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IN THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT,
IN AND FOR FLAGLER COUNTY, FLORIDA

CASE NO.: 2007-00033-CFFA

STATE OF FLORIDA,

VS.

CORNELIUS O. BAKER,

Defendant.

FILED IN THE OFFICE
CLERK OF COURT
FLAGLER COUNTY, FL
2008 JUL 23 PM 12:32
1/5-08

Office of the Public Defender
200 East Moody Boulevard
Bunnell, Florida
Tuesday, August 28, 2007
9:26 a.m. until 9:52 a.m.

DEPOSITION OF SERGEANT RANDY BURKE

The above-styled cause came on for hearing before
me, Melissa Schroeder, Court Reporter and Notary Public,
State of Florida at Large, at the time and place indicated
above for the purpose of taking testimony.



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APPEARANCES:

MATTHEW FOXMAN, ESQUIRE
Assistant State Attorney
251 North Ridgewood Avenue
Daytona Beach, Florida 32114

On Behalf of the State

MATTHEW PHILLIPS, ESQUIRE
Assistant Public Defender
351 North Ridgewood Avenue
Daytona Beach, Florida 32114

On Behalf of the Defendant

THOMAS R. MOTT, ESQUIRE
(via speakerphone)
444 Seabreeze Boulevard, Suite 650
Daytona Beach, Florida 32118

On Behalf of the Co-Defendant, Patricia Lynn Roosa

I N D E X

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PAGE

Direct Examination by Mr. Phillips.....4
 Direct Examination by Mr. Mott.....22
 Certificate of Oath.....25
 Certificate of Reporter.....26

S T I P U L A T I O N S

It is hereby agreed and so stipulated by and
 between the parties hereto, through their respective
 counsel, that the reading and signing of the transcript are
 expressly waived by the Deponent.

1 WHEREUPON,

2 SERGEANT RANDY BURKE,

3 having been first duly sworn, was examined and

4 testified upon his oath as follows:

5 THE WITNESS: I do.

6 DIRECT EXAMINATION

7 BY MR. PHILLIPS:

8 Q. Well, Sergeant Burke, thanks for coming down. As
9 you know, I'm Matt Phillips. I'm with the Public Defender's
10 Office, representing Cornelius Baker. Appearing by phone is
11 Tom Mott, on behalf of Patricia Roosa, of course you know
12 Mr. Foxman with the State Attorney's.

13 Can you just state your name and your agency for
14 the record, please?

15 A. Randy Thomas Burke, and I work for the City of
16 Bunnell Police Department.

17 Q. And we're going back to this investigation from
18 January 7 of this year.

19 How were you brought in to participate in the
20 investigation?

21 A. On that date dispatch -- we're dispatched through
22 the same -- through the Flagler County Sheriff's Office.
23 They handle all of our dispatch. Dispatch was issuing a
24 BOLO for a vehicle that was connected to an armed home
25 invasion and kidnapping out of Daytona.

1 MR. MOTT: Hello?

2 MR. PHILLIPS: Yeah, Tom, can you hear us okay?

3 MR. MOTT: Yeah, it just went silent there for a
4 minute.

5 MR. PHILLIPS: He's just describing how he got
6 started with being involved in the investigation. Did
7 you hear that part?

8 MR. MOTT: I got that, yeah.

9 MR. PHILLIPS: Okay.

10 BY MR. PHILLIPS:

11 Q. Please continue.

12 A. On that date dispatch was issuing a BOLO for a
13 light green four-door Crown Victoria, bearing a license
14 plate of S982HG, and also for two possible suspects and a
15 possible victim in the vehicle. Dispatch described a black
16 male that was cross-eyed; and a light skinned, possibly
17 black female, and a possible victim with -- by the name of
18 Mrs. Elizabeth Uptagraft.

19 Q. Had you ever had any contact with Cornelius Baker
20 previously?

21 A. Yes.

22 Q. But at this point they haven't given you a name or
23 anything?

24 A. No.

25 Q. Okay. Well, please continue then. You've been

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1 given this BOLO, what happens next?

2 A. I was traveling east on Dean Road within the city
3 of Bunnell while the BOLO was being given. As I crossed the
4 railroad tracks at the intersection of Railroad Street, I
5 observed a light green Crown Victoria bearing the same tag
6 stopped, parked on the north side of J and J Auto Body.
7 It's an alleyway that leads between J and J Auto Body and
8 the Bunnell Plaza.

9 As I rolled up behind the vehicle, dispatch was
10 just starting to complete the BOLO for the actual vehicle.
11 The vehicle began to slowly pull away out of the alleyway.
12 I advised dispatch that I had located the vehicle. The
13 vehicle went through the alleyway and began to take a right
14 turn heading south on North State Street.

15 Q. And at this point have you been able to identify
16 the occupants of the vehicle?

17 A. No. I could only see a black male driver, and a
18 light skinned -- what appeared to be a black female
19 passenger.

20 Q. Have you verified the tag number at this point?

21 A. Yes, I verified the tag number that was being
22 given out to me over the BOLO as I rolled up behind the
23 vehicle.

24 Q. Okay. Well, what happened next?

25 A. The vehicle began to turn south on to North State

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1 Street. As it did, the driver looked to his right, looked
2 back at me as he was turning, and I had a clear view of the
3 driver of the vehicle. At that point I recognized him as
4 Cornelius Baker.

5 Q. And what type of encounters have you had with
6 Mr. Baker previously?

7 A. I've been a police officer in the city of
8 Bunnell -- I just started my seventh year with the City of
9 Bunnell. Mr. Baker has been a resident here. I've had
10 contact with him on a -- on the fact that he lives here.
11 I've also arrested Mr. Baker before.

12 Q. Do you recall what you arrested him for?

13 A. Yes, I do. It was strong armed robbery of an
14 elderly person.

15 Q. Do you recall about how long ago that was?

16 A. That was several years ago. I believe it was
17 about four years ago, maybe five at the most.

18 Q. By chance do you recall the victim's name or
19 anything?

20 A. I don't recall her name. I recall where the
21 incident occurred at.

22 Q. Yeah, that might help me if I'm trying to figure
23 it out later.

24 A. The incident occurred on South Lemon Street by
25 Flagler Pines Nursing Home. The victim was an elderly

1 female on a walker, who was knocked to the ground, received,
2 I believe it was a broken hand by the -- by Mr. Baker when
3 he stomped on her hand to take her purse and \$3 from it. He
4 then fled on foot and was captured by us in the Flagler
5 County Housing Authority.

6 Q. Okay. Do you recall any other particular times
7 that you arrested Mr. Baker?

8 A. I don't recall any other particular cases. I've
9 had a lot of dealings with Mr. Baker. He's known in the
10 area. I would see him on a daily basis.

11 Q. Okay. So, then, you're pretty -- you're confident
12 then at this point when you're following this vehicle that
13 you're recognizing the driver?

14 A. Yes.

15 Q. And this is the first time that you've been aware
16 that Cornelius Baker is involved in this BOLO?

17 A. Yes.

18 Q. Okay. Well, what happens next?

19 A. The vehicle began traveling south on State Street.
20 I began to set up other officers for a possible pursuit, and
21 paralleled a pursuit. Due to the nature of the incident in
22 Daytona Beach, I anticipated a vehicular pursuit.

23 The vehicle traveled to the intersection of State
24 Road 100 where it stopped at a red light. I stopped behind
25 the vehicle. It then -- when the light turned green, it

1 traveled south. It changed lanes and entered into the turn
2 lane to make a left turn at Booe Street and South State
3 Street.

4 I confirmed with dispatch the -- the nature of the
5 BOLO and that I had the correct vehicle. I then activated
6 my emergency lights and siren. The vehicle took -- rapidly
7 accelerated taking the left turn, and I initiated a pursuit
8 eastbound on East Booe Street.

9 Q. Okay. And at this -- one thing I forgot to ask.
10 You're able to see the passenger in the vehicle also?

11 A. I could see the passenger in the vehicle also.

12 Q. Did you recognize her?

13 A. No, I wasn't familiar with her. I'm not real
14 familiar with her. I didn't recognize her until later.

15 Q. Okay. Well, then pick it up again. I guess
16 you've officially initiated your pursuit at this point;
17 would that be correct?

18 A. Yes.

19 Q. What happens next?

20 A. Myself and Deputy Lovelady from the sheriff's
21 office, who was behind me, began pursuing the vehicle. It
22 accelerated to speeds of approximately 75 miles an hour in a
23 25 mile-an-hour zone on Booe Street. The vehicle was
24 weaving around pedestrians, other vehicles, passing them,
25 and I was also doing the same to continue the pursuit with

1 him.

2 The vehicle approached the intersection of
3 Anderson Street at a high rate of speed, slowed, but then
4 attempted to take the turn at a high rate of speed, sliding
5 around the corner taking a right turn and traveling south on
6 Anderson Street. I continued to chase the vehicle, and it
7 turned left on to Dr. Martin Luther King, Jr. Street.

8 Again, at a high rate of speed, it accelerated.
9 The vehicle failed to stop at the stop sign at Bacher Street
10 and Dr. Martin Luther King Street. The vehicle did attempt
11 to stop, was unable to do so, slid forward and struck the
12 security fencing around the offices for the Flagler County
13 Housing Authority.

14 Q. And then what happened?

15 A. I was behind the vehicle. I had a new patrol
16 vehicle, which was an SUV. I attempted to stop. I was
17 unable to do so. I slid up past the driver's side of the
18 vehicle as the driver, Mr. Baker, exited the vehicle. I
19 almost ran over Mr. Baker. He was actually pushing off my
20 hood to keep from being run over. He looked directly at me.
21 I came to a stop on the left driver's side of the green
22 Crown Victoria with my front end of my vehicle by the fence.

23 Mr. Baker began to run west through a sidewalk
24 area that runs beside the Housing Authority where's there's
25 an opening in the fence. I exited my vehicle and attempted

1 to run around in front of it to give a foot pursuit with
2 Mr. Baker. I was unable to make it past the front of my
3 vehicle, due to it being up by the fence, to continue a foot
4 pursuit of Mr. Baker.

5 I then circled behind my vehicle and observed the
6 passenger, who we later identified as Patricia Roosa,
7 running west from the vehicle. I drew my service weapon,
8 pointed it at Miss Roosa, ordered her to show her hands and
9 ordered her to the ground, which she complied and she was
10 handcuffed by Deputy Lovelady.

11 I notified dispatch that Mr. Baker was running
12 and -- running, and his direction of travel, and a clothing
13 description to the other officers who were entering the area
14 with -- in attempting to assist me and Deputy Lovelady.
15 Officer Legath and Officer Jarvis Waters (phonetic) were the
16 first in the area. They began setting up a perimeter in the
17 area of, I believe it was Peach Street, and that should be
18 at the intersection of Dr. Martin Luther King.

19 Q. Okay. Before you go further, one thing. When
20 you're in contact with Miss Roosa, in or near her, taking
21 her into custody, did she make any statements?

22 A. Not at that time, no.

23 Q. Okay. Later on were you present when she made a
24 statement?

25 A. Later on, I did -- she didn't give us any

1 statements. She said she would not talk. Those were the
2 only statements that she would give us. She did not want to
3 say anything to us.

4 Q. Okay. Let's continue on during the timeline like
5 you've been describing for us.

6 A. Okay.

7 Q. So the other officers set up a perimeter?

8 A. They began to set up a perimeter, along with other
9 Flagler County sheriff deputies who were responding into the
10 area. I checked the vehicle for Mrs. Uptagraft, as the BOLO
11 had stated that she may have pursued a gunshot wound. I did
12 not observe her inside the vehicle. Inside the vehicle, I
13 did observe a bloody, floppy tan hat, which contained two
14 bloody portable house phones, a couple of what appeared to
15 be .38 caliber shell casings, and a .38 caliber bullet.

16 I exit out of the vehicle. Once I made sure she
17 was not in there and I saw those items, I then came around
18 to the back of the vehicle and checked the trunk to make
19 sure Mrs. Uptagraft was not in the trunk.

20 Q. How were you able to access the trunk?

21 A. I believe I used the trunk access button on the
22 Crown Victoria.

23 Q. There's something in the glove box?

24 A. A trunk release. I believe it was either in the
25 glove box or beside the driver's seat.

1 Q. Okay.

2 A. I don't know whether I removed the keys or used
3 the release button. I don't really recall exactly on that.
4 I did check the trunk. There was some luggage and things in
5 the trunk. I observed that she was not in there. Deputy --
6 or Corporal Ditolla from the Flagler County Sheriff's Office
7 had by that time arrived on scene along with -- there was
8 several detectives from Daytona Beach Police Department,
9 along with Chief Chitwood from the Daytona Beach Police
10 Department.

11 Deputy Ditolla was trying to assist and set up a
12 perimeter, which I had begun setting up. I then left the
13 perimeter setup to Deputy Ditolla, so he could continue that
14 with his officers and my officers. I then went to the area
15 of J and J Auto Body since Mrs. Uptagraft was not in the
16 vehicle. There's a small wooded area and a small canal
17 right there. I wanted to check the area to make sure
18 Mrs. Uptagraft was not in the area and injured and needing
19 assistance.

20 Q. And you went to that area because that's where you
21 first saw the vehicle?

22 A. That's where I first saw that vehicle. That's why
23 I went there to check. You know, to see if maybe that
24 had -- if Mrs. Uptagraft had been in the vehicle that she
25 had been removed there. She had possibly received a gunshot

1 from our -- from what the BOLO advised.

2 I went to that area. I was joined by two Flagler
3 County sheriff deputies. I don't recall which ones. We
4 begun checking that area, including dumpsters, the wooded
5 area at the small canal, some empty small trailers, enclosed
6 trailers that were there, to see if Mrs. Uptagraft was
7 there. We did not locate her. We also -- I had air support
8 come over and fly over the area to check the roofs of the
9 buildings for any firearms or anything that may -- or any
10 evidence that may have been disposed of in the area.

11 Finding none, I returned back to the area of South
12 Bacher Street at the Housing Authority Office. I briefed
13 Daytona Beach detectives and Chief Chitwood with what was
14 going on. Prior to leaving that area, I had secured the
15 area as a crime scene. I taped off -- roped off the entire
16 area. And I believe it was Deputy Lovelady who was -- now
17 had Miss Roosa in her vehicle but was also containing the
18 scene security, and Corporal Ditolla was there.

19 Q. Okay. And was it at this time that you heard Miss
20 Roosa indicate that she didn't want to speak to you?

21 A. We had gone over just prior to my leaving the
22 area, myself and Deputy Lovelady, and she had stated to us
23 she didn't want to say anything to us. She said, I don't
24 have anything to say to you. If I remember the correct
25 words, those would have been it -- or in that nature.

1 Q. And this is while she's in Deputy Lovelady's
2 patrol vehicle?

3 A. Yes.

4 Q. Okay. What happened next after that?

5 A. After that, we continued the search of the area
6 for Mr. Baker. A little while after that, I know there was
7 some discussion. I had the Florida Department of Law
8 Enforcement contacted to process the scene. After my
9 return, I had spoken with Daytona Beach Police Department
10 and Chief Chitwood and his detectives. They advised that
11 they would process the vehicle. I canceled the Florida
12 Department of Law Enforcement. Our officers continued the
13 search and obtained some information stating where Mr. Baker
14 may be.

15 A person who lives on, I believe it's 414 South
16 Peach Street, Mr. Duggins (phonetic), had advised officers
17 that someone was inside his house. The officers went in,
18 checked Mr. Duggin's residence where they found Mr. Baker
19 hiding under a small toddler bed.

20 Q. Had this individual, Mr. Duggins, called 911 or
21 how did the word --

22 A. The officers were on the scene in that area.
23 Corporal Legath's position for the perimeter was in the area
24 of Peach Street and Dr. Martin Luther King, which is, you
25 know, about 100 feet from the entrance to that residence.

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1 Q. So he just like waved down an officer?

2 A. Waved down the officers and told him that somebody
3 was inside his residence.

4 Q. Did he indicate like how it happened? I mean, did
5 Mr. Baker just run in his house, or --

6 A. Mr. Duggins later told me that he was not home.
7 Someone had called him and told him that someone was inside
8 of his house.

9 Q. Oh, like a neighbor had called?

10 A. Like a neighbor had called him and said someone
11 was inside of his house. Who called him? I don't know. I
12 didn't interview Mr. Duggins.

13 Q. I see. Okay. But you were actually present when
14 Mr. Baker was located under this toddler bed?

15 A. No, I was not.

16 Q. Okay.

17 A. Corporal Legath, Officer Waters, and Trooper Young
18 from the Florida Highway Patrol, actually located him.

19 Q. Okay. But you're back at the scene?

20 A. I'm still back at the scene, which is -- I could
21 see Corporal Legath -- or Officer Legath's position from
22 where I was. It's a direct line of sight over to where his
23 vehicle was, but we were in radio communication and also
24 telephone communications.

25 Q. Okay. Well, then after it's been communicated to

1 you that Mr. Baker's been apprehended, what happens next?

2 A. After Mr. Baker was apprehended, he was placed in
3 the back of Officer Legath's patrol vehicle. He was secured
4 in there. Later he was taken to the Flagler County
5 Sheriff's Office Criminal Investigation Division for
6 questioning. But while he was in there, myself, Corporal
7 Legath -- I'm sorry Corporal Legath, he was promoted after
8 that. Officer Legath received a consent to search from
9 Mr. Duggins for his residence in order to go in and search
10 for any physical evidence that we might locate inside the
11 residence.

12 We did so, finding a black T shirt that matched
13 the one I observed Mr. Baker in when he fled the vehicle,
14 also, in the area of the bedroom where he was found. I
15 don't believe we found any other evidence within that
16 residence.

17 Q. And did you actually take the black shirt into
18 evidence, or did someone else?

19 A. Officer Legath took the black shirt into evidence
20 and filed it with his supplement. It was found actually by
21 him, he noted it, so I had him take it into custody since
22 the initial location of Mr. Baker was by him. He was the
23 officer filing that supplement, so he submitted the black
24 shirt to evidence.

25 Q. Okay. Well, after you've participated in the

1 search of Mr. Duggin's home, what did you do next?

2 A. After that, I went back over. The tow company was
3 getting ready to remove the vehicle from the area. It had
4 been secured, the -- during this whole time, I believe they
5 actually put evidence tape across the doors since it was
6 going to be transported on the wrecker.

7 When the vehicle was loaded up, on the vehicle, I
8 saw what's kind of distinctive for the west side of Flagler
9 County is a black mud. That, on the west side of the
10 county, is very slippery. It's unique. If you ride a
11 motorcycle and you ride through it, you take a real risk of
12 wrecking due to the slickness. It's -- if you were in
13 Georgia, you would almost accompany it to the clay in
14 Georgia, how slick it gets when it's wet.

15 This particular black dirt and mud fell off from
16 underneath the vehicle along with some leaves, and I advised
17 the Daytona Beach detectives and officers on the scene that
18 that's distinctive for the west side of our county, that you
19 don't find it in Flagler Beach. You'll find it from Bunnell
20 west. You won't -- I've never run across it in Palm Coast.
21 It's really a distinct area. You'll find it either on the
22 west side of Bunnell -- you'll find it in my yard. It's
23 really distinct mud, and I advised them of that.

24 We began searching areas for Mrs. Uptagraft. I
25 assisted Daytona Beach police detectives and Chief Chitwood

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1 in searching areas along State Road 100 that were east of
2 this area, including some pathways that lead through the
3 woods that they may travel that you may find that mud in.
4 We didn't find any -- Mrs. Uptagraft in any of those areas.
5 I did advise some of the detectives and stuff that Cornelius
6 Baker has lived here, and I've been a police officer here
7 for over six years, like I said, starting my seventh year.
8 And all of the entire time I've been a police officer here,
9 I have never seen Cornelius Baker go to the area in which he
10 was in, which is closer to the west side of the railroad
11 tracks.

12 Mr. Baker's general rule was -- a lot of times had
13 warrants. The safe area is the Flagler County Housing
14 Authority for him, a lot of family members. He doesn't come
15 out of the area because then he has no safe area to run to.
16 That he's on the west side of the city for a particular
17 reason, he's on the west side of US 1, that I felt that
18 Mrs. Uptagraft would have to be someplace west of where I
19 initially located him, due to the factors of the mud and
20 where he was.

21 Q. Okay. Interesting. So, I guess, while you're
22 doing this search, you're not -- you don't know what's going
23 on down at the CID office, whatever they're learning from
24 their questioning of Mr. Baker?

25 A. No, I did not. We're continuing the search in the

1 hope of locating an injured victim.

2 Q. Right.

3 A. Eventually I led Daytona Beach detectives and
4 Chief Chitwood to CID. They're unfamiliar with the area, so
5 I -- they followed me to there. I was advised by detectives
6 up there that Mr. Baker had told them that he had -- that he
7 had thrown the gun in an area between the houses between
8 Peach Street and Chapel Street, and that Mrs. Uptagraft had
9 been killed.

10 Q. Okay. And was there any search done in response
11 to the information about the handgun?

12 A. Yes. I immediately turned back to the city. I
13 had sent Officer Maria, or Corporal Maria, and Officer
14 Stirman (phonetic) down to the area between Peach and Chapel
15 Streets. And upon my arrival, I went down in there and we
16 began searching using a walking pattern, we're approximately
17 2-foot apart, the areas in between the grassy areas, any
18 wooded areas around there, including the area they
19 specifically told me. We did not locate any firearm.

20 Q. Do you know if the firearm was ever located?

21 A. Not that I'm aware of, that it wasn't ever
22 located.

23 Q. Okay. And did the other -- the Daytona Beach
24 detectives and the police chief, you said you took them over
25 to CID?

1 A. Yes.

2 Q. Did they stay at CID when you went to go start
3 searching for the weapon?

4 A. Yes, sir.

5 Q. Did you have any involvement with whatever
6 activities those people undertook, based on information they
7 got from Mr. Baker?

8 A. No, sir, I didn't have any further involvement in
9 what they were doing.

10 Q. Okay. And when you were at CID, did you actually
11 see Mr. Baker there?

12 A. No.

13 Q. So you never had an opportunity to overhear
14 anything he might have said?

15 A. No, sir.

16 Q. How about Miss Roosa? Was she at the CID when you
17 were there?

18 A. She was at the CID also. I had no contact with
19 her either.

20 Q. Okay. Didn't overhear anything she had to say?

21 A. No, sir.

22 Q. Okay. So was this search for the firearm on the
23 streets that you've described, was that your last
24 involvement with the investigation?

25 A. Other than going to the jail and filing charges on

1 Mr. Baker for aggravated fleeing to elude and so forth, I
2 had no other involvement.

3 Q. And that just involves what, submitting your
4 affidavits?

5 A. Submitting my affidavits at the jail.

6 Q. Okay. Now that we've had a chance to talk about
7 your involvement in the investigation, is there anything
8 else you can think of that we didn't cover?

9 A. I can't think of anything. The only thing I can
10 add is Mr. Baker has a very distinctive look, that when you
11 see Mr. Baker, it's very hard to not recognize who he is.

12 Q. And what stands out in your mind as being
13 distinctive about his appearance?

14 A. Mr. Baker has a distinctive shape to his head, and
15 his eyes are offset. He has -- one of what I call a lazy
16 eye. He's always had it. His -- the shape to his head was
17 always distinctive. He would stand out in a crowd.

18 Q. Okay. Well, thank you.

19 MR. PHILLIPS: I don't have any further questions.

20 Mr. Mott, did you have anything to follow up with?

21 MR. MOTT: Just points of clarification.

22 DIRECT EXAMINATION

23 BY MR. MOTT:

24 Q. Sergeant Baker -- Burke, I'm sorry. Sergeant
25 Burke, did you talk to Patty Roosa at all?

1 A. The only thing I talked to Miss Roosa, I asked her
2 the question of where Mrs. Uptagraft was. She said, I do
3 not wish to speak with you. So the only thing she would say
4 was she did not want to speak with me.

5 Q. Okay. And at that time did you know whether or
6 not Miss Roosa had invoked her right to counsel?

7 A. No.

8 Q. Had she been Mirandised when you asked her that
9 question?

10 A. I believe -- I'm positive Deputy Lovelady told me
11 she had been Mirandised.

12 Q. Okay.

13 A. And I don't recall exactly, but I may have read
14 her her Miranda again. She -- the only thing she would tell
15 me was, I do not want to talk to you.

16 Q. Okay. So, in essence, she was invoking her right
17 to remain silent at that time; is that correct?

18 A. No. What I got from it was she just didn't want
19 to talk with me.

20 Q. Okay. And were there any other contacts between
21 you and her?

22 A. No.

23 Q. Were you present when -- when she made any
24 statements to any other people?

25 A. No.

1 Q. Okay. Thank you very much.

2 MR. MOTT: No further questions.

3 MR. FOXMAN: I don't have any questions. Do you
4 want to read or waive?

5 THE WITNESS: I'll waive.

6 (Whereupon, the deposition of Sergeant Randy Burke
7 was concluded at 9:52 a.m.)

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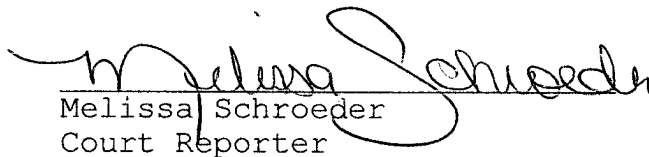
1 CERTIFICATE OF REPORTER

2
3 STATE OF FLORIDA)
4)
5 COUNTY OF VOLUSIA)

6 I, Melissa Schroeder, Court Reporter, CERTIFY that
7 I was authorized to and did stenographically report the
8 foregoing proceedings; that a review of the transcript
9 ~~was~~/was not requested, and that the transcript is a true and
10 complete record of my stenographic notes.

11
12 I FURTHER CERTIFY that I am not a relative,
13 employee, attorney, or counsel of any of the parties, nor am
14 I a relative or employee of any of the parties' attorney or
15 counsel connected with the action, nor am I financially
16 interested in the action.

17
18 Dated this 14 day of September, 2007,
19 in Volusia County, Florida.

20
21 
22 Melissa Schroeder
23 Court Reporter

24 SOUTHERN REPORTING COMPANY
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