

IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
522021CF001099000APC
SECTION M

STATE OF FLORIDA

vs

CORNELIUS TREVON WHITFIELD

MOTION TO SUPPRESS PHOTOGRAPHIC IDENTIFICATION

Defendant, Cornelius Whitfield, by and through undersigned counsel, pursuant to the protections afforded by the Fourth, Fifth, Sixth and Fourteenth Amendments of the United States Constitution; Article I, Sections 9, 12, and 16 of the Florida Constitution; and, Florida Statutes §92.70, to suppress and/or exclude any out-of-court and in-court identifications of Mr. Whitfield by the sole eyewitness in this case, Rodney Green, as such identification is unreliable, inherently suggestive, and unduly prejudicial without a corresponding probative value. As grounds for this motion, the Defendant states:

1. Mr. Whitfield has been charged with one count of first-degree murder, one count of attempted murder, and one count of robbery arising from shootings at the Emerald Pointe Apartments, where Darren Barnes, Deronrick Green, and Rodney Green operated a trap house trafficking crack, marijuana, and “pills” around the clock, “twenty-four seven.” Rodney Green Depo. at 24-25.
2. Buyers would regularly come to Apartment #113 to “make plays” which was, according to Rodney Green, a “very dangerous game.” *Id.* at 27-28.
3. On the evening of February 1, 2021, while awaiting illicit business, Rodney Green took Xanax, smoked marijuana, and went to sleep in an adjacent bedroom while Darren Barnes and Cornelius Whitfield sat on the couch in the living room. *Id.* at 51-56.
4. Shortly after midnight on February 2, 2021, an assailant fatally shot Darren Barnes. Rodney Green woke up with his head ringing, to a man who demanded drugs, guns and money. He realized he’d been shot in the face, then passed out in a pool of blood on the kitchen floor. *Id.* at 57-59. *See also* Rodney Green’s February 24, 2021 Interview.

5. Rodney Green remembers *nothing* until he woke up in the Bayfront Hospital ICU. *Id.* at 64. He has no recollection of any discussions with law enforcement while at the hospital. *Id.* at 65, 70.
6. At the crime scene, Rodney Green was, “mostly mumbling” and spitting up blood outside the door of Apartment #113. Report at p. 32. Officer Darlene Hollister noted that, “Officers attempted to speak with Rodney Green to find out what happened, but he was unable to speak clearly and was very shaken up.” Report at p. 10; Hollister Depo. at p. 7-8 (no statements were taken from Rodney Green on scene). Officer Kenneth Seay, who rode in the ambulance with Rodney Green, stated Green was only able to provide his birthdate “slowly and in increments” before he shut down and went into shock. Report at p. 35; Seay Depo. at p. 9. At Bayfront after initial treatment, Rodney “perked up” and spontaneously stated, “**They** killed my brother.” *Id.*
7. Nonetheless, within twelve hours of Rodney Green’s emergency transportation to, and surgery at, Bayfront Hospital for a serious gunshot wound to his head, SPPD Detectives Amalia Anamuah-Mensah and Joshua Jordan appeared at the ICU and took pictures of Rodney Green’s injuries while he slept. Report at 213. Detectives then asked a nurse to wake him up for interrogation. *Id.* “Green was unable to speak due to his current state of having tubes in his throat, a trach [eotomy], and gauze filling his mouth,” after surgery on his face and jaw. *Id.*
8. Without any proper introductory directions about the importance of proper identification, Detectives asked Green if he knew what happened and if he knew who shot him. *Id.* Green responded with nods and later, a hand signal. Detectives showed Green a single picture of Cornelius Whitfield obtained from a law-enforcement database on the theory that Whitfield was “known to the victim since childhood.” *Id.* Anamuah-Mensah Depo. at 77. None of these interactions were recorded on BWC or with audio. *Id.* at 79.
9. In fact, Rodney Green had never met Whitfield before November 2020 and may have seen him only three times. Rodney Green Depo. at 16-17. He stated that after the shooting he called his brother Deronick and told him that, “Cash [Darren Barnes] was dead...I don’t remember saying nothing else.” *Id.* at 63.¹

¹ The testimony of Deronick Green differs slightly, but Deronick Green freely admits he did not speak directly with law enforcement at the crime scene. Deronick Green Depo. at pp. 48, 56-57.

10. Detective Anamuah-Mensah must have confused Rodney Green with his brother, Deronrick Green, who, according to police reports, informed police that he had known Mr. Whitfield since childhood. Report at 212.
11. Using a single photograph for identification violates the SPPD Instructional Order on Photo packs, Line-ups and Show-ups, which allows a single photograph to be used for identification only when the full identity of a suspect is already known or prosecution is impossible (*i.e.*, the person is deceased). SPPD SOP at 3.
12. Rodney Green's identification of Cornelius Whitfield should be suppressed as unreliable, inherently suggestive, and unduly prejudicial, as well as contrary to constitutional protections as it created a substantial risk of irreparable misidentification.

ARGUMENT

The identification of a suspect based on one photograph is impermissibly suggestive and creates a substantial likelihood of irreparable misidentification. To determine whether an out-of-court identification should be suppressed, courts use a two-prong test: (1) whether the police employed an unnecessarily suggestive procedure, and (2) if so, whether the procedure created a substantial likelihood of irreparable misidentification when considering all the circumstances. *Goodson v. State*, 377 So.3d 656 (Fla. 1st DCA 2024). For example, in *Way v. State*, the court found that the use of a single photograph was impermissibly suggestive and led to a substantial likelihood of misidentification, particularly when the witness's testimony was vague and indefinite, other individuals confessed to the crime, and the witness later recanted their identification. *See* 502 So.2d 1321 (Fla. 1st DCA 1987); *Lynn v. State*, 286 So.3d 357 (Fla. 1st DCA 2019).

“The primary evil to be avoided in the introduction of an out-of-court identification is a very substantial likelihood of misidentification.” *Walton v. State*, 208 So. 3d 60, 65 (Fla. 2016) (suppressing out-of-court identification because the unreliability of the procedures “gave rise to a substantial likelihood of an irreparable misidentification”). Per Justice Blackmun, “reliability is the linchpin in determining the admissibility of identification testimony,” therefore a significant lack of credibility as to an identification would weigh heavily against admission. *See Manson v. Braithwaite*, 432 U.S. 98, 114 (1977); *Willis v. State*, 242 So. 3d 1195, 1197 (Fla. 1st DCA 2018); *see Neil v. Biggers*, 409 U.S. 188 (1972). Where an identification has been obtained pursuant to suggestive process, that might be admitted only where the court finds the identification to be

reliable **but for** the taint of the suggestiveness. *Johnson v. State*, 717 So.2d 1057, 1063 (Fla. 1st DCA 1998). Reliability must be predicated upon the “the witness’ independent recollection of the offender at the time of the crime, uninfluenced by the suggestiveness of the procedure.” *Id.* citing *Edwards v. State*, 538 So.2d 440 (Fla. 1989). The burden of proving the reliability of that identification is upon the State by a standard of clear and convincing evidence. *Id.* Further, the “Eyewitness Identification Reform Act,” Florida Statute §92.70, effective as of 2017, states that one of the trial court’s remedies in the event of law enforcement’s failure to comply with the identification procedures laid out in the Act **shall** be that such failure is considered by the court in a motion to suppress. F.S.A. §92.70(4)(a)(1) (emphasis added).

In this case, SPPD Detectives appeared at the hospital within hours of Rodney Green’s shooting and surgery on February 2, 2021, and showed a single photograph in a suggestive identification barred both by law and the standard SPPD SOPs. Given all the circumstances the identification lacks reliability. Rodney Green was communicating with hand signals as he was unable to speak. He was either so heavily medicated or so traumatized that he has no memory of any interactions with law enforcement at Bayfront Hospital. Detectives erred in assuming that Rodney Green had known Mr. Whitfield since childhood, confusing Robney Green (the victim) with his brother, Deronrick Green, who appeared at the scene and named Mr. Whitfield as a possible suspect. Only Deronrick Green and Darren Barnes had previously known Mr. Whitfield. Rodney Green, who was very heavily medicated within hours of emergency surgery when law enforcement sought an illegal identification, denies identifying Mr. Whitfield at Bayfront Hospital to this day, or at any time prior to his statement on February 24, 2021. ***Further, not a single report by law enforcement memorializes Rodney Green’s identification of Mr. Whitfield prior to the illegal photographic identification.*** The illegal identification lacks reliability given that Rodney Green’s only early *sua sponte* statement at the crime scene was, “***they*** killed my brother.” This indicates that there may have been additional suspects that remain at large while law enforcement focused on Mr. Whitfield after he was wrongfully identified.

An in-court identification will be prohibited if the impermissibly suggestive pretrial identification procedure “gives rise to a very substantial likelihood of irreparable mistaken identification.” *Simmons v. United States*, 390 U.S. 377, 384, (1968). *See also United States v. Sutherland*, 428 F.2d 1152, 1155 (5th Cir. 1970). The crux of this standard is that a suggestive pretrial identification procedure cannot be permitted to taint an in-court identification. *State v. Sepulvado*, 362 So.2d 324, 327 (Fla. 2d DCA 1978). Determining whether a witness’s in-court

identification would be based upon dependent grounds rather than the faulty and excluded pre-trial identification requires the court to review the circumstances surrounding the identification. *Simmons v. United States, supra*; *Hamilton v. State*, 303 So.2d 656 (Fla. 2d DCA 1974); *Cribbs v. State*, 297 So.2d 335 (Fla. 2d DCA 1974), *cert. denied*, 303 So.2d 335 (Fla. 1974). Where a trial court determines an out-of-court identification to have been impermissibly suggestive, it therefore is presumed that an in-court identification will be equally tainted. *Sepulvado*, 362 So.2d at 327. It is the state's burden to overcome this presumption by "clear and convincing" evidence. *Cribbs*, 297 So.2d at 336.

Here, the out-of-court photographic identification of Mr. Whitfield as Rodney Green's shooter has been impermissibly tainted by the failure of the police to appropriately follow constitutional protections as well as SPPD procedures that are critical safeguards against misidentification. For the above reasons, both the out-of-court and the in-court identifications of Mr. Whitfield by Rodney Green must be suppressed.

CERTIFICATE OF SERVICE

I do certify that a copy hereof has been furnished by email/physical delivery to the State Attorney, Pinellas County Justice Center, Clearwater, Florida on January 5, 2026.

/s/ Julia Seifer-Smith & /s/ Margaret Russell

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