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IN THE CIRCUIT COURT, SEVENTH  
JUDICIAL CIRCUIT, IN AND FOR  
FLAGLER COUNTY, FLORIDA  
CASE NO: 2007-00033-CFFA  
2007-00034-CFFA (Roosa)  
JUDGE KIM C. HAMMOND

STATE OF FLORIDA,

v.

CORNELIUS O. BAKER,

Defendant.

\_\_\_\_\_

Office of the Public Defender  
251 North Ridgewood Avenue  
Daytona Beach, Florida  
Wednesday, August 29, 2007  
9:06 a.m. until 9:13 a.m.

FILED IN THE OFFICE  
CLERK OF COURT  
FLAGLER COUNTY, FL  
2008 JUL 23 PM 12:28  
1517

DEPOSITION OF  
CAPTAIN MATTHEW P. DOUGHNEY

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



1 APPEARANCES:

2 MATTHEW FOXMAN, ESQUIRE  
Office of the State Attorney  
3 251 North Ridgewood Avenue  
Daytona Beach, Florida 32114  
4 (386) 239-7710

5 APPEARING ON BEHALF OF THE STATE

6  
7 MATTHEW D. PHILLIPS, ESQUIRE  
Office of the Public Defender  
251 North Ridgewood Avenue  
8 Daytona Beach, Florida 32114  
(386) 239-7730

9 APPEARING ON BEHALF OF THE DEFENDANT  
10 CORNELIUS BAKER

11  
12 THOMAS R. MOTT, ESQUIRE  
444 Seabreeze Boulevard, Suite 650  
Daytona Beach, Florida 32118  
13 (386) 255-2091

14 APPEARING ON BEHALF OF THE DEFENDANT  
15 PATRICIA LYNN ROOSA

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TESTIMONY OF CAPTAIN MATTHEW P. DOUGHNEY	
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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.

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

1  
2 WHEREUPON,

3 CAPTAIN MATTHEW P. DOUGHNEY,

4 having been called as a witness

5 and duly sworn, testified as follows:

6 THE WITNESS: I do.

7 DIRECT EXAMINATION

8 BY MR. PHILLIPS:

9 Q Well, Lieutenant, thanks for coming  
10 down.

11 A Captain.

12 Q Oh, Captain. Excuse me. Get this thing  
13 straight here.

14 I'm Matt Phillips. I'm representing  
15 Cornelius Baker in this case.

16 A Okay.

17 Q With me is Tom Mott. He's representing  
18 Patricia Roosa. Of course, you know Mr. Foxman  
19 with the State Attorney.

20 Could you just state your name and your  
21 agency for the record, please?

22 A Matthew Patrick Doughney. I'll spell  
23 the last name. D-O-U-G-H-N-E-Y. And I'm a  
24 captain with the Daytona Beach Police Department.

25 Q Okay. We were just talking off the

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1 record. You said actually on January 7th here was  
2 your first day in the Criminal Investigation  
3 Division?

4 A First day.

5 Q Where had you been assigned prior to  
6 that?

7 A I was over in District 2, which is the  
8 part of the city that's east of the railroad  
9 tracks. I was a district captain in patrol.

10 Q Got you. Okay. Well, how were you  
11 called in to participate with this investigation?

12 A Chief Chitwood called me at the house  
13 and advised me that we had an armed home  
14 invasion/robbery at 339 Michigan. As the CID  
15 captain, I responded.

16 Q When you got there, I guess, which  
17 officers were present? What type of --

18 A Lieutenant Adamy was there, Sergeant  
19 Grayson, Officer Dallarosa, I believe Grover.

20 Q And what type of activities were taking  
21 place?

22 A They had a crime scene established at  
23 the residence. I was being briefed by Lieutenant  
24 Adamy and Sergeant Grayson. Chief Chitwood was  
25 there.

1           One of the things we had decided to do  
2 was start canvassing the neighborhood to see if  
3 anybody had seen anything.

4           I went and took just a preliminary look  
5 at the crime scene itself in through the front  
6 door where Tom Youngman, our crime scene tech,  
7 was, you know, taking pictures and that kind of  
8 stuff.

9           Q     So he was already involved in his  
10 activities?

11          A     Yeah. Youngman had -- he had just  
12 gotten there pretty close to the same time that I  
13 did, I believe.

14          Q     And when you say you took a view of the  
15 crime scene, did you just look in from the  
16 doorway?

17          A     Just looked in from the doorway. There  
18 was an elderly female there. I wanted to check on  
19 her status because she -- she was on oxygen. But  
20 as far as touching anything or going in and  
21 checking the rooms, I just took a preliminary  
22 look.

23          Q     So you -- did you actually enter the  
24 residence?

25          A     Yes, just right inside the front door.

1 Q Okay. Well, I guess, where did you get  
2 started with your involvement with the  
3 investigation?

4 A My involvement pretty much took place up  
5 in Flagler. A lot of the stuff that I did took  
6 place up there. We were informed -- Sergeant  
7 Grayson was informed that the victim's credit card  
8 had been used up in Palm Coast, I believe, at a  
9 Winn-Dixie and a SunTrust.

10 And then shortly after that, it was  
11 probably 2, a little after 2:00, that Sergeant  
12 Burke from Bunnell PD was involved in a pursuit  
13 with the victim's vehicle. At that time, myself,  
14 the chief and Jimmie Flynt headed up to Bunnell.

15 Q So did you go right from the scene at  
16 Michigan Avenue?

17 A We went right from Michigan Avenue right  
18 up to the crash scene where they dumped the  
19 vehicle, where Sergeant Burke had apprehended Ms.  
20 Roosa.

21 Q Okay. And who was present at the -- the  
22 vehicle crash scene?

23 A Sergeant Burke was there, myself, Chief  
24 Chitwood, Jimmie Flynt and then some other  
25 personnel from Flagler County Sheriff's Office. I

1 don't know their names.

2 Q Now, had Ms. Roosa already been  
3 transported away from that scene?

4 A No, she was there. She was in the back  
5 seat of a -- of an SUV, Flagler County, I believe.

6 Q Okay. Did you have any contact with  
7 her?

8 A I walked up to talk to her and she was  
9 not going to talk to us at all.

10 Q Okay. Did anybody tell you whether or  
11 not she had already been read her Miranda warnings  
12 at that point?

13 A She hadn't, but Sergeant Flynt had  
14 talked to her and she said -- and he advised that  
15 she asked for an attorney. So I just -- the only  
16 question I asked her was where was Ms. Uptagraft,  
17 and she didn't say anything.

18 Q Okay.

19 A And that was my involvement with  
20 Ms. Roosa. I didn't talk to her after that. I  
21 didn't interview her, and I wasn't present when  
22 she was interviewed by our detective.

23 Q Okay. Well, did you stay at the scene  
24 there of the crash, waiting for the car to get --

25 A I stayed there until some of my

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1 personnel from CID got there, Detective Detter,  
2 Detective Hawkins. They wound up ultimately  
3 interviewing Ms. Roosa. Let me think of who else.  
4 Detective Diaz and Detective Young showed up.

5 One of the things that we did was we  
6 went over to -- Cornelius Baker's grandmother, I  
7 believe, had a house around the corner, looking  
8 for him there. He wasn't -- he was not there.

9 Q Did you actually speak to his  
10 grandmother?

11 A I was there when we talked to her. And  
12 we went in and looked. He wasn't there.

13 Q And did she indicate like the last time  
14 she had seen him, anything like that?

15 A I don't recall. But she said -- she  
16 said he wasn't in there. And, in fact, he was not  
17 in that house.

18 Q Okay. Well, what did you do next after  
19 that?

20 A We went back to the crash scene, waiting  
21 on a couple other detectives to get there. Then  
22 we went looking over where Sergeant Burke had  
23 originally spotted Ms. Uptagraft's car, which was  
24 a little shopping plaza maybe two miles away. We  
25 were looking for the gun. We figured that's where

1 he had first spotted the vehicle. They may have  
2 been in the process of dumping the gun. It's  
3 right along US-1, right by a canal. So we were  
4 walking through the woods looking for a gun. We  
5 didn't find it, though.

6 Q Okay.

7 A After that, we returned back to the  
8 scene and they had located Mr. Baker a couple  
9 streets over. I think it's Peach (phonetic)  
10 Street. He had been located in a house there. He  
11 was talked to by Sergeant Flynt and then he was  
12 taken back up to Palm Coast.

13 Q Did Sergeant Flynt relate to you what  
14 they had talked about?

15 A I didn't talk to Jimmie. All I know is  
16 that there was a -- he said he wasn't going to  
17 talk to us, but I didn't get involved in talking  
18 to him. To this day, I don't have any  
19 recollection of ever talking to him. I mean, I  
20 hadn't seen him until that day.

21 Q Okay.

22 A One thing that was noticeable when  
23 talking to Sergeant Burke was he knew Cornelius  
24 Baker. He said that when the vehicle rolled and  
25 he got out, when he was running, Cornelius looked

1 over his shoulder and looked at him. And he  
2 related to him as a nickname. He called him  
3 Football Head, which is a nickname that he was  
4 given younger in his childhood. I said, Are you  
5 sure it was him? He said he was a hundred percent  
6 sure it was Cornelius.

7 Q Okay.

8 A After that, we went looking -- Sergeant  
9 Burke knew that the vehicle -- looking at the  
10 vehicle that the dirt that was up underneath the  
11 back of the car was not the dirt from where the  
12 crash had occurred.

13 Do you understand what I'm saying?

14 Q Yeah. He explained that to me.

15 A The color and the texture of that dirt  
16 came from someplace different than Bunnell. So he  
17 was thinking it was someplace over closer towards  
18 Mondex.

19 So myself, Sergeant Flynt and Chief  
20 Chitwood went with Sergeant Burke looking for the  
21 victim. Maybe she had been dumped somewhere.

22 Then we went back to Palm Coast where  
23 they were conducting an interview with Mr. Baker,  
24 and he said he would take us to where the body  
25 was.

1 Q Okay. Any other details related to you  
2 from the contents of the interview with him?

3 A No. Just -- I got there late, towards  
4 the end of the interview, and where he had said he  
5 would take us to the body and that, you know, he  
6 would take us there. So we loaded him up, took  
7 him out to a very isolated location. I think  
8 it's -- Black Point Road is the name of it.

9 Q Right.

10 A And we fanned out looking for the body.  
11 And it was found about maybe 50, 75 feet into the  
12 woods, into a grassy area.

13 Q Now, were you with Mr. Baker when the  
14 search is taking place?

15 A Yeah, he was there. He was out of the  
16 car saying, No, it's a little further to the left.  
17 I wasn't walking with him. I was walking in the  
18 woods.

19 Q Okay. But you could hear him shouting  
20 instructions?

21 A He was telling -- I don't know who he  
22 was with, but he was saying, No, further to the  
23 left.

24 Q Oh, he was walking with another officer?

25 A He was walking with another officer. We

1 were out in the woods and he said, No, it's  
2 further to the left. And I believe Sergeant  
3 Rhodes is the one that found the victim.

4 Q Okay. And then did you have an  
5 opportunity to view where she had been discovered?

6 A Yes. In the high grass off the road.

7 Q Okay. Did you get close enough to see  
8 any of the wounds suffered by her or anything like  
9 that?

10 A No. I know she was laying face down.

11 Q Okay.

12 A But I didn't -- I didn't touch her,  
13 didn't get that close. I stayed away.

14 Q Okay. And so did you -- you said you  
15 heard Mr. Baker, you know, giving instructions  
16 about where to look. Did you hear anything else  
17 said by him while he was out in the woods?

18 A No.

19 Q Okay. Well, after Ms. Uptagraft is  
20 discovered, what do you do next?

21 A Myself, Chief Chitwood and Sergeant  
22 Flynt got back in the car and headed back to  
23 Daytona.

24 Q Okay. Any other investigative-related  
25 activities?

1 A That's it.

2 Q Okay. Anything else you can think of  
3 about your involvement with this investigation we  
4 haven't talked about?

5 A No. Just assigning detectives to  
6 different tasks. Sergeant Walden was back at 339  
7 Michigan. He ran everything from there after we  
8 left so --

9 Q Okay.

10 MR. PHILLIPS: Tom, Mr. Mott, anything  
11 you can think of?

12 MR. MOTT: No questions.

13 MR. FOXMAN: Nothing from me.

14 You want to read or waive?

15 THE WITNESS: Waive.

16 (The deposition was concluded at  
17 9:17 a.m.)

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1 CERTIFICATE OF OATH

2  
3 STATE OF FLORIDA )

4 COUNTY OF VOLUSIA )

5  
6 I, Michelle Cox Russell, Professional Reporter,  
7 Notary Public, State of Florida, certify that the  
8 aforementioned witness personally appeared before me  
9 and was duly sworn on the 29<sup>th</sup> day of  
10 August, 2007.

11  
12 WITNESS my hand and official seal this 19<sup>th</sup>  
13 day of September, 2007.



*Michelle Cox Russell*  
MICHELLE COX RUSSELL  
Notary Public - State of Florida  
My Commission No.: DD 697858  
Expires: September 29, 2011

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CERTIFICATE OF REPORTER

STATE OF FLORIDA )  
COUNTY OF VOLUSIA )

I, Michelle Cox Russell, Professional Reporter,  
certify that I was authorized to and did  
stenographically report the foregoing proceedings;  
that a review of the transcript was was not  
requested; and that the transcript is a true and  
complete record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative,  
employee, attorney, or counsel of any of the  
parties, nor am I a relative or employee of any of  
the attorneys or counsel connected with the action,  
nor am I financially interested in the action.

DATED this 19<sup>th</sup> day of September,  
2007.

*Michelle Cox Russell*  
MICHELLE COX RUSSELL,  
Court Reporter

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