

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA

Case Number: 22-09348CFANO

STATE OF FLORIDA,

Plaintiff,

VS.

JUAN ARIEL MOLINA-SALLES,

Defendant.

DEPOSITION OF: BENJAMIN JOSEPH WENDELL
TAKEN BY: Counsel for the Defendant
DATE: March 8, 2024
TIME: 3:01 p.m. - 3:19 p.m.
PLACE: ZOOM videoconference
REPORTED BY: Tamara M. Pacheco, RPR
Notary Public, State of FL

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ZOOM VIDEOCONFERENCE APPEARANCES

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EXHIBITS

(No exhibits were marked for identification.)

1 WHEREUPON,

2 BENJAMIN WENDELL

3 (was adduced as the deponent herein, and being first duly
4 sworn on oath, was examined and testified as follows:)

5 EXAMINATION

6 BY MS. DELIBERATO:

7 Q Good afternoon. If you could please state and
8 spell your name for the record.

9 A Benjamin Joseph Wendell, B-E-N-J-A-M-I-N,
10 J-O-S-E-P-H, W-E-N-D-E-L-L.

11 Q And how are you employed?

12 A I work for the City of St. Petersburg.

13 Q In what capacity?

14 A AS -- I'm sorry, as a firefighter/EMT.

15 Q And how long have you been so employed?

16 A Nineteen and about three-quarter years.

17 Q Okay. Any other place you worked as a
18 firefighter or EMT before joining St. Pete?

19 A Pinellas Suncoast Fire Rescue for about four or
20 five months. I worked in Phoenix, Arizona as an EMT for
21 about four years. I worked for Sunstar Ambulance for
22 about one year.

23 Q Anything else?

24 A Not as employment. It was volunteer before that
25 as a firefighter.

1 Q Okay.

2 A In that capacity as a firefighter?

3 Q Sure, yeah. Okay. I feel like we have a little
4 bit of delay. Can you hear me okay?

5 A Yeah, we have a delay.

6 Q All right. I'm going to try to talk slow then,
7 I guess. Here comes the other prosecutor, so I'm going to
8 wait for her for a second.

9 (Ms. Constantine joins Zoom deposition.)

10 Q Okay. We're here -- my name is Maria
11 DeLiberato. I'm an assistant public defender. Nichole
12 Blaquiere is in my office, and we represent Juan
13 Molina-Salles. We're here about an incident that occurred
14 September 22nd, 2022, and I believe you were the driver of
15 Truck-13 at that time. Does that sound right?

16 A Yes, that is correct.

17 Q Do you have an independent recollection of this
18 particular incident as you sit here today?

19 A Are you asking do I recall the call?

20 Q Yeah. Like, I'm guessing that you go on a lot
21 of calls, and some you remember more than others. My
22 question is, do you remember this specific incident?
23 Like, is it fresh in your mind?

24 A Oh, yes. Yes. Yes, I do.

25 Q And I don't believe you wrote any reports or

1 anybody in Truck-13 wrote any reports. Is that right?

2 A That is correct. And that's standard practice.

3 Q Okay. So it looks like I have a report from
4 Engine-7. Did you have a chance by any chance to review
5 that report before today?

6 A No. No, I've never seen it.

7 Q Okay. And you said standard practice not to
8 write a report. What does that mean?

9 A We are -- a ladder truck in St. Petersburg
10 provides BLS, Basic Life Support care, and we do not write
11 Run Reports or EMS reports. That is done by a paramedic
12 on the ALS unit, which most units are. We just happened
13 to make it to the scene before an ALS unit did that day.

14 Q Understood. And you were driving Truck-13. Who
15 was with you?

16 A My officer at the time was David Deschryver, and
17 the backwards firefighter was Christopher Oliver.

18 Q Okay. And what do you remember about the call
19 when it came in? How did it come in?

20 A It came in as possibly a vehicle accident on the
21 interstate. That's how it was dispatched, I believe.

22 Q Okay.

23 A Or a person down.

24 Q Did you get more information as you drove to the
25 scene?

1 A Yes. So in route, we have to go -- it looks
2 like a long way, but it's the most direct way because we
3 have to get southbound on 275. And about the time we were
4 approaching the on-ramp, my officer told me it would be an
5 officer-involved, and within a few minutes of that, maybe
6 a minute we arrived on scene.

7 Q And were you the first engine on scene?

8 A Ladder truck. Yes, we were the first units --
9 we were the first First Responders on scene. There's a
10 difference between an engine and a ladder truck. It
11 probably doesn't matter.

12 Q No, it probably does. And this is new to me, so
13 it's helpful to know. You were the first rescue personnel
14 unit on scene. Is that fair to say?

15 A No. No. We'll say fire department personnel.
16 I think that would be best.

17 Q So who was on scene when you got there?

18 A Truck-13. When you say "rescue," you refer to
19 another unit that has paramedics on it. I'm just trying
20 to be clear.

21 Q No, I understand. And maybe you can just sort
22 of explain it to me. You pull up to the scene. Are there
23 anybody else from the fire department there?

24 A No.

25 Q Okay.

1 A No. We were the very first ones there.

2 Q Is there any other -- are there any other
3 deputies on scene?

4 A No, but -- no, not yet, unless you count the
5 victim.

6 Q Right. No, I should have been clear. Was there
7 anyone else rendering aid to the victim when you got on
8 scene?

9 A Nobody.

10 Q Okay. Who was the first person in your unit to
11 approach the victim and put hands on him?

12 A That was me.

13 Q Okay. What do you remember seeing as soon as
14 you came up to the scene?

15 A As I approached, I pulled the parking brake,
16 jumped out, ran over. I believe he was facedown. I
17 rolled him over, and then I assessed him real quick to see
18 if he was breathing and began CPR.

19 Q Was he breathing?

20 A No.

21 Q Did you feel for a carotid pulse?

22 A I did. There was none.

23 Q Do you know if any of the other members in your
24 unit, Deschryver or Oliver also felt for a carotid pulse?

25 A I don't recall.

1 Q Okay. You yourself felt --

2 A It probably was done again, but that's just --
3 yeah.

4 Q Understood. You yourself felt for a pulse, and
5 there was none?

6 A Yes, I did. Correct.

7 Q What was the decision to do CPR -- who made the
8 decision to start CPR?

9 A I did.

10 Q And what was the reasoning behind that?

11 A There was no pulse, and he was not breathing.

12 Q Okay. Was there obvious signs of trauma?

13 A I believe there was a small mark on his head,
14 but nothing major that would indicate major trauma.

15 Q The report, which I know you haven't seen so I'm
16 not holding you to what it says, but I'm going to ask you
17 a question about it. It says that the "AED could not
18 analyze rhythm, which would indicate a non-shockable
19 rhythm." What does that mean?

20 A Okay. So the AED will shock when a person is in
21 V-fib, and the patient was not in V-fib, which there's
22 many, many different types of heart rhythms he could have
23 been or absolutely none, which I'm assuming was the case.
24 So we did set that up as we work as a cardiac -- the ALS
25 unit would work a cardiac arrest. So we started CPR and

1 put the pads on him as standard practice.

2 It's not common for us to put an AED on a person
3 we're doing CPR, and no shock would no be advised or no
4 rhythm would be checked from that. It's a very basic
5 tool. It can only read I think one for sure, maybe two
6 rhythms that can be shocked and that's it. It's an
7 all-hands-off device mostly.

8 Q How quickly did you or your unit declare a
9 signal-7?

10 A I did not. That would have been -- oh, you
11 know, I'm just recalling. Just give me a second.

12 Q Take your time.

13 A Does the report say -- did the report say we
14 called the signal-7?

15 Q It said --

16 MR. KOSKINAS: All right. Let me interrupt for
17 just one minute. I want to just reiterate that if
18 you don't know the answer to a question, then that's
19 a perfectly acceptable answer. If you're guessing or
20 assuming, then that's okay. You just need to
21 verbalize that because that will not be apparent on
22 paper at a later time. Does that make sense?

23 THE DEONENT: Yes, it does.

24 MS. DELIBERATO: But, quite frankly, this is my
25 deposition.

1 BY MS. DELIBERATO:

2 Q You're allowed to -- I'm allowed to show you the
3 report and tell you what's in it. If the report will help
4 you, I'm happy to do that.

5 A I'm assuming -- this is going back quite a
6 while, and I'm not going to give you hundred percent on
7 this, but I believe my officer did call a Signal-7. I
8 believe he did stop me, which could be normal practice for
9 a trauma patient.

10 Q And so my real question is --

11 A But, again, I guess it should be recorded that I
12 don't recall for sure. Yeah.

13 Q My real question is, is there a certain sort of
14 level of expertise or training that's required to call a
15 Signal-7?

16 A I guess there -- I don't know. Yes. My officer
17 is a paramedic, just not practicing on the ladder truck.

18 Q Understood. Do you ever call a Signal-7
19 yourself?

20 A I could for certain calls, but I have not.

21 Q And you did not in this case?

22 A I did not.

23 Q Do you know how soon the Signal-7 was called
24 after you started doing CPR? If you don't know, you don't
25 know. Do you know?

1 A No, I didn't -- I do not know how soon.

2 Q Do you recall whether you were doing CPR for
3 more than five minutes?

4 A I can't answer that one, no. I do not recall
5 the length of time.

6 Q Did you -- since your truck didn't do a report,
7 did you speak to the paramedics in Engine-7, you
8 specifically yourself to tell them what you observed?

9 A My officer would have done that.

10 Q And when you say "my officer" --

11 A That's how a report would usually go.

12 Q -- is that Oliver or Deschryver?

13 A That would be Deschryver, David Deschryver.

14 Q Okay. And he was the lieutenant?

15 A Yes.

16 Q Okay. Do you remember another deputy being on
17 scene, a Deputy Hirshman who also kind of came upon you
18 guys as you were performing CPR?

19 A I remember there was another deputy there, yes.

20 Q Okay.

21 A I don't know the name.

22 Q Do you remember telling him to get Officer
23 Hartwick's gun?

24 A Yes.

25 Q And why is that? For just safety purposes, or

1 is that protocol?

2 A Yes. That would be standard practice. I don't
3 know if it's protocol. It's just safety, secure the
4 weapon.

5 Q Were you then -- did you tell him after the
6 signal-7 was pronounced, did you tell him to put the gun
7 back in the holster, or did he do that on his own?

8 A I did not tell him to put the gun back in the
9 holster.

10 Q Okay. The efforts, the CPR efforts once they
11 ceased, what did you do next? Did you stay with the
12 patient, or did you walk to a different area?

13 A I was standing close by.

14 Q And you did not speak --

15 A I did not leave the scene.

16 Q Okay. You didn't speak to any of the other
17 officers to give them information for their report, for
18 Engine-7, right?

19 A I don't -- I'm unsure.

20 Q Did you speak to anybody else that you can
21 remember?

22 A I did -- I was interviewed several times by the
23 sheriff's deputies.

24 Q Okay. Do you remember anybody, who?

25 A No.

1 Q what was the nature of the interviews?

2 A Can you go more into depth? what are you
3 asking?

4 Q I mean, what did they ask you? Just your
5 observations? I'm just trying to get a sense. I wasn't
6 there.

7 A I don't remember the questioning. I know it
8 was -- I believe I got interviewed three times. I'm sure
9 they have that somewhere.

10 Q Okay. But you don't have any recollection about
11 it?

12 A I think it was three times. It was several
13 times. I don't know the questioning. I don't remember
14 what they asked. I don't remember.

15 Q Okay. How long were you on scene?

16 A More than one hour.

17 Q After you left the scene, did you have any other
18 involvement with this case?

19 A No.

20 Q Did you attend any meetings either in your
21 department or with the Sheriff's office or with the State
22 Attorney's office about this case?

23 A (No audible response.)

24 Q I didn't hear you. If you said something, it
25 broke up.

1 A It was no.

2 Q Okay. Did you do any -- did you do any research
3 or follow-up? Any other facts about the incident or know
4 anything about the suspect or anything like that?

5 A I did follow up probably the next day with a
6 news article to see. I heard they captured a suspect.
7 But that's really -- I don't want to go into it. I mean,
8 I'm not talking you. I don't go looking for -- it's
9 already hard enough to run the call. I don't go looking
10 for making my life harder. I don't want to know.

11 Q I understand. It's just a question I have to
12 ask. I appreciate you answering it.

13 A Yeah, that's fine. That's fair.

14 Q When you got on scene, were there any signs of
15 movement from Deputy Hartwick?

16 A No.

17 Q The EMS report notes "obviously dead." Does
18 that sound accurate based on your recollection of what you
19 observed? Those are the words in the EMS report.

20 A Yes.

21 MS. DELIBERATO: I don't have any further
22 questions.

23 MS. CONSTANTINE: No questions.

24 (Deposition concludes at 3:19 p.m.)

25

1 COUNTY OF PINELLAS)

2 STATE OF FLORIDA)

3 CERTIFICATE OF OATH

4

5 I, the undersigned authority, certify that
6 BENJAMIN WENDELL personally appeared before me on the 8TH
7 day of March, 2024 and was duly sworn.

8 witness my hand and official seal this 15th day
9 of April, 2024.

10

11

Tamara M. Pacheco

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Tamara M. Pacheco, RPR
COMMISSION #942612
EXPIRES: March 30, 2024

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)

COUNTY OF PINELLAS)

I, Tamara M. Pacheco, certify that I was authorized to and did stenographically report the Deposition of BENJAMIN WENDELL; that a review of the transcript was 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 parties' attorney or counsel connected with the action, nor am I financially interested in the action.

Tamara M. Pacheco

Tamara M. Pacheco, RPR