

IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA
CRIMINAL DIVISION

CASE NO.: 21-01099-CF
SECTION: M
JUDGE: PHILLIP FEDERICO

STATE OF FLORIDA,

vs.

CORNELIUS WHITFIELD (PID: 1566510).

DEFENDANT'S MOTION IN LIMINE

The Defendant, Mr. Cornelius Whitfield, by and through undersigned counsel, moves this Honorable Court to rule regarding admissibility as to the following evidentiary matters in advance of trial. Mr. Whitfield submits that each of these matters is reasonably expected to arise at trial and that the interests of justice require rulings in advance of trial.

Those matters which Mr. Whitfield desires to raise by this motion are as follows:

Hearsay Generally

1. No Testimony by Witnesses as to Hearsay Evidence Without Applicable Exceptions

Such testimony would violate the Florida Evidence Code and Mr. Whitfield's constitutional rights. See Fla. Stat. §90.802, U.S. Constitution, Sixth Amendment, and the Florida Constitution, Article I, Section 9 & 16.

Speculation

2. No Testimony Speculating that Guns Recovered by the Police on February 16, 2021, Were Stolen at the Time that Darren Barnes was Murdered

In his deposition, Rodney Green advised that there were firearms in the apartment in which Darren Barnes was killed and he was injured. He described that he had a 9mm caliber pistol and that he thought that his brother kept a 9mm pistol in the apartment – he believed that both of those firearms were taken the night that he was shot. *See* Deposition of Rodney Green, p. 58, ll. 15-17 and p. 59, ll. 23-25. Rodney Green's brother, Deronrick Green, also deposed in this matter, demurred when questioned regarding firearms in that apartment. Two of the firearms recovered from a backpack discovered in the porch area at Mr. Whitfield's family's home after his arrest on February 16, 2021, were 9mm pistols. There is no information beyond that information just iterated that would link those firearms discovered on February 16, 2021, to those allegedly taken in the course of the

robbery/homicide on February 1, 2021. Permitting a witness to testify that the firearms recovered on a later date were those taken from Mr. Barnes and Mr. Green would not be grounded in fact and would be impermissible speculation and not relevant. *See* Fla. Stat. §90.604.

Improper Bolstering of Credibility or Truthfulness of Witnesses

3. No Testimony by Detectives Commenting on Deronrick Green's Presentation During Interview at Police Department

Det. Anamuah-Mensah (now Ofc. Marrero) commented on Mr. Deronrick Green being in shock and suffering from survivor's guilt when he was interviewed regarding the shooting on February 1, 2021. Neither of these two editorialized remarks regarding Mr. Green's presentation are relevant and instead are impermissible comments that would have the effect of bolstering Mr. Green's testimony before a jury.

"It is elemental in our system of jurisprudence that the jury is the sole arbiter of the credibility of witnesses. Thus, it is an invasion of the jury's exclusive province for one witness to offer his personal view on the credibility of a fellow witness." *Boatwright v. State*, 452 So. 2d 666, 668 (Fla. 4th DCA 1984) (internal citations omitted). *See also Knowles v. State*, 632 So. 2d 62, 65 (Fla. 1993) ("asking a witness if another witness who testified differently is lying is improper.")

Prior Bad Acts or Other Unrelated Crimes

4. No Mention of Mr. Whitfield's Prior Criminal History

Many of the witnesses with whom the police spoke – including Rodney Green, Deronrick Green and Laquanda Green – mentioned that Mr. Whitfield had been to prison on at least one prior occasion, and that he was released from his last incarceration in November 2020. There is nothing uncovered in the discovery investigation to indicate that Mr. Whitfield's history in the criminal justice system has anything to do with his guilt or innocence in the shooting death of Mr. Darren Barnes, nor the attempted homicide and robbery of Mr. Rodney Green, the charges for which Mr. Whitfield is currently set for trial before the court. There is simply no relevance of Mr. Whitfield's previous charges or sentences to the crimes with which he is charged today and the introduction of such in front of the jury would be improper.

"Erroneous admission of collateral crimes evidence is presumptively harmful". *Castro v. State*, 547 So.2d 111, 116 (Fla. 1989)(quoting *Straight v. State*, 397 So.2d 903, 908 (Fla.), cert.

denied, 454 U.S. 1022 (1981)). Even despite cautionary instructions, the introduction of a prior unrelated criminal act is too prejudicial for the jury to disregard. *See Vasquez v. State*, 405 So.2d 177 (Fla. 3d DCA 1981), approved in part, quashed in part, 419 So.2d 1088 (Fla.1982), *see also Finklea v. State*, 471 So.2d 596 (Fla. 1st DCA 1985).

5. No Testimony Regarding the Additional Allegations Mr. Whitfield Faces in Case No. 21-01513-CF

As this court is well aware, Mr. Whitfield faces four charges of first degree homicide and attempted homicide under the open Case No. 21-01513-CF; that trial has not yet been scheduled. Those acts are alleged to have occurred on February 16, 2021. There is absolutely nothing to indicate that the allegations of multiple counts of homicide occurring two weeks following Mr. Barnes' murder were in any way related. There can be no probative value – only a converse highly prejudicial impact – to including such in the instant trial.

Where evidence reasonably infers nothing more than the defendant's propensity to commit the offense, it should be excluded as unduly prejudicial. *Thomas v. State*, 599 So.2d 158 (Fla.1st DCA 1992). The overarching test concerning the admissibility of evidence is that of relevancy. *Williams v. State*, 110 So. 2d 654, 659-60 (Fla. 1959). Where evidence of other criminal activity not charged is irrelevant the admission will be presumed to be harmful error. *Straight v. State*, 397 So.2d 903, 908 (Fla. 1981). The State has not filed Notice seeking to introduce *Williams* Rule (as to such acts outlined above) in the instant case, nor have they filed a motion seeking the introduction of such evidence as inextricably intertwined evidence. But critically, the charged crimes under Case No. 21-01513-CF are not relevant to Mr. Whitfield's guilt as to the instant charged crimes under Case No. 21-01099-CF and should therefore be excluded from this trial.

6. No Testimony Regarding the Circumstances of Mr. Whitfield's Arrest on February 16, 2021

Mr. Whitfield was arrested on February 16, 2021, at his family's home on Emerson Avenue in South St. Petersburg. Mr. Whitfield's arrest was affected after the St. Petersburg Police Department sent their SWAT Unit to attempt to gain entry into the home. That group ultimately pulled the house apart after which Mr. Whitfield complied with law enforcement's instructions to exit the destroyed home and surrender himself. There is nothing to indicate that Mr. Whitfield had hidden himself in the home in connection with the police investigation into Mr. Barnes' murder.

Evidence of flight, concealment or resistance to a lawful arrest may be admissible as “being relevant to consciousness of guilt which may be inferred by such circumstances.” *Straight v. State*, 397 So.2d 903, 908 (Fla. 1981). But for such evidence to be admitted, there must demonstrable evidence that establishes a nexus between the flight, concealment or resistance to arrest **and** the crime for which the defendant is on trial – it is a simple question of relevance. *See Twilegar v. State*, 42 So.3d 177, 196 (Fla. 2010).

7. Request to Exclude Information About the Photo of Cornelius Whitfield Shown by Detectives to Witnesses Being A “Booking Photo”

Detectives spoke with Deronrick and Laquanda Green at the St. Petersburg Police Department. Rodney Green was “interviewed” at the hospital and later shown aa photograph on another occasion. During those interviews, the witnesses were shown a single photograph of Mr. Whitfield that had been taken from a prior arrest, commonly referred to as a “booking photo.” It would be inappropriate for the jury to hear about the provenance of the photo as being a “booking photo,” which indicates that Mr. Whitfield was previously arrested for another crime.

This would clearly and unequivocally be an impermissible comment upon Mr. Whitfield’s former contact with the police – a matter that is unquestionably prejudicial and barred from consideration by the jury where no such *Williams* Rule evidence is being admitted. “The improper admission of evidence concerning a defendant's prior criminal history is frequently too prejudicial for the jury to disregard...” *Henderson v. State*, 789 So.2d 1016, 1018 (Fla. 2d DCA 2000).

Courtroom Security

8. Courtroom deputies shall maintain adequate space from Mr. Whitfield

Mr. Whitfield now moves this court to conduct a brief hearing regarding the security measures undertaken by the Pinellas County Sheriff’s deputies in the courtroom such that there is no possibility of the venire or the petit jury improperly forming the impression that Mr. Whitfield is a dangerous man who requires extra security. Specifically, defense counsel would assert that deputies should not be sitting near Mr. Whitfield such as to infer that he personally requires extra security.

It is well settled in Florida that the court (i.e. the trial judge) – **not** other entities – is under an obligation to maintain safety and security in the courtroom. *Smith v. State*, 7 So.3d 473, 492-93 (Fla. 2009), *Woods v. State*, 490 So.2d 24 (Fla. 1986), *Blanco v. State*, 603 So.2d

132 (Fla. 3d DCA 1992). Critically, “[t]he court may not blindly defer to security measures established by the sheriff or other official performing security functions.” *Smith v. State*, 41 So.3d 1081, 1087 (Fla. 2d DCA 2010) citing *McCoy v. State*, 503 So.2d 371 (Fla. 5th DCA 1987). An improper use of security measures will be reversed where the trial court has abused its discretion when imposing such procedures. *See Smith*, 7 So.3d at 494, citing *Resnick v. State*, 319 So.2d 167, 169 (Fla. 1st DCA 1975). The Sixth Amendment guarantee of the right to a fair trial means that an accused:

is entitled to have his guilt or innocence determined solely on the basis of the evidence introduced at trial, and not on grounds of official suspicion, indictment, continued custody, or other circumstances not adduced as proof at trial.

Taylor v. Kentucky, 436 U.S. 478, 485 (1978). It therefore follows that an abridgment of that right is examined with close judicial scrutiny given the inherent threat to the ‘fairness of the fact-finding process’ of the jury. *Jackson v. State*, 698 So.2d 1299 (Fla. 4th DCA 1997) citing *Holbrook v. Flynn*, 475 U.S. 560 (1986). The use of restraints upon a defendant’s appearance of freedom of movement is considered an “inherently prejudicial practice.” *Jackson*, 698 So.2d at 1301-02 (quoting *Holbrook*, 475 U.S. at 568-69).

Examples of permitted security impositions include where the defendant has told corrections officers that he would attempt an escape amidst the trial, during which he would injure people in the courtroom (*Blanco*, 603 So.2d at 133); additional security personnel and procedures in and outside of the courtroom where the defendant is accused in the indictment and testimony of brutal violence including against witnesses (*Smith*, 7 So.3d at 493); large numbers of security personnel where each of nine defendants were accused of participation in an extraordinarily violent criminal enterprise with evidence of violent conflict with law enforcement (*United States v. Darden*, 70 F.3d 1507, 1533 (8th Cir. 1995);

In the instant case, Mr. Whitfield’s behaviour towards this court has always been courteous and polite; he has never demonstrated any violent tendencies either in the courtroom nor with Pinellas County Sheriff’s Office personnel, always comporting himself with the utmost respect towards the court, counsel, and staff. Mr. Whitfield should therefore not be subject to intrusive and obvious security arrangements that would only have improperly and prejudicially telegraphed to the jury that Mr. Whitfield was a dangerous defendant from whom persons in the courtroom necessitated protection.

Appropriate Attire/Behaviour in Court by All Parties

9. A Request that All Parties Adhere to Appropriate Attire and Behaviour in the Presence of Prospective Jurors and the Petit Jury

Mr. Whitfield faces trial on one count of First Degree Homicide, one count of Attempted First Degree Homicide and Armed Robbery – the very nature of the charges are obviously traumatic and upsetting to the people who love Mr. Barnes, the decedent, and Mr. Rodney Green, the surviving victim of the incident of February 1, 2021. While there has never been any sort of inappropriate behavior by anyone related to this case, in an abundance of caution, Defense counsel requests a reminder to all interested parties that everyone adhere to appropriate courtroom decorum regarding behaviour and attire and that this admonition extend to any potential proximity to the petit jury and the jury venire. No attendees – family or otherwise – should approach members of the jury venire or the petit jury, nor should anyone wear clothing in which messaging addressing any party might be visible to potential jurors or the seated jury. *See Long v. State*, 151 So.3d 498 (Fla. 1st DCA 2014)(the presence in the public gallery and outside of the courtroom of a group wearing “Bikers Against Child Abuse” jackets created an inherently prejudicial atmosphere which deprived the defendant of due process); *Smith v. State*, 481 Md. 368 (Md. Ct. Spec. App. 2022)(Courtroom bailiffs’ wearing face masks – during COVID – depicting “thin-blue line” was inherently prejudicial and violated defendant’s right to a fair trial); *Shootes v. State*, 20 So.3d 434 (Fla. 1st DCA 2009)(the defendant’s fundamental right to a fair trial was unduly prejudiced by the presence of large numbers of uniformed law enforcement on the final day of the trial meriting remand for a new trial).

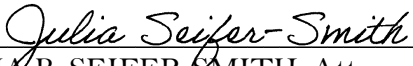
10. Other motions to be argued *Ora Tenus*.

WHEREFORE, the Defendant, Mr. Cornelius Whitfield, requests that this court GRANT each of the above Motions in Limine.

NOTICE OF HEARING

YOU ARE NOTIFIED that the above will be heard before Honorable Phillip Federico, County Justice Center, 14250 49th Street North, Clearwater, Fl 33762, on Friday, July 17, 2026, at **8.30am**.

I do certify that a copy hereof has been furnished by email/physical delivery to Thomas Koskinas, Theodora Taktikos-Danzig and Anthony Bradlow, Assistant State Attorneys at the Office of the State Attorney, County Justice Center, Clearwater, Florida, on July 13, 2026.



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