


美國 2008 年凱西安東尼謀殺案概述

Casey Anthony Murder Case

	<p>主筆人：文政大</p> <p>本單元因應律司新制，新增法學英文一科而開闢，主筆人文政大老師曾留學美國，專業橫跨外交、法律與政治學，並同時具有學術與實務經驗，對教學充滿熱忱。希藉由文政大老師的背景知識，帶領考生們贏得滿意高分。</p> <p>◎最新開課日，請點閱高點法律網 lawyer.get.com.tw/</p>
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壹、前言

被喻為繼辛普森案(O. J. Simpson Case)之後，最受大眾矚目的凱西案(Casey Anthony Case)於台灣時間七月六日晚間宣判。該案被告(the accused)凱西因涉嫌謀殺(murder)自己的女兒而遭到起訴(indicted)；最後陪審團做出裁決(verdict)，認定凱西的謀殺罪因證據不足(lack of sufficient evidence)而宣告不成立(acquitted)。本文節錄時代雜誌對該案的專題評論文章(註 1)一方面作為理解本案的背景資料，另一方面作為法學英文學習的補充資料(註 2)。

貳、原文與解析

Like many other popular attractions in Orlando, the Casey Anthony trial requires tickets. Hundreds of people show up each day to watch the murder case unfold. But only those who arrive well before 8 a.m. and wait in June swelter can get a pass allowing them into the soaring, chilly top-floor courtroom where Anthony is trying to avoid the death penalty.



如同其他奧蘭多市吸引人之處一樣，凱西安東尼案也需要門票。數百計人每天出現在法庭上等待觀賞案件揭曉，然而僅有八點前頂著六月酷暑到場的人方能取得對垂死掙扎的被告吼叫與鼓譟的門票。

Anthony is accused of murdering her 2-year-old, Caylee, in 2008. In December of that year, investigators found parts of the girl's duct-taped corpse near Anthony's parents' home. Bugs and vegetation had colonized the remains, which had been dumped roughly six months earlier.

凱西安東尼被控謀殺自己兩歲的女兒：凱莉。2008年十二月調查人員在凱西的父母家附近發現凱莉由封箱膠帶網綁屍體的殘骸已覆蓋了昆蟲與植被，粗估已被棄屍六個月左右。

And yet virtually no one doubts that Anthony was involved in her child's death. In fact, her lawyer admits that Anthony knew how her daughter's body would be disposed of. Few legal experts watching the proceedings expect her to get off. So why has this case become the O.J. Simpson trial of the new decade?

最終沒有人會懷疑安東尼涉入殺害其女兒。事實上，就連他的律師都承認被告知道女兒的棄屍過程。只有少數法律專家觀察審判過程而期待被告能免於懲罰。那麼這個案子為何會成為新的辛普森案？

Casey Anthony is a tenacious liar. Her defense team isn't disputing most of her deceptions, which began not long after Caylee went missing three years ago. When sheriff's deputies first questioned Anthony, in July 2008, she said that because she worked at Universal Studios (a lie) she employed a nanny to care for Caylee (another lie). That nanny, she said — a woman named Zenaida Fernandez-Gonzalez — had stolen her child. This was a fantastic lie, as no such person existed.

凱西是一個頑強的說謊者，她從三年前女兒走失開始就有所欺瞞，而她的辯護團隊對於她的謊言並未多加爭論。當警方於2008年七月第一次詢問她時，她說因為她在環球製片廠工作（這是一個謊言）她就雇用了保母照顧女兒（另一個謊言）。根據她的說法，這位名叫 Zenaida Fernandez-Gonzalez 保母拐走她女兒。雖然這是個完美的謊言，但事實證明沒有此人存在。

The case might have run its tabloid course relatively under the radar if the fraudulent story line hadn't changed. But last month, when the murder trial against



Anthony began, she and her attorney Jose Baez radically altered the script. They said Anthony had lied for so long in order to cover up a family tragedy: Caylee had accidentally drowned in her grandparents' pool. Baez said Casey didn't reveal the truth because she was scared of her father George Anthony — who, Baez alleged, had begun molesting Casey when she was 8.

倘若欺瞞的故事沒有變動的話，這個案件可能會在大眾的監看下走完八卦的歷程（意指被漸漸遺忘）。但就在上個月謀殺案開庭時，凱西和她的辯護律師又突然變更劇本，稱凱西的謊言都是為了掩蓋家中悲劇：凱莉在她的父母家的游泳池溺斃。辯護律師說凱西沒有立刻揭露事實，因為凱西害怕她的父親喬治：他從凱西八歲開始就開始猥褻她。

George Anthony, 59, a tanned, white-haired former cop who shows up with his wife most days at the trial, has denied the accusation. "When I heard that today," he said in court, "it hurt really bad." The prosecution has chipped away at the drowning theory by showing that Casey didn't seem upset in the days following the supposed accident. A local tattoo artist, Bobby Williams, testified that on July 2, 2008, about two weeks after Caylee was last seen alive, Anthony entered the shop where he works and requested new ink. She was specific about what she wanted: the phrase "*Bella Vita*" (Italian for "beautiful life"). As he tattooed Casey, Williams said, she happily chatted on the phone.

喬治安東尼，五十九歲，是黝黑白髮的退休警察，大多數審判過程都與他的妻子現身於法庭並否認凱西的指控。他說：「當我聽到指控的時候，我深刻地被傷害了。」檢察官隨後排除意外溺斃的說詞指出凱西在宣稱意外發生後幾天似乎沒有任何沮喪的狀況。當地的刺青人 Bobby Williams 也證明 2008 年七月二日（大約在凱莉還活著時最後出現的前兩週，凱西仍到店裡詢問新的刺青，並很確定他要刺的是“bella vita”，義大利文的「美麗人生」，並且還很開心地透過電話與他人聊天。

From a legal perspective, the case against Anthony is astonishingly weak. Before it rested its case June 15, the state could present only a ragbag of circumstantial bits of evidence against her. Her fingerprints weren't found on the body or on the duct tape over Caylee's mouth and nose. No eyewitnesses ever saw Casey hurt Caylee, and the defense is sure to call witnesses who will testify that mother and daughter



were close.

從法律觀點來說，本案的證據程度驚訝地不足。直到六月十五日案件確定以前，公訴方（州）僅能呈現一麻袋的間接證據。凱莉的身體、綑綁凱莉口鼻的的封箱膠帶上都沒有找到凱西的指紋。沒有任何人證曾目擊凱西傷害凱莉，而更可以確定的是辯護方一定會尋求人證證明凱西與凱莉母子關係的親密程度。

The prosecution is relying mostly on evidence found in an Anthony family Pontiac Sunfire that Casey used to drive. Casey abandoned the car about two weeks before Caylee was reported missing. When George Anthony got the car back, he said the trunk carried an overpowering stench of decomposing flesh. He testified that he had smelled dead bodies when he was a cop and that the smell is something "you never forget." A controversial new smell test developed by crime researchers at Oak Ridge National Laboratory showed that the odor almost certainly came from a body, not from a bag of garbage (as Anthony's attorney has said). The prosecution also has a single strand of hair from the trunk, but it cannot say for certain whether that hair belonged to Caylee or to another Anthony family member. Tests suggesting that the hair came from a decomposing body are not conclusive.

檢方主要仰賴的證據來自於凱西過去在家中所開的車上。凱西大約在凱莉被報失蹤之前兩週丟棄那部車。當喬治取回他的車時，他說車子上有一股肉發酵的惡臭，他並作證說他聞到屍臭味，而那種味道當警察的他絕對不會忘。由國立實驗中心鑑識的結果，顯示該氣味幾乎可以確定來自身體而非垃圾（這是律師的說詞）。檢察官也從卡車上取得一搓頭髮，但無法確定該頭髮來自凱莉還是家中其他成員。科學鑑識對該搓頭髮是否來自發酵的屍體仍未取得結論性的報告。

But even if the body was in the car, isn't that consistent with Casey's story, that she and her father panicked and disposed of the body after Caylee drowned in the pool? And about that tattoo: what if *Bella Vita* is a description not of the good life Casey believed she would have after her troublesome daughter was dead but of the "beautiful life" that had just been taken from her?

但即使屍體在車上，不是仍與凱西的說詞不一致，亦即他和爸爸在凱西溺斃池內後，將凱西驚慌棄屍？

還有刺青：倘若「美麗人生」並不是對凱西相信麻煩的小孩死後美好人生的描



述，而是對她自己被奪走美好人生的描述呢？

Wouldn't Casey abandon her car after she had to use it to hide her daughter's corpse? Wouldn't she bury her daughter with the girl's Winnie the Pooh blanket, all the better to comfort the little body? Wouldn't she have to keep up appearances after the accident by going out with friends to bars? Wouldn't she text her boyfriend, "I'm the dumbest person and the worst mother. I honestly hate myself"?

難道不是凱西丟棄她必須藏匿女兒屍體的車子嗎？難道不是她用小熊維尼的毯子埋葬女兒以慰女兒的小小身體？難道不是凱西在意外發生後，爲了跟上大家的正常生活，而與朋友一起到酒吧？難道不是她傳簡訊給男友，說「我是全世界最蠢、最遭的母親，我真心討厭自己」？

Well, maybe. You have to squint really hard to bring the defense case into focus. It could ultimately crumble because of the overreaching, virtually unprovable accusation that George molested Casey. In court, the prosecution played hours of tapes from 2008 visits by George and Cindy to see Casey in jail. During one visit, Casey told her father, "You've been a great dad and the best grandfather." The defense could argue that she said those words because she was frightened of him and knew that police were taping the visit. But her many deceptions won't incline jurors to give her the benefit of the doubt.

也許吧。你必須非常努力地斜眼觀察才能看到本案的焦點，而這個焦點最終會因凱西是否曾被爸爸猥褻的指控無法證實而被粉碎。法庭上，檢方播放凱西父母探望在獄中凱西的錄音。其中一次凱西告訴她爸爸：「你一直是一個好父親與好祖父」。辯方可以辯駁她說這些話是出於了解正在錄音且害怕父親，但她的許多謊言可能不會讓陪審團授與她因疑點而生的優待。

參、重要字彙彙編

- 1.unfold 揭開、揭曉 (v.)
- 2.swelter 酷暑、炎熱 (n.)
- 3.soar 怒吼 (v.)
- 4.death penalty 死刑 (n.)
- 5.be accused of被控....罪 (v. phr.)
- 6.murder 謀殺罪 (n.) (v.)
- 7.investigator 調查人員 (n.)



- 8.corpse 屍體 (n.)
- 9.remain 殘留、剩餘部分 (n.)
- 10.dump 丟棄、棄屍 (v.)
- 11.be involved in..... 涉及某事件 (v. phr.)
- 12.dispose of 丟棄 (v.)
- 13.proceedings 審判過程 (n.)
- 14.tenacious 頑強的 (adj.)
- 15.deception 謊言、欺騙 (n.)
- 16.sheriff's deputy 副警長 (n.)
- 17.employ 雇用 (v.)
- 18.nanny 保母 (n.)
- 19.tabloid 八卦 (n.)
- 20.trial against ... 對某人的審判 (n. phr.)
- 21.attorney 辯護律師 (n.)
- 22.cover up 掩蓋、掩飾 (v.)
- 23.drowned 溺斃的 (adj.)
- 24.molest 猥褻、騷擾 (v.)
- 25.accusation 指控 (n.)
- 26.prosecution 起訴 (n.)
- 27.chip away 排除 (v. phr.)
- 28.testify 出庭作證 (v.)
- 29.perspective 觀點 (n.)
- 30.circumstantial evidence 間接證據 (n.)
- 31.fingerprint 指紋
- 32.eyewitness 目擊人證 (n.)
- 33.evidence 證據 (n.)
- 34.stench 惡臭 (n.)
- 35.decompose 分解、發酵 (v.)
- 36.squint 斜眼觀察 (v.)
- 37.crumble 粉碎 (v.)
- 38.unprovable 無從證明的 (adj.)



【注釋】

註 1：John Cloud, “Casey Anthony Murder Case Became the Social-Media Trial of the Century,” in Times Magazine, 2011/6/16.

<http://www.time.com/time/printout/0,8816,2077969,00.html> Final Access: 2011/7/7.

註 2：本文寫作時間為判決確定之前。作者文末預估認為本案被告很可能獲得有罪判決。惟最終陪審團判決凱西謀殺最不成立。

