” tells the tale of a Norwegian-American serial killer who murders her children to collect their insurance money. The television show “Deadly Women,” which aired for 12 seasons, created special episodes focusing specifically on seemingly apathetic murderers Andrea Yates and Rosemary West. The crimes of these female killers are tragic and troublesome. Their actions would likely have garnered media attention regardless of the identity of the offender. However, the infamy surrounding these crimes, and the countless retellings and anniversary prime-time specials, are inextricably tied to the culprits’ identity as mothers. If the killer had been a stranger, or even a sibling or a father, the magnitude of the scandal would not be as far-reaching (Seal 2010).

Reports on Anthony’s role in Caylee Anthony’s death were linked with her failure to perform within the context of her gender, to act in the role of a caring mother. As Nancy Grace—mother of two and host of a celebrity news and current affairs show on *Headline News (HLN)*—put it, “it’s hard to look at ‘tot mom’ [Anthony] and reconcile what you see with what you know to be the truth” (Vulpo 2016). Anthony looked the part of a proper young mother. She was white, pretty, petite, and loved to show Caylee Anthony off to her friends (Lawrence 2016). Her decisions did not conform to her appearance. Caylee Anthony was missing for 31 days before Cindy Anthony notified the police. During this month, cameras caught Anthony out drinking and partying (*Anthony v. Florida* 2011). She lied to friends and family about Caylee Anthony’s whereabouts. By most standards, she was a bad mom, but poor parenting skills do not prove Anthony killed her daughter. Nevertheless, the media clung to evidence of her faulty character and put on a captivating, convincing show (Ashton 2012). Anthony was not the normal girl her neighbors thought her to be at all. Media sources painted Anthony as a sinister figure, a monster mom in a web of lies, partying days after her toddler’s disappearance (Fanning 2009).

The media drew on events surrounding Anthony’s high school graduation as the first insight into her errant character, and evidence of a home environment conducive to enabling her lies and character misgivings. In the years leading up to Caylee Anthony’s death, Anthony lied

about her pregnancy, Caylee Anthony's paternity, and stealing money. She lied about her whereabouts when she was meant to be at work and lied about obligations to manipulate friends into babysitting Caylee Anthony while she went clubbing³. During the investigation, television programs and newspaper articles recounted and interpreted each example. In most cases, Cindy Anthony's role in dismissing Anthony's bad behavior remained a central topic of discussion. In an interview with A&E, George Anthony recalled how his wife would become cross with him if he suggested stopping by Anthony's alleged place of employment (Ablow 2013). In his memory, Cindy Anthony was apt to look past her daughter's transgressions to shield her from punishment.

As the investigation into Anthony's potential role in the death of Caylee Anthony progressed, Cindy Anthony was repeatedly accused of enabling her daughter and making excuses for Anthony's actions. In a CNN interview, hosts brought on psychologist and media personality Jeff Gardere to discuss components of Anthony's youth which may have contributed to her poor parenting skills and, as they saw it, obvious hand in Caylee Anthony's death. His argument harkened back to Cindy Anthony's status as an overly-accommodating mother. "She's [Cindy] probably been feeling guilt her whole life and that she has had to raise this girl...but yet she's been shielding her whole life. And if she is guilty of the disappearance of her [Casey's] daughter, then in some way, she enabled that" (2009, 1). The difference between Anthony and her mother Cindy Anthony, however, was that the media believed Cindy Anthony made decisions from a place of motherly affection, whereas Anthony made decisions out of selfishness and depravity. Throughout the trial, Cindy Anthony was condemned as the root of Anthony's inability to meet acceptable standards for motherhood, and also blamed for the inappropriate decisions Anthony made (Ablow 2013).

The prosecution and the press had ample evidence that Anthony was deceptive, and they used this quality to convince the general public of Anthony's role in Caylee Anthony's death. Anthony's perjurious behavior persuaded the armchair jury. However, a practicing jury requires stronger proof of criminality than a history of poor behavior to decide on a guilty verdict. In an ideal situation, the jury would not decide based on character judgements. Instead, a jury should holistically examine all available evidence brought forth by the prosecution and defense and be confident beyond reasonable doubt in the validity of the charges against the defendant (Battaglia 2011).

The Casey Anthony Trial⁴

On May 24, 2011, after 11 days of difficult jury selection, the country settled in to watch "the social media trial of the century" (Cloud 2016). Spectators spent hours in lines of over 100 people to purchase tickets for one of the limited seats within the courthouse. Brawls broke out over cutting ahead; people sprinted through security checkpoints; viewers and protesters came equipped with signs. One day, anxious spectators trampled a woman while running down the street and through hallways in the courthouse (Pavuk 2011). The several million less ambitious onlookers

³ See transcriptions of in-person interviews in "Mommy's Little Girl: Casey Anthony and Her Daughter Caylee's Tragic Fate" (Fanning 2009) for more detail on Casey Anthony's deception of her friends and family.

⁴ The Statement of the Case and Facts of the Casey Anthony brief, found on pages 1-32 of case 5D11-2357 *Anthony v. Florida*, deem the events recounted in this section accurate for the purpose of the appeal. The description of the Casey Anthony trial, excluding the information cited specifically from other sources in this section "The Casey Anthony Trial," can be found on these pages. For further reading of *Anthony v. Florida*, see *Anthony v. State of Florida*. 2011.

kept up with the case on social media platforms or live streams. Hundreds of media vehicles grappling for coverage swarmed the broadcast village surrounding the county courthouse. The screen time dedication to Anthony's trial was so intense that both CNN and NBC assembled two-story structures with air conditioning in the open lot directly across from the building (Cloud 2016). The atmosphere inside the courthouse was comparably hectic. The appointed judge became so irritated by outbursts from the prosecution and defense that he began to fine the behavior at \$100 an altercation. Both sides of the aisle came armed with theatrical revelations and accusations to present to the jury. The occasional reactive commentary from the second-floor public gallery reinforced the sensationalization.

Over the course of the 42-day trial, the defense and prosecution stated their claims and presented all available evidence to the best of their ability. The following recount of evidence can be found in the brief for the *Anthony v. Florida case*. As evidence, the prosecution first presented human hair found in Anthony's trunk. The prosecution tested the hair, and confirmed it belonged to the Anthony family's female lineage. The prosecution used the odor-detection services of forensic expert Arpad Vass to check the air in the trunk for decomposition. Dr. Vass found 41 out of 424 compounds associated with decomposition in the car, particularly those compounds associated with early stages of decomposition. This evidence was contentious, however, because odor analysis is not always accepted in the forensics community, and the trunk was free of an essential compound in human decomposition called undecane. There was a high level of chloroform in the trunk of the car, though there was no telling whether or not the chemical was used unlawfully or was simply present in something else, like a cleaning product. Cyber investigation of Anthony's laptop showed searches of "chloroform" and "self-defense." The prosecution used these searches to posit premeditation. Later in the case, Cindy Anthony would make the claim that it was she who searched for those things, in other contexts, and not Anthony. Finally, the prosecution proved that Zanny, the alleged kidnapper, never existed. Anthony gave the police a false address and lied about the fictitious woman's whereabouts.

The prosecution called upon Anthony's friends to testify about her fabrications, both generally and during the month in which Caylee Anthony was missing, but still not reported to the police. These stories corroborated the prosecution's claim that Zanny never existed. Finally, the prosecution detailed the duct tape over Caylee Anthony's mouth, noting that the same duct tape was found on Anthony property. The medical examiner testified that Caylee Anthony's death qualified as a homicide because of the delay in reporting the disappearance, the nature of the body's disposal, and the presence of the duct tape over Caylee Anthony's mouth. Nevertheless, the state of Caylee Anthony's body prevented the examiner from determining cause of death.

The defense claimed that Caylee Anthony had drowned in her grandparents' swimming pool. They told the jury that George Anthony warned Anthony about the consequences of such child neglect—a life in jail—explaining why Anthony never willingly called the police. The defense chose to admit the nanny did not exist, and that Anthony obstructed justice in her lies to the police. As to why Anthony could justify doing such a thing, the defense also claimed that George Anthony sexually molested Anthony as a child. From this trauma, Anthony learned to hide her pain through lies. George Anthony denied sexually molesting his daughter. Much of the defense's tactic was to refute claims made by the prosecution. A chemistry professor testified that there was no proven method of decomposition identification, and that garbage and household products could be the source of chemicals in the trunk. There was no blood found on Anthony's car or clothes. There were no fingerprints found on the duct tape covering Caylee Anthony's remains. The defense called another expert witness to prove there was no indication that Caylee

Anthony's death was a homicide. His insight was that the scene was staged, and that tape was placed on the body after decomposition had already begun. One FBI forensic examiner claimed that the duct tape found on the body was dissimilar to the duct tape found in Anthony's trunk and in George Anthony's shed. To support their claim that Caylee Anthony died accidentally, by drowning, Cindy Anthony confirmed that Caylee Anthony was able to open the sliding glass doors to the backyard and get into the pool on her own.⁵

The media also had ample opportunity to make their case outside of the courthouse, through newspapers, television, and social media platforms. For the court of public opinion, much of the case against Anthony was on the basis of character. Commentary was highly gendered. Much of the public perceived Anthony as cold and unfeeling, not the image of a grieving mother society expects of a pretty, white, middle-class woman (Cohen 2011). Further, Anthony appeared to enjoy the media attention; many news outlets chose to lead their articles with flashy images of Anthony laughing and smiling during the investigation (Molloy 2011). Interviews with people who worked closely on the investigation with the Anthony family reported that Anthony was more concerned with her image and private life than with finding Caylee Anthony (Edwards, Prieto and Pacheco 2009). Witness testimonies during the trial provided no evidence to support these claims, but Anthony was visibly undeterred by media backlash against her character. She made no attempt to change her behavior, and publicly stated in an Associated Press interview that media opinion was irrelevant because she and all who knew her personally knew the truth (Replogle 2017). Cindy Anthony's actions in the courtroom also received media attention, especially because they contrasted with Anthony's demeanor. Whereas Cindy Anthony regularly broke down in distressed sobs, Anthony's cried infrequently and unnoticeably. These instances caused spikes in social media discussion of the case to nearly 100 posts per minute (Cloud 2016).

Anthony's actions during the proceedings were not the press's only source of internet intrigue. While the prosecution offered expert attestation and crime scene materials, the media came armed with photos and first-person accounts of Anthony's personality. Their evidence: Casey Anthony scantily clad at parties, getting a tattoo on her shoulder, participating in a hot body contest at the Fusion nightclub, all while she knew her daughter to be missing for 31 days (Fanning 2009). Some articles appeared impartial, but many promoted biased judgements. New York Times' coverage often labeled the defense's argument as risky and incomplete (Alvarez 2011). A Time piece entitled "How the Casey Anthony Murder Case Became the Social-Media Trial," which began as a telling of facts about the case, provided a hyperlink to a photo-essay called "Mom's Who Kill" (Cloud 2016). The media had a number of conjectures as to what drove Anthony to make such scandalizing decisions during Caylee Anthony's absence. Was she keeping up appearances? Did she just not care? No matter the reason, Anthony's unmotherly actions between June and July of 2008 incited frustration among the general public. The prosecution, defense, and media made their claims. Regardless of their sequestration, the jury had access to sources within and outside of the courtroom for information about Anthony's role in the death of her toddler. The jury's conclusion influenced—however implicitly—by not only the evidence offered by the prosecution and defense, but also by the discussion of the case in the media, will prove an indication of the sanctity of Anthony's right to a fair trial in an age of pervasive social media influence.

⁵ For further information regarding the evidence displayed to the jury during the Casey Anthony case, see *Anthony v. State of Florida*. 2011.

Epilogue: The Verdict, in and Outside of the Courts

On July 5th, 2011, after over ten hours of deliberation, the jury acquitted Casey Anthony of her felony charges—aggravated child abuse, manslaughter, and first-degree murder. The jury convicted her of four charges of giving false information to a law enforcement officer. The judge ruled that Anthony must pay the \$213,000 cost of the sheriff office’s search for Caylee Anthony, and serve one year in jail and pay \$1,000 in fines for each of the four misdemeanor counts, including time served and credit for good behavior. Casey Anthony reentered society about two weeks later.⁶

From CNN to A&E, Fox and Friends to Nancy Grace, Facebook groups to Twitter pages, everyone had something to say about the verdict. Backlash against Anthony’s freedom was so strong that the judge postponed the release of juror names because “some people disagreed with the verdict,” and “would like to take something out on them” (*Anthony v. Florida* 2011). Tweets vehemently rejected the jury’s decision. One read, “Casey Anthony not guilty??.....it's a disgrace. She'll probably get her own reality show now” (Conley 2011, n.p). Social media and the press drew parallels to the O.J. Simpson trial. “O.J. Simpson is alive and free and living in the body of a 25-year-old sociopath named Casey Anthony,” said the New York Post (Peyser 2011, n.p.). In another scathing response, Nancy Grace, famed for her impassioned campaign against Anthony, finished off her two-cents about her perceived miscarriage of justice with, “But I know one thing: as the defense sits by and has their champagne toast after that not guilty verdict, somewhere out there, the devil is dancing tonight” (Cherette 2011, n.p.). An unknown source bought the rights to caseyanthony.com almost immediately and used the website as a forum to exoticize and sexualize women who commit crimes, particularly homicides. Facebook groups called “Casey Anthony is GUILTY!” or “Boycott Casey Anthony” cropped up by the dozens with the purpose of policing and critiquing Anthony’s every move.

Casey Anthony went quickly into hiding. “She can't go to a beauty parlor, she can't go shopping to a department store, she can't go to a restaurant, she can't even go to McDonald's. She can't do anything” said Anthony’s co-counsel Cheney Mason in an interview with CNN after the trial had concluded (Casarez 2014, n.p.). The court’s decision prevented the law from incarcerating or executing Anthony, but the public did everything in their power to enforce social and economic punishments. Like many formerly incarcerated people, Anthony found it difficult to find work after the trial. Stores and restaurants frequently denied her service. Estranged from her parents and brother, she lost many of the support systems in her life (Casarez 2014). Casey Anthony’s freedom granted by the law did nothing to stop the punitive powers of outside social forces.

As of 2018, the press has not ceased to report on Casey Anthony. Allegations of her misconduct continued into the next decade, particularly surrounding her relationship with her father. Social media repeatedly called the authenticity of her sexual assault claims and George Anthony’s role in hiding Caylee Anthony’s body into question. George Anthony has repeatedly appeared in televised interviews to publicly denounce and chastise his daughter. “We raised a bad seed,” he reflected to an interviewer at A&E (Bozek 2018, n.p.). In 2017, A&E held exclusive interviews with Anthony, during which she proclaimed, “I don’t give a s--- about what anyone thinks about me, I never will,” she said. “I’m OK with myself, I sleep pretty good at night [sic]” (Replogle 2017, n.p.). Most recently, Anthony’s parents appeared on The Dr. Oz Show, and spoke on rumors of Anthony’s current intimate relationship. “Knowing now that she could potentially be a mom again, I hope she does better this time around than what she did last time,” George Anthony said (Bozek 2018, n.p.).

In the Casey Anthony trial, the jury decided the evidence against Anthony was too circumstantial and felt there was no way to confirm beyond reasonable doubt how Caylee Anthony died. Anthony was let go, free to reenter society. Society did not accept her back. The function of the court system is to legitimize and substantiate punishments. Anthony's trial is a testament to the court system's current state of dysfunction, suffering from the impact of wide-reaching media. Citizens have the right to speak freely and access the media. Do we also have the right to execute punishments even after the court deems a person not guilty? Can we draw evidence the courts deem inadmissible to decide on a social verdict contrary to the jury's decision? A person's right to a fair trial and reasonable punishment is as important as the media's right to free expression and the general public's right to consume news sources of their choosing. After their deliberation on the case, the jury claimed a lack of evidence provided by the prosecution prevented them from charging Anthony with murder. They could not consider public opinion when making a decision, nor were newspaper articles or Facebook posts brought before the judge. This could be interpreted as an indication that the social media trial and the trial by jury can co-exist. Yet despite the decision of the jury, the evidence presented in court, and the role of the courts as the sole and rightful decision-maker in issues of misjustice, the general public punished Anthony for actions which, though not actually illegal, were considered crimes enough in the social sphere: partaking in promiscuous behavior, being self-centered and lying to authority, and not living up to the standards of motherhood ascribed to young, white, women. This harmful narrative existed long before the influence of the media over public opinion came about, but it was only with the creation of accessible news outlets and social media that the propagation of such narratives which obstruct justice became wide-spread. Though access to media has had a range of positive effects for many people, for Casey Anthony it a truly impactful social punishment. It is unclear how to ensure American citizens have unobstructed access to both fundamental pillars of democracy.

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