ΙN	THE	CIRC	UIT (COURT	OF T	HE S	SIXTH	JUDICIAL	CIRCUIT
		IN A	AND F	OR PI	NELLZ	AS C	OUNTY	, FLORIDA	
			CAS	E NO.	202	1-01	513 C	FANO	
					202	1-01	099 C	FANO	

STATE OF FLORIDA

VS.

CORNELIUS TREVON WHITFIELD

Defendant.

TAKEN BY: Defendant

DATE: June 12, 2025

TIME: 9:45 a.m. - 10:29 a.m.

PLACE: Criminal Justice Center

14250 - 49th Street North

Clearwater, Florida

REPORTED BY: Sharon K. Allbritton

Shorthand Reporter

Notary Public

State of Florida at Large

DEPOSITION OF SERGEANT BRIAN E BURTON

PAGES 1-31

APPEARANCE:

THOMAS KOSKINAS, ESQ.
ANTHONY BRADLOW, ESQ.
Assistant State Attorney
14250 - 49th Street North
Clearwater, FL 33762

JULIA B SEIFER-SMITH, ESQ.
MARGARET RUSSELL, ESQ.
LAMARK MCGREEN, ESQ.
Assistant Public Defender
14250- 49th Street North
Clearwater, FL 33762

1 PROCEEDINGS 2 WHEREUPON, 3 4 SERGEANT BRIAN E BURTON 5 the deponent herein, being first duly sworn, was examined and testified as follows: 6 7 DIRECT EXAMINATION BY MS. SEIFER-SMITH: 8 9 Can you please state your name for the Q 10 record? Brian Burton. 11 Α 12 We're here in the matters of Cornelius 13 Whitfield. We have two court case numbers. They're 21-01099 CF and 21-01513 CF. We have a St. Petersburg 14 police case number of 2021-6023, which is probably on 15 16 the report in front of you. 17 Α Correct. Does that sound familiar? 18 19 Α Yes. 20 Okay. Can you tell me what, if anything, you 2.1 reviewed in connection with this case before being 22 sworn in by our court reporter? 23 My supplement. Α 2.4 Was there anything else that you looked at, Q 25 any conversations you had with colleagues?

A I glanced at -- there's an associated report for an incident. I think it happened around Emerald Point Apartments. I saw that I did not have a supplement to that one.

Q Okay.

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A Because I got two subpoenas with two different case numbers on them. And I did have involvement, I don't have a police report on it, in the first one, which is 21-4037, our case number. And that was just surveillance on the same house where the later occurred incident occurred trying to pick up Whitfield.

Q So it sounds like once you received the subpoenas you looked up the case numbers and they kind of jogged your memory in terms of what your involvement was in both cases?

A That's fair.

Q Okay. My name is Julia Seifer-Smith. I'm an assistant public defender, together with Margaret Russell and Lamark McGreen we represent Mr. Cornelius Whitfield. Present from the state are Tony Bradlow and Tom Koskinas.

I don't think we've spoken before. Do you mind giving me kind of a brief rundown of your professional history?

1 I've been with St. Pete police since 2 September of 2005. I served in patrol, as a field 3 training officer. Street Crimes Unit from 2008 to 2016. S.W.A.T. from 2008 until present. I'm still a 4 5 member of that. I was promoted to sergeant in 2016. 6 Served as patrol sergeant. Filed training sergeant. I was the High Liability Training Unit sergeant for a period of three years. Downtown deployment. Special 9 Investigations Unit, which is where I was assigned 10 during this incident. Collaterally S.W.A.T. at the 11 same time. And I'm currently in the Auto Theft Unit.

- Q When did you join auto theft?
- A I've been in auto theft since March of this year.
 - Q How's that going?
- 16 A It's busy.

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- Q I imagine. So in this case it sounds like you had some involvement at the beginning, or from the beginning of February, and then it really culminated on February 16th with S.W.A.T., does that sound about right?
 - A That's fair.
- Q With regards to Mr. Whitfield I mean under kind of both case numbers.
 - A That's fair.

Q Okay. Can you tell me how you initially got involved in the cases involving Mr. Whitfield?

A So, first of all, I was assigned to SIU, which is essentially a surveillance unit.

Q Right.

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A Homicide reached out to us through our chain of command about trying to locate Whitfield believing he was at this house at 2068 Emerson Avenue South.

They had charges on him for murder and attempted murder. We were on that for a period of days without locating him and, you know, eventually just moved on.

Q Can you tell me what you remember receiving from homicide regarding Mr. Whitfield, like what kind of information?

A Just a very brief summary of the case and like the circumstances surrounding it.

Q You obviously were given a name and potentially an address, or do you do your own research?

A Name, address that they believed, the detectives believed he was at, photographs. We do some of our own research too to see if we can find more photographs. That's all typical. I don't remember if we found anything additional that we hadn't already been given in this case.

The address that you were given or that you I 1 guess associated with him, was that the 2968 Emerson? 2 3 Α Correct. Okay. Any other addresses that you either 4 were given or that you discovered through your own 5 6 research? Probably, but I don't remember. It's very typical to have a laundry list of prior addresses when 8 you're trying to go find somebody. 10 And do you know if you received any other 11 kind of information like cellphone, location data, cell numbers, like associates? 12 13 I don't remember if any of that came into 14 play in this case. Okay. And in terms of like your recollection 15 16 of the surveillance, and I understand that we're like four years out here and you didn't write a report 17 18 associated with that work, but do you recall if it was 19 just that particular Emerson Avenue address that you 20 were kind of posted up at or if you went to other locations? 2.1 22 The only one I remember is that location and 23 we were on it on shifts around the clock for a period

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That's fair. Do you remember what kind of 1 2 observations you made at that location, like if you 3 saw anybody going in and out and who those people might have been? 4 There was some activity of a handful of 5 6 people coming and going. It was fairly quiet from the house itself as I recall. It was pretty standard practice for us when somebody leaves we would get eyes 9 on them, and if it's not the person we're looking for 10 we're done with it. So there was some of that. 11 Any kind of contact with any neighbors or 12 anybody who was seen like coming or going from the 13 home? 14 I had no contact with any neighbors or I didn't speak to anybody, just surveillance. 15 16 Would that have been something that was done 17 by SIU or not necessarily? No, that's not something they typically do. 18 Α 19 And do you recall if you were on the dayshift 20 or nightshift? 21 I was assigned to dayshift, yeah. 22 And you said it was like around the clock so 23 like 24 hours a day --

Yeah. I don't remember how the shift split

started, but when we go to twelves sometimes it's just

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- reactive to-- we might be dayshift, but depending on how it started that shift change might be four in the morning, so you're working a combination of day and night when that happens.
 - Q But your recollection in terms of the surveillance was that somebody from your unit was looking at the house for 24 hours a day?
 - A Yes.
 - Q For a period of time?
- A Yes.

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- Q And do you know why you stopped watching the house?
 - A No. I mean, I don't know exactly why they decided we're not gonna continue this around the clock thing on this house. I don't know if it was based on information or just we had spent enough time and not seen him. Not my call.
 - Q Okay. That was my question. Not your call?
- 19 A Right.
- 20 Q Okay. Do you know whose call it was?
- 21 A I don't.
- Q You were just told like you can stand down, no need to watch the house anymore?
- 24 A Correct.
- 25 Q Do you remember when that decision was made?

A No.

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Q Do you remember when you were notified about that decision?

A No.

Q Do you recall if it was like close in time to February 16th?

A I would say within a week. I think most of the surveillance took place a week prior to this.

Q And so any other involvement with like generally like the Cornelius Whitfield investigation between like when you were told you don't need to look at 2968 Emerson and then when you got this call on February 16th regarding S.W.A.T.?

A No.

Q Okay. So how did you become kind of re involved on the 16th, how did that happen?

A There was a S.W.A.T. activation on the 16th at 4:11 p.m.

O What is that?

A That is an alert sent from our communication center. It's generally triggered by the watch commander, which is patrol, highest ranking patrol member on a given shift. And if whatever they're dealing with they feel like it's a high risk incident, they activate the S.W.A.T. team. They tell comm

1 Comm center pushes out an alert to all of our center. work phones, tells us where to respond to. 2 3 What time was it that you received this --4 4:11 p.m. 5 And do you recall getting any kind of 6 information about what the high risk situation was? I was on duty at the time so I recall getting -- we were actually in the middle of S.W.A.T. training, or just finished S.W.A.T. training as it 10 turns out. I remember getting very brief information 11 just based on like CAD notes and what chatter I could hear on the effected radio channel that there were 12 13 multiple people shot. I recognized the address 14 immediately and kind a assumed that it was gonna be 15 related to Whitfield just because I had been sitting 16 on surveillance there for the whole week prior. 17 I'm sorry, what's the question that you were 18 driving at in the first place here? 19 That's a great question. I don't remember. 20 I was just wondering what the information was that you 2.1 had received. It sounds like you just told me.

And so once you get that kind of high risk call out what, I guess not generally, but specifically in this case what did you do?

A So the location that we were directed to

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respond to was a field command post, which often times is just an intersection. It was in this case. I don't remember exactly what street we formed up on and met with the S.W.A.T. commander, which is Lieutenant Haemmelmann, but it was west of the house by about a block.

So basically as soon as I got on scene there
I got assigned to you're taking these three guys and
plan on going up and entering the house because
there's people supposedly shot and potentially a child
still inside.

- Q And those three people are the ones listed in your report?
 - A Correct.

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- Q You can just -- I'm not certain of pronunciations for all of them. Can you tell me who those people are?
- A Yeah. So J Heer. That's Joseph Heer. And then Michael Bauer. And then Michael Geil who just walked out. I think he must have been here, the previous witness.
- Q Yeah. So that means that the four of you were on a team, like you were gonna be doing the same kind of thing together; is that right?
 - A Yeah, the four of us were together as one

group. And initially we were the ones being sent to 1 2 the house with the plan of making entry. 3 And did you receive -- I'm sorry. You told me that Lieutenant Haemmelmann had explained that 4 there were some gunshot victims, not sure about their 5 6 situation. Did you know from him where that information had come from? 8 9 Α No. 10 Okay. And so what did you decide do at that Q 11 point? 12 Α What I was told to do is move up to the house 13 with the armored vehicle called the Rook. 14 Is this what Haemmelmann told you to do? 0 15 Yes. 16 Okay. So tell me about that, like what Q you're seeing and what you're hearing? 17 Well we rode, we actually rode on the Rook, 18 19 which is like a tractor, down an alley up to the west side of the house. 20 2.1 Were you able to see into the house at this 22 point? 23 Α No. 2.4 Could you hear anything coming from the 25 house?

A No.

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Q What happened next?

A So we positioned, got off the thing, and positioned kind of at the north west side of the house, or at least I personally did. So myself and Geil were at that kind of north west corner of the property, and Bauer and Heer were off a little bit further to our east also on the north side of the property.

And then the operator of the Rook vehicle went up and started raking the front of the house and sides of the house.

- Q What does that mean, raking?
- A Tearing out building material to expose openings so that we can see inside without walking through a doorway and getting shot.
- Q So is that what happened, the Rook started to tear apart the house?
- 19 A Correct.
 - Q Were you able to see in the home at that point?

A From my perspective, yes. I had a view of the front I guess would be north side of the house. I mean, just like basically the whole wall raked out and torn out.

- Q What could you see in the home?
- 2 A Just real messy. I didn't see any people 3 moving for a period of time.
 - Q When you say real messy, was that debris from the wall or just debris in the home or could you not really--
 - A Probably a combination. I don't know what it looks like on a normal basis. I've never been in that place before. I've only seen the outside during surveillance.
 - Q But your impression at that point was that it was messy?
 - A Yes. I was thinking this is gonna be challenging to move about if we do have to--
 - Q Go in.
- 16 A -- go in there.
- 17 Q And you said no people viewable at that 18 point; is that right?
- 19 A No.

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- Q What happened next?
 - A There was some PA announcements given over our armored truck, which pulled up after the Rook.

 This is a scramble. Stuff's arriving on scene as quick as it can. So shortly after we got there with the tractor vehicle, another vehicle, which is a big

armored truck, pulled up and we took cover behind that because it was better than where we were. Somebody in that started giving verbal commands over the PA system to the house, you know, naming the suspect Whitfield to come out of the house. And, you know, after a short period of time he did present himself through that big open front area on the side of the house that had been torn open.

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- Q Can you describe what you saw? You said he presented himself. Tell me what you saw.
- A He just walked out and he was generally compliant.
 - Q Generally compliant. What do you mean?
- A I mean, like he was following the instructions probably as best as he could. Again, it was very difficult to move through that space. No weapons seen, hands presented.
- Q It sounds like he was kind of immediately identifiable to you as Cornelius Whitfield?
- A Yeah, I recognized him just from all the photos I looked at of him and the tattoos and stuff. He was shirtless at the time. He was wearing like a Covid mask thing so I couldn't see his face entirely but I certainly knew that was him.
 - Q And I should have asked this earlier, but

when you were initially given that kind of packet from 1 2 homicide to do surveillance, was his name or his face 3 familiar to you from any other kind of investigations that you had done with the department? 4 Not that I recall. 5 6 So when you say he was recognizable to you, it's just from like the week or so prior that you had received this info?

Right. I spent like a whole week on 12 hour shifts just looking for this one person.

So he makes his way out. It appears as those he's following the instructions. His hands are up. He's cooperating. Do you hear anything coming from Whitfield, like any words, any noises?

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And you said I think he was wearing like a Q Covid style mask at that point; is that right?

Α Yeah.

So part of his face was covered?

Right. Α

The part of his face that you could see, 0 anything remarkable about it, like were you able to see any expressions?

He looked real calm to me for the circumstances.

1 What do you mean? Q 2 Very calm. As calm as you and I are right Α 3 now. So like not crying, not tearful? 4 Q 5 Α No, not a bit. 6 0 Just seems like no emotion; is that right? 7 Yes. Α And you didn't hear him say; is that right? 8 Q 9 Α No. 10 You described him like coming out of the Q About how far out of the home did he come? 11 home. 12 Almost to the street. There was a treeline, a car parked in the treeline just like adjacent to the 13 curb of the roadway. He was directed all the way out 14 15 to basically the back of that car and proned out. 16 So him coming all the way out there was still like pursuant to directions that he had been given? 17 18 Α Yes. 19 Okay. At the point that he makes it to that car, what happened next? 20 21 He was placed in handcuffs. 22 By whom? 0 23 Bauer. Α 2.4 So you saw this happen? Q 25 Α Yes.

- And handcuffs in front, handcuffs behind? 1 Q 2 Back. Α 3 Standing up or --He was proned out before we even 4 approached him. So he's laying face down, his arms 5 out to this sides like this. 6 Was that pursuant to a direction that was 0 given to him? 8 9 Α Yes. 10 Who gave that direction? 11 Α I gave some. The BearCat operator, whoever 12 is talking on the PA prior to that, got him close 13 enough to us to give like direct verbal commands. 14 can't remember if anybody else was yelling. That's 15 pretty typical too. 16 Okay. And you said it was Detective Bauer who put the handcuffs on him while he was proned; is 17 that right? 18 19 That's correct. 20 And at the point, or up until the point that 2.1 the handcuffs are put on Mr. Whitfield, it sounds as 22 though he was cooperative throughout, like responding 23 to directions; is that right?
 - A Yes.

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Q And you had not heard anything come from him

1	mouth at	that time?
2	A	Nope.
3	Q	Once Detective Bauer put him in handcuffs
4	were you	still able to observe what was happening with
5	him?	
6	A	Yes.
7	Q	So you were still like right up there like
8	watching	them?
9	A	I was touching him, yes.
10	Q	Where were you touching him?
11	A	Initially on his left arm.
12	Q	With what part of your body?
13	A	My foot initially and then my knee until he
14	was total	lly in the handcuffs and we stood him up.
15	Q	Did he like move around under you at all?
16	A	Not really.
17	Q	Okay. And was there anybody else who was
18	touching	him at that time?
19	A	Bauer.
20	Q	Bauer. Okay. And then who stood him up?
21	A	The two of us together.
22	Q	And what happened next?
23	A	We did a cursory search of him for weapons.
24	Q	Can you tell me how you did that?
25	A	I'm not trying to be smart about it, but with

21 my hands going through his pockets, patting him down 1 feeling for weapons, removing items from his pockets. 2 3 Did you find any weapons? Q A pocket knife. 4 5 Do you remember where that was? 6 His right side pants pocket. He was wearing 7 like black pants or dark color pants. 8 Was anything else removed from his pockets? 9 Some rings, some money. I made notes of what Α 10 I took off of him in the report. He had some jewelry 11 rings, some cash, pocket knife, his socks. 12 0 Okay. 13 His shoes. Α 14 And what was done with those things? 15 They were placed on the back of that car I

referenced a moment ago, at least at that moment in time just right on the trunk of it.

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And was the intention for you to take custody of those items or for somebody else?

Initially Bauer said that he would bag them. None of us-- I mean, so just as a matter of routine when we're out there with the S.W.A.T. team, we are not gonna take custody of anybody and transport them. So what happened was some uniform officers were called up to where we were and they took custody of him.

1 Your report says several jewelry rings. 2 it just rings or was it several items of jewelry; what 3 do you remember? Just rings. 4 5 0 Do you remember how many? 6 Α No. And everything was in the front right pocket? 0 8 Everything that I touched, yes. 9 And was there anything that you recall being Q 10 taken out of any other pockets by anybody else? 11 I couldn't tell you exactly what, but Bauer 12 was on the other side of his body. I was on his right 13 side and Bauer was standing on his left side doing the 14 same thing I am on his left side of his body. 15 So Bauer's the person to ask about that? 16 Correct. I'm not aware of anybody else being 17 involved in any searches at that moment in time. 18 Whoever took custody of him should do a more thorough 19 search again. But I wasn't there for that. 20 And you said the cursory search was just kind 21 of preliminary to make sure that he didn't have any 22 weapons on him; is that right? 23 Correct. We are not gonna pass custody of a 2.4 prisoner to somebody with a weapon on them. It's a

matter of routine. So that's our man focus.

During the course of that like physical 1 2 search, did he say anything, make any noise? 3 Α Nothing. His mask was removed by you. 4 5 Α Yes. 6 So you were able to see his full face? Α Yes. Can you tell me anything more about his face, 8 9 like any change in expression or still just the 10 calmness that you described earlier? 11 Α Very calm. And obviously seeing his face just confirmed his identity to me. 12 13 And what happened next? 14 He was left with Bauer and the patrol 15 officers that came up to take custody of him. 16 Rodriguez was one of them. There's multiple Rodriguez but it's Marceline Rodriguez. I don't think he works 17 18 for us anymore. 19 I went in the house to check on the rest of 20 the group and we were directed to leave. 21 Any other observations in the home that you 22 think are notable? 23 I mean, there were dead people inside. Α 2.4 You saw them? Q 25 Α Yes.

- Q Where did you see them?
- 2 A That messy living room area that I referenced before.
 - Q Everybody was in the living room?
 - A As I can recall. I didn't spend much time in there. The people that were already in there before me told me that there's nobody that needs any medical treatment. We're not moving anybody. So a brief moment, then we left.
 - Q Did you observe during your like short time in the house, did you observe anything that you thought might have evidentiary value to the case?
 - A No.

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- Q And during this time I know that some patrol officers already had body worn cameras. Did S.W.A.T. have body worn cameras?
 - A I really don't remember. This is about the time that -- this is about the time that we were transitioning to body cams. If I had one at this point I haven't reviewed it, or at least not recently. I don't even remember if I have body cams submitted for this.
 - Q And candidly--
 - A We put it in the report when we do it.
- Q I didn't see anything in your report, and I

went on to evidence.com and I didn't see anything for 1 2 you. So it sounds like that's not an error, it was just that you all didn't have those at that time? 3 We didn't them or didn't have them worn. 4 Again, we were finishing up a training day when this 5 6 kicked off, and it was a pretty chaotic scramble. So there's probably pieces of gear missing. If we did have body cameras it wouldn't surprise me that mine 9 just didn't make it out of where ever it was being stored on my kit. 10 11 Q Okay. That's as much as I remember. 12 13 Besides your contact with Mr. Whitfield, any 14 contact with any other civilians? Not that I remember. Are you talking about 15 16 people in the neighborhood? 17 Yeah, people in the neighborhood, family, 18 anything like that? 19 No, I don't remember having any conversations 20 out there aside from police. 21 Was there a debrief associated with this 22 case? 23 Yes. Α 2.4 Were you a part of that? Q

I'm sure I was. I don't remember much about

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- Q Do you remember where it was?
- 3 A No.
 - Q And would it have been a S.W.A.T. debrief or an SIU debrief or both?

A This would have been a S.W.A.T.. This is just a matter of routine when we -- like before we leave our shift after one of these we get together and see if there's anything we need to discuss. Frankly, argue with each other about stuff people did that was mishandled or could have been done better. It's basically a training debrief usually. And a report number is usually given at that time if we have one so people know where to park their documents.

- Q Got it. Do you recall anything being discussed in terms of what could have been done differently or better?
 - A Nothing that noteworthy, no.
- Q And I understand in addition to like the Rook, the BearCat, that you all have access to some special equipment like drones and things.
- Do you know if any of those were used?
- A Yeah, I know there's drone video of this.

 I've seen it since in various training events and
 whatnot.

- Okay. How many drones? 1 Q That I don't know. I know for sure there's 2 3 one because I've seen video from it that captures most of what I described. 4 5 And obviously you weren't the drone operator? 6 No, but there's at least one positioned at least somewhat north of the house over top of myself and Bauer and Geil and Heer. 8 9 And do you recall any kind of debrief or 10 conversation about like what could have been done 11 differently in terms of like SIU's involvement since there was surveillance at the house? 12 13 No. That's -- we're not talking about SIU 14 stuff from a week prior related to the S.W.A.T. 15 debrief. Most of the people on the S.W.A.T. team 16 wouldn't have been aware that there was any 17 surveillance prior to this. 18 And there wasn't a separate SIU debrief that 19 you're aware of? 20 Not that I recall, no. We do the same type 2.1 of things, training debriefs. I just don't remember 22 talking about this one. We didn't end up catching the
 - Q I don't think I have any further questions.

 MS. SEIFER-SMITH: Ms. Russell.

guy on surveillance, so ...

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               MS. RUSSELL: No.
               MS. SEIFER-SMITH: Mr. McGreen.
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               MR. MCGREEN: No.
               MS. SEIFER-SMITH: State.
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                MR. KOSKINAS: That's it. Thank you, sir.
               MS. SEIFER-SMITH: We'll reserve your right
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      to read, unless you want to waive. It's up to you.
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                SERGEANT BURTON: No. I'll read.
 9
       (DEPOSITION CONCLUDED AT 10:29 A.M.)
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1	CERTIFICATE OF OATH
2	
3	STATE OF FLORIDA)
4	COUNTY OF PINELLAS)
5	I, the undersigned authority, certify that SGT.
6	BRIAN BURTON; personally appeared before me and was
7	duly sworn.
8	WITNESS my hand and official seal this 14
9	day of JUNE, 2025.
10	
11	Sharon Allbritton
12	Sharon K. Allbritton Notary Public
13	State of Florida Commission# HH307873
	Expires: January 1, 2027
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	I have read the foregoing pages, numbered 1 gh 28, inclusive, and herewith subscribe to sam correct transcription of the answers made by me
to the	e questions herein recorded, subject to ctions below.
	SGT. BRIAN BURTON
	SGI. BRIAN BURION
	Date:
****	**************************************
PAGE/	

1	STATE OF FLORIDA)
2	COUNTY OF PINELLAS)
3	I, SHARON K. ALLBRITTON certify that I was
4	authorized to and did stenographically report the
5	deposition of SGT. BRIAN BURTON; and that the
6	transcript is a true record of the testimony given by
7	the deponent.
8	I further certify that I am not a relative,
9	employee, attorney, or counsel of any of the parties,
10	nor am I a relative or employee of any of the parties'
11	attorney or counsel connected with the action, nor am
12	I financially interested in the action.
13	Dated this14 day of JUNE, 2025.
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15	
16	Sharon Albritton SHARON K. ALLBRITTON
17	SHARON K. ALLBRITTON
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