

**IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA
CRIMINAL DIVISION**

CASE NO.: 22-09348-CF
SECTION: T
JUDGE: Siracusa

STATE OF FLORIDA,

Vs.

JUAN ARIEL MOLINA-SALLES

DEFENDANT'S UNOPPOSED MOTION FOR CONTINUANCE

The Defendant, Mr. Juan Ariel Molina-Salles, by and through undersigned counsel, pursuant to Fla. R. Crim. P. 3.190(f), requests this Honorable Court for a continuance of the above styled cause now set for Trial and as grounds therefor would show:

1. On September 23, 2022, Mr. Molina-Salles was arrested for Leaving the Scene of an Accident Involving Death for the September 22, 2023, late night construction site accident where Officer Michael Hartwick died on impact after being struck with a front-loader construction vehicle.
2. The Office of the Public Defender was appointed to represent Mr. Molina-Salles on September 24, 2022, when he made his first appearance. On that same date, the Office of the Public Defender filed a written plea of Not Guilty as well as a Demand for Discovery.
3. On October 14, 2022, private attorney Daniel Amparo entered a notice of appearance. Approximately two months later, Mr. Amparo moved to withdraw, and the Office of the Public Defender was reappointed to the case on December 16, 2022.
4. Assistant Public Defender John Nohlgren was assigned as the lead attorney on the case.
5. The State has listed approximately 100 witnesses, and the discovery is voluminous.
6. The trial is currently set for December 11, 2023.
7. Mr. Nohlgren left the Office of the Public Defender on August 31, 2023.
8. Prior to his departure, he had set depositions in late September and through October of 2023, based on availability in his schedule.
9. While undersigned counsel was assigned the case as second chair, the deposition dates were never going to be possible for undersigned counsel to join, as she was set to begin a

month-long death penalty trial in the matter of *State of Florida v. Stanley Jones*, 19-CF-14642 on October 16, 2023.

10. After Mr. Nohlgren's departure, undersigned counsel was assigned as lead attorney.
11. Undersigned counsel promptly contacted the assigned Assistant State Attorneys and let them know of the scheduling conflicts and that the depositions would need to be rescheduled, and thus the trial date likely moved. There was no objection from the State.
12. At the pre-trial on September 29, 2023, undersigned counsel let the Court know of the new assignment and about the deposition scheduling conflict with her upcoming capital trial and asked to take the case off the trial calendar. The State was not objecting.
13. There is good cause for granting the requested continuance, to wit:
 - a. The discovery in this case, all reports and digital discovery (including video, audio, photographs, cellphone downloads), is voluminous and has required many hours of processing by defense counsel, not including counsel's obligation to review discovery with Mr. Molina-Salles in a meaningful manner. Such review is more time consuming than usual because Mr. Molina-Salles' native language is Spanish, and he requires the use of an interpreter for every meeting.
 - b. Undersigned Counsel assumed lead counsel role less than two months ago and had to spend the bulk of that time making final preparations for the Jones death penalty trial, which did not resolve until the day that trial was to commence - on October 16, 2023.
 - c. Undersigned counsel has been engaging in extensive and thus far unresolved defense investigations, including the retention of defense experts.
 - d. Undersigned counsel is in negotiations with the State to reach a potential resolution, which may significantly reduce the number of factual issues to resolve as well as significantly reduce the number of depositions that need to be taken.
 - e. The State does not oppose this Motion.
14. I certify, pursuant to FLA. R. CRIM. P. 3.190(f)(4), that this Motion is made in good faith.

NOTICE OF HEARING

YOU ARE NOTIFIED that the above will be heard before the Honorable Pat Siracusa, County Justice Center, 14250 49th Street North, Clearwater, Fl 33762, on **November 13, 2023**, at **8.30am**.

I do certify that a copy hereof has been furnished by email/physical delivery to the State Attorney, County Justice Center, Clearwater, Florida, on November 7, 2023.

s/ Maria DeLiberato

MARIA DELIBERATO, Attorney at Law

Fla. Bar Number: 664251, For

PUBLIC DEFENDER, SIXTH JUDICIAL CIRCUIT

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