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IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR PINELLAS COUNTY
CASE NUMBERS 21-01513CFANO
21-01099CFANO

STATE OF FLORIDA,

Plaintiff,
vs.

CORNELIUS WHITFIELD,

Defendant.

_____ /

PROCEEDINGS: PRETRIAL

BEFORE THE HONORABLE PHILIP J. FEDERICO
 Circuit Court Judge

DATE: February 25, 2025

PLACE: Courtroom 7
 Pinellas County Justice Center
 14250 - 49th Street North
 Clearwater, Florida 33762

REPORTER: Robin Fraley
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* * *

1 P R O C E E D I N G S

2 THE COURT: All right. Are you on
3 Whitfield?

4 MS. RUSSELL: Yes.

5 THE COURT: Do you want him?

6 MS. RUSSELL: I'm checking now. I'm
7 pretty sure we can waive his presence and save
8 everybody the trouble.

9 THE COURT: You are pretty sure you do
10 want him?

11 MS. RUSSELL: No. I'm pretty sure we can
12 waive it.

13 THE COURT: Don't?

14 MS. RUSSELL: Yes.

15 THE COURT: On a D.P. case?

16 MS. RUSSELL: Okay. All right. Bring him
17 over.

18 THE COURT: They are supposed to be here
19 on all of them, right?

20 MS. RUSSELL: That's fair.

21 THE COURT: I mean, I have never seen
22 anybody write an appellate opinion about a guy
23 missing a pretrial before his murder trial
24 preparatory to his eventual D.P. trial, right,
25 but they say you are supposed to be here.

1 MS. RUSSELL: Okay. We aim for
2 perfection, so --

3 THE COURT: Yeah. I mean, can you waive
4 that?

5 MS. RUSSELL: It's fair.

6 THE COURT: I don't know.

7 MS. RUSSELL: It's fair.

8 THE COURT: Is that a thirty-eight fifty
9 on its face if you don't bring him here when
10 they say bring him here, presumptively? I
11 don't know.

12 I'm not sure how somebody would look at
13 that. I guess the issue is whose benefit is
14 that for, right, to keep the client informed,
15 to make sure they know what is going on, some
16 higher level of due process we have to meet to
17 have them at every hearing. I don't know.
18 Whose interest is it?

19 I mean, they wrote it for a reason, right?
20 Every other case you can waive the client's
21 appearance at. Those you can't.

22 I don't know if they ever wrote an opinion
23 on it or wrote why that would be. It's the
24 death penalty. It is just different. That
25 used to be the Schaeffer line, right? Death is

1 different. That's the title of the class when
2 she used to teach it all the time. Apparently
3 that is enough of a justification.

4 All right. I'm off my -- my conversation
5 soapbox there.

6 (WHEREUPON, OTHER CASES WERE HELD BEFORE
7 RETURNING TO STATE OF FLORIDA VERSUS CORNELIUS
8 WHITFIELD)

9 THE COURT: Okay. Who is all together
10 here?

11 MS. SEIFER-SMITH: Ms. Prichard, who
12 entered a notice of appearance on behalf of
13 Miss Harilal, next of kin, is on her way. So I
14 don't know if your Honor would be inclined to
15 wait for her.

16 THE COURT: On which one?

17 MS. SEIFER-SMITH: On Mr. Whitfield's
18 case, the death case.

19 THE COURT: Okay.

20 MS. SEIFER-SMITH: Ms. Prichard represents
21 the next of kin, Shirleylene Harilal.

22 THE COURT: Okay. Who is the State? Are
23 you on it?

24 MR. KOSKINAS: I am.

25 THE COURT: You are?

1 MR. KOSKINAS: Yes.

2 THE COURT: Do you want to wait?

3 MR. KOSKINAS: Judge, it's -- it's Court's
4 pleasure.

5 THE COURT: I mean, the calendar --

6 MR. KOSKINAS: We are really trying the
7 other case first and that is in April. I think
8 that is why the Court set a pretrial today to
9 check the status --

10 THE COURT: I know.

11 MR. KOSKINAS: -- of the progress on that
12 case.

13 THE COURT: Well, the calendar says 8:30
14 or as soon as thereafter as counsel may be
15 heard, right? It's nine o'clock.

16 MR. KOSKINAS: Right.

17 THE COURT: I didn't turn over the sands
18 of time, which gives us an hour, but, I mean, I
19 don't -- do you want to --

20 MR. KOSKINAS: We did speak to her this
21 week. I think Theo talked to her either
22 yesterday or Friday.

23 THE COURT: Okay. If you guys are okay to
24 address it, we can address it.

25 MR. KOSKINAS: I am fine to address it. I

1 think the position they want the Court to know
2 is that the mom is not in support of the death
3 penalty, which the State understands.

4 THE COURT: The mom is not?

5 MR. KOSKINAS: Yes.

6 THE COURT: Okay.

7 MR. KOSKINAS: Mom is --

8 MS. SEIFER-SMITH: I'm sorry. Could maybe
9 we have Mr. Whitfield out --

10 THE COURT: Yes, let's bring in -- let's
11 bring in Mr. Whitfield so we can have that
12 conversation.

13 MS. SEIFER-SMITH: -- if we are going to
14 have conversations about his case?

15 THE COURT: Yes.

16 MR. KOSKINAS: Okay.

17 THE COURT: And this is on the M calendar,
18 Madam Clerk.

19 MS. SEIFER-SMITH: Julia Seifer-Smith,
20 Margaret Russell and Lamark McGreen, Assistant
21 Public Defenders on behalf of Mr. Whitfield.

22 THE COURT: The 21-01099 is the one set
23 next month, right?

24 MR. KOSKINAS: Yes, sir, that's correct.

25 THE COURT: Okay. So who -- who filed a

1 notice?

2 MS. SEIFER-SMITH: Theresa Prichard with
3 Bay Area Legal Services filed a notice of
4 appearance on behalf of Miss Shirlelene
5 Harilal. She is the mother of Mr. Whitfield.

6 THE COURT: Okay.

7 MS. SEIFER-SMITH: The daughter and
8 granddaughter and sister of the three victims
9 in --

10 THE COURT: Okay. Mr. Whitfield has
11 joined us. The case that is set for trial next
12 month is 21-01 -- 01099, murder first degree,
13 attempt murder first, robbery. He also has
14 pending 21-01513, which is three counts of
15 murder in the first degree, attempted murder in
16 the first degree, one count in tampering. Also
17 pending is 21-08749, an intro of contraband.

18 The case set for trial next month, the
19 State is not seeking the death penalty on. The
20 other case with the multi counts of first
21 degree murder, they are -- they are trying this
22 preparatory.

23 I assume we've talked about it to
24 establish an aggravator for purposes of the
25 second trial, right?

1 MR. KOSKINAS: Correct, sir.

2 THE COURT: All right. So we set this
3 hearing to make sure or talk about whether we
4 are ready to go on 4/7 or not, at least that
5 was my intent in setting it.

6 MS. SEIFER-SMITH: Yes, that's our
7 understanding as well, and I can report back to
8 your Honor that we've taken a number of
9 depositions. Of the depositions that were set,
10 we have had to reset ten of them. We have a
11 number of additional depositions that have not
12 yet been taken but are scheduled. I can't
13 speak to whether or not those people will show.
14 It is several civilians. There is indication
15 that the subpoenas have been served, but
16 obviously that is no guarantee that they will
17 actually show for their deposition.

18 And I just heard back from Mr. Koskinas's
19 cocounsel with respect to the rescheduling of
20 those additional ten where people have the flu,
21 were on vacation, et cetera. So those are
22 going to be set in between now and April 7th.
23 I just -- I can't guarantee our readiness. I
24 do know that there will be outstanding motions
25 that need to be filed in advance of trial and

1 will need to be heard in advance of trial.

2 So my suggestion at this point would be to
3 set another intervening pretrial a couple of
4 weeks before. Certainly we would know by then
5 whether or not we can, in fact, be ready.

6 As your Honor knows, I inherited this case
7 as of December 30th of 2024, so just a couple
8 of weeks ago really, and I am doing my very
9 best to get everything ready. I'm mindful of
10 the fact that this is a 2021 case. A great
11 deal of work was previously done on it but not
12 quite enough for us to absolutely be ready by
13 April without taking all of these depositions
14 and without litigating some pretrial issues.

15 THE COURT: All right. Thoughts any --

16 MR. KOSKINAS: Judge, we'll work with the
17 Defense to complete the depositions as we have
18 attempted to do so so far. We can narrow down
19 the witness list should some witnesses not
20 appear as we -- as we get closer to trial in
21 anticipation of the trial. So the State is
22 fully prepared to be ready to go on -- on
23 April 7th.

24 THE COURT: Okay.

25 MS. SEIFER-SMITH: And just so your Honor

1 is aware, most critically, three civilian
2 witnesses who are critical to the State's case
3 are set on March 11th. Our indications are
4 that they have been served pursuant to the
5 address information that was provided in
6 discovery. I don't know if the State has good
7 contact with them, but certainly if they do and
8 they could encourage those folks to come in,
9 then that would assist us in actually being
10 ready for -- for motions in advance of trial
11 and the trial itself.

12 THE COURT: Yeah. Anything that we can do
13 to try to ensure their appearance would be
14 helpful, obviously. My only concern is I'm
15 gone from the 20th through the -- and I'm back
16 on that Thursday the 3rd. So I guess we can --
17 are all the depos on the 11th or just some of
18 them?

19 MS. SEIFER-SMITH: No. It's three
20 witnesses. They are all civilian witnesses,
21 who are set for the 11th. I believe the
22 following week -- or I'm sorry, maybe not the
23 following week. I have the lead detective set
24 two weeks later on the 25th and intervening are
25 all the additional witnesses, those ten

1 witnesses who failed to appear, which include
2 crime scene, a couple of other civilians. I
3 mean, I could certainly name all of them if
4 your Honor wishes today, but --

5 THE COURT: So how involved would you say
6 the motion practice is going to be?

7 MS. SEIFER-SMITH: I suspect that there
8 will be a motion to suppress. I don't think
9 that it would take longer than a couple of
10 hours and then obviously we'll have motions in
11 limine to be heard in advance of the trial. I
12 can't file the motion to suppress until I take
13 the deposition of the --

14 THE COURT: I understand.

15 MS. SEIFER-SMITH: So that is what I see
16 on the horizon at the moment. I don't know
17 that I can commit to all of the additional
18 issues, but they would be -- the motions in
19 limine may likely not requiring the full
20 evidentiary hearing. The motion to suppress
21 obviously would.

22 THE COURT: Well, if we start on the 7th,
23 you're not going to -- I mean, it takes to like
24 ten to get a jury on a murder one up to
25 courtroom one, but that is not going to cover

1 the time you need for the motion to suppress.

2 MS. SEIFER-SMITH: No.

3 THE COURT: Plus I'm assuming the morning
4 we are picking the jury you don't necessarily
5 want me to be ruling on the motion to suppress.
6 It would not assist in both sides of
7 preparation for that day.

8 MS. SEIFER-SMITH: It would not.

9 THE COURT: So the Friday before
10 potentially I suppose could work.

11 MS. SEIFER-SMITH: The 4th?

12 THE COURT: Yes. I have mental health
13 court in the morning, so it would have to be
14 that Friday afternoon. I guess I could say all
15 pending motions.

16 MS. SEIFER-SMITH: Understood.

17 THE COURT: I won't be here from the 20th
18 until that Thursday the 3rd. So I guess if you
19 are not going to be ready with the motions and
20 the trial, you would have to come back on the
21 3rd to tell me that.

22 MS. SEIFER-SMITH: Okay.

23 THE COURT: And --

24 MR. KOSKINAS: Judge, if the Court would
25 permit, the week of the 17th before you leave

1 town?

2 THE COURT: Yes. I'm here Monday,
3 Tuesday, Wednesday, but I don't know if you are
4 going to -- if you are going to have a -- I
5 guess we are doing this step by step. I mean,
6 I know you are trying hard to get ready this --
7 I would give you about a one and five chance to
8 get this thing off the ground next month.

9 MR. KOSKINAS: And I understand. You
10 know, we would like to know on potentially the
11 17th or 18th if the motions have been filed and
12 if --

13 THE COURT: I don't have to -- I just got
14 to show up with my thirty-year-old voir dire
15 questions, ready to pick a jury on the first
16 day. It doesn't involve a whole lot of prep
17 for me. You know, I have tried a bunch of
18 these. You guys are the ones who have got to
19 do a lot of work between now and then. If that
20 is not realistic, then we should have a convo
21 about it. If it is and you think you can make
22 it happen, have at it. I'm not going to tell
23 you not to do the work, but if you are doing it
24 and it isn't going to get you -- get to where
25 we need to be, then --

1 MR. KOSKINAS: Well, I think we need to
2 keep pushing forward. How about the 19th? We
3 are trying to reset some of the depositions for
4 the 18th.

5 THE COURT: I'm happy to do a pretrial on
6 the 19th, if you want.

7 MS. SEIFER-SMITH: I think that we would
8 like that.

9 THE COURT: Okay.

10 MR. KOSKINAS: March 19th?

11 MS. SEIFER-SMITH: On the 19th, yes.

12 THE COURT: Okay.

13 MS. SEIFER-SMITH: For a pretrial?

14 THE COURT: Yes.

15 MS. SEIFER-SMITH: Great. I think that is
16 a great idea.

17 THE COURT: If you are ready -- if you are
18 going to be ready and you want to file the
19 motions, then I'll hold open the afternoon of
20 the 3rd.

21 MS. SEIFER-SMITH: Okay.

22 THE COURT: Because I don't want to mess
23 with all of those motions on the morning of the
24 trial. That is not a good way to go.

25 MS. SEIFER-SMITH: On the 3rd or on the

1 4th?

2 MR. KOSKINAS: The 4th is a Friday.

3 THE COURT: The Friday is the 4th. Okay.
4 Yeah, Friday. I have got March in front of me,
5 not April.

6 MS. SEIFER-SMITH: Okay.

7 THE COURT: I'll hold open that Friday
8 afternoon, but we'll talk about that on the
9 19th.

10 MS. SEIFER-SMITH: Sounds good.

11 THE COURT: If you think you are going to
12 be ready, then we can schedule whatever motions
13 are going to be filed on that afternoon, the
14 Friday before, and then be ready to pick a jury
15 on Monday. If you are not, then we should have
16 that conversation on the 19th, so you guys
17 aren't scurrying around to no avail to try to
18 be ready by the 7th. Does that make sense?

19 MR. KOSKINAS: Yes, your Honor.

20 MS. SEIFER-SMITH: Yes.

21 THE COURT: Okay.

22 MS. SEIFER-SMITH: And just so your Honor
23 knows, I don't believe that we would be able to
24 file all of our motions by the 19th because of
25 all the intervening depositions that will be

1 taken. We are setting depositions on the 18th,
2 on the 20th. The lead detective is set on the
3 25th. So just so your Honor is aware, I think
4 Mr. Koskinas is asking if the motions could be
5 filed by the 19th, I don't think they can be,
6 your Honor.

7 THE COURT: I got it.

8 I mean, I can give you another day in that
9 interim when I'm gone. I am going to get back
10 on that Thursday, so whatever you filed I can
11 read and prep for it for that Friday, if you
12 have it filed.

13 MS. SEIFER-SMITH: Understood.

14 THE COURT: So that is not a problem for
15 me to be ready for that Friday afternoon. I'll
16 just read the motions the day before.

17 MS. SEIFER-SMITH: Yes.

18 THE COURT: Obviously, if they file the
19 day before, you are going to be in a Hobson's
20 (phonetic) Choice situation, right?

21 MS. SEIFER-SMITH: I'm not interested in
22 that kind of practice.

23 THE COURT: I understand.

24 MS. SEIFER-SMITH: I obviously need to
25 have the depositions completed, I need to have

1 the transcripts in so that, you know, all the
2 T's are crossed, all the I's are dotted. This
3 is being used as an aggravator in a death
4 penalty case. And, alone, Mr. Whitfield is
5 facing life many times over just on this
6 particular case.

7 THE COURT: I wasn't implying that you
8 would. I am just indicating that I have seen
9 that done on a number of occasions in the past.
10 I wasn't suggesting that you would necessarily
11 do that.

12 MS. SEIFER-SMITH: I didn't take it
13 personally.

14 THE COURT: Okay. All right. So the
15 19th, make progress, and let's see where we
16 are, and then we'll contemplate some final
17 decisions headings towards the 7th, yes?

18 MS. SEIFER-SMITH: Yes.

19 MR. KOSKINAS: Yes.

20 THE COURT: Same page?

21 MS. SEIFER-SMITH: Yes.

22 MR. KOSKINAS: Yes.

23 THE COURT: All right. Sounds good.

24 Thank you.

25 MS. SEIFER-SMITH: Thank you.

1 MR. KOSKINAS: Thank you.

2 THE COURT: I appreciate it.

3 All right. So pretrial 3/19 at 8:30,
4 Madam Clerk. The trial date remains at this
5 point. All right.

6 MR. KOSKINAS: Okay.

7 (HEARING CONCLUDED)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)

COUNTY OF PINELLAS)

I, ROBIN FRALEY, REGISTERED PROFESSIONAL REPORTER, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true record.

DATED this 5th day of March, 2025.

ROBIN FRALEY
REGISTERED PROFESSIONAL REPORTER