

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: DANIEL PEPE
TAKEN BY: Counsel for the Defendant
DATE: March 8, 2024
TIME: 1:32 p.m. - 1:45 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 DANIEL PEPE

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 Daniel Pepe, P-E-P-E. Um, yeah. Is that it?

10 Q That's it. My name is Maria DeLiberato. I'm an
11 assistant public defender. In my office with me is my
12 co-counsel, Nichole Blaquiére.

13 As Mr. Koskinas explained to you off the record
14 before we started, this is a deposition where I'm just
15 going to ask you a series of questions about your
16 involvement in the traffic death of Deputy Michael
17 Hartwick. If there's anything at all you don't remember,
18 that's perfectly fine. I'll have a couple of questions
19 for you sort of background before we get started.

20 A Sure.

21 Q Can you tell me how you're employed?

22 A I'm a lieutenant with St. Pete Fire and Rescue.

23 Q How long have you been employed there?

24 A Coming up on 25 years.

25 Q Okay. Any prior law enforcement or fire

1 department or EMS experience before St. Pete Fire
2 Department?

3 A I worked for the ambulance company, Sunstar for
4 a little bit before getting employed here.

5 Q So you were a lieutenant. Were you also a
6 lieutenant then back on the date of this incident, which
7 we've got as September of 2022, September 22nd, 2022?

8 A Yes.

9 Q Okay. And what engine were you driving?

10 A I was on Engine-7.

11 Q On Engine-7. And who was on Engine-7 with you?

12 A Myself. Driver was Adelyne Brainard, and
13 Nicholas Papaj was the paramedic.

14 Q And what did you get the call to go out as?

15 A I don't remember if it was just a vehicle crash
16 it came in as or vehicle versus pedestrian.

17 Q Okay. And before we got here today, did you
18 review anything in preparation for this deposition? Any,
19 like, EMS report or anything like that?

20 A No. That would have -- that's going to be Nick
21 Papaj when you speak to him.

22 Q Yes. I have that in front of me. This is kind
23 of -- if you can see it, that's the report, and it is
24 authored by him. So I assume he's the one that authored
25 this report.

1 A Correct.

2 Q Do you have an independent recollection of this
3 incident though?

4 A Yes. I mean, how much do you need?

5 Q Yeah. I'm going to ask you a bunch of
6 questions. I assumed because of the nature of this case
7 and the fact that it was a police officer it was something
8 that you remembered. I have an imagination that there's a
9 lot of calls that if I called you in about, you may not
10 remember all the details.

11 But my question is, this particular incident, do
12 you have as you sit here an independent recollection of
13 what you saw?

14 A Yes.

15 Q Okay. So you get the call and it's either
16 pedestrian versus vehicle or vehicle crash, and what
17 happens? How far away from the scene are you?

18 A Pretty far from this because we have to travel
19 north to get on the interstate. So we were dispatched as
20 the ALS unit.

21 Q what does that mean?

22 A That's for patient care. So, generally, with
23 these kind of calls, you're going to get a truck company,
24 which is the biggest truck that you can think of with the
25 ladder on top. You're going to get two engines typically,

1 two fire engines. One of those fire engines is going to
2 be for patient care. I don't remember what specific units
3 were on it, but I know when we got there, it was Truck-13
4 and myself on Engine-7.

5 Q Okay. And so --

6 A And I don't remember if it came in as a vehicle
7 versus pedestrian or if it was a vehicle crash.

8 Q Okay. Do you know how long it took you to get
9 to the scene from when you were called out?

10 A No. Under ten minutes. It would have been
11 probably about seven, eight minutes maybe.

12 Q Okay. And that's obviously documented in the
13 report that Officer Papaj -- that Papaj wrote, right?

14 A Probably, yeah. Yeah. It should have the unit
15 times.

16 Q So when you got on scene, who was on scene?

17 A The truck company was already on scene. So
18 on -- in route, they updated it that it was a vehicle
19 versus pedestrian and an officer involved. They arrived
20 on scene and announced on the radio that it was going to
21 be a Signal-7, which is --

22 Q What does that mean?

23 A That's a death. At that point, it would be up
24 to us to arrive on scene and confirm, confirm that it is a
25 death. So we arrived on scene. The truck was already

1 there. Do you want me to keep going with what happened?

2 Q Yeah, that's fine, and then I'll follow up with
3 questions. You're doing great.

4 A So the truck was already on scene. The crews
5 were out of the truck. We pulled up. We pulled in front
6 of the truck to get out, and from that point, it would be
7 to grab our equipment, a monitor to put the victim on the
8 monitor and to make sure that they are deceased.

9 I got out of the truck. I was met by the crew.
10 One of the crew members came up to me, Ben Wendell, and he
11 said, we just need a sheet. He's passed away. We grabbed
12 the monitor anyway. That's how we're going to tell if
13 someone is truly deceased.

14 On our way to the patient, to the deputy -- he
15 was laying on his back I believe at that point -- we were
16 approached by another deputy who was pretty upset, telling
17 us to get away from him, that he was dead. At that
18 point -- I didn't even get a look at the deputy at that
19 point because I was more concerned with the deputy coming
20 at me and the other officer

21 Q Was that Deputy Hirshman do you know?

22 A I don't know his name. Bald, white guy.

23 Q And he was -- I don't want to put words in your
24 mouth. So you said he was upset. I assume sort of
25 distraught over the loss of his colleague, yes?

1 A Yes.

2 Q And so why didn't he want you to get near the
3 body? Did he say anything, why?

4 A Am I allowed to say exactly what he said?

5 Q Yes. I want you to say exactly what he said.

6 A From what I remember, it was, "Get the fuck away
7 from him. He's dead." He just seemed protective of his
8 colleague I think. That's kind of a -- I don't know --
9 like a familiar response.

10 Q Okay.

11 A So, yes, my attention was drawn away from the
12 deputy on the ground to the deputy coming at us, and at
13 that point, it was us winding him down. Like, we have a
14 job to do. We need to do this.

15 Q Okay. Were you able -- were you ever able to
16 get to the deputy on the ground to confirm the death?

17 A No. Papaj did. He would have had to by our
18 SOPs.

19 Q Okay. And when you say the truck on scene, is
20 that Engine-13? That's the big truck with the ladder and
21 all that?

22 A Yeah, that would have been Truck-13. I don't
23 think Engine-13 had made it there by that time. I don't
24 remember that.

25 Q So I just want to make sure I'm reading

1 everything right because it says -- T-13 means Truck-13?

2 A Truck-13, uh-huh.

3 Q And so you heard on the radio Signal-7, the
4 death. Who did you hear that from? Was that Truck-13 or
5 someone else?

6 A Correct, Truck-13, Lieutenant Deschryver.

7 Q Deschryver, that's D -- his name is a very long
8 last name.

9 A Yes, David Deschryver.

10 Q D-E-S-C-H-R-Y-V-E-R for the court reporter.

11 A Yes.

12 Q So you never got to the deputy on the ground.
13 Did you get close enough to see him or anything?

14 A Maybe about ten feet away.

15 Q Okay. Anything that you noticed? Any injuries
16 that you were able to see from ten feet away, or you
17 didn't really get that close?

18 A No. Nothing obvious, no.

19 Q Once Officer Papaj does his job and sort of
20 pronounces, what happens next?

21 A The notification is made over the radio that it
22 is a Signal-7.

23 Q Okay. Do you --

24 A Lieutenant Deschryver announced that before our
25 getting there, and he's a former paramedic. So sort of

1 within the roles, he's allowed to make that determination.

2 Q Understood. And so once that's determined, then
3 do you sort of back -- you guys back away and sort of stay
4 there, or what do you do next?

5 A At that point, it's just securing the scene
6 because it is going to be a crime scene at that point.
7 We're well-versed in doing that.

8 Q Okay. And did you notice any other people
9 standing around? Were there a lot of people? Anything
10 that you remember about that?

11 A No, there wasn't. Just our crews from Truck-13,
12 Engine-7, and the other deputy.

13 Q Do you remember seeing any construction
14 employees or personnel or anything like that?

15 A No, not until later.

16 Q Okay. And so did you stay on scene then for a
17 period of time?

18 A Yes. We were not allowed to leave. The area
19 was cordoned off, and we were told to wait to make
20 statements and give our names.

21 Q Okay. And did you actually give statements to
22 anyone do you know, you personally?

23 A No. I just gave my name for the record.

24 Q Okay. How long did you stay on scene?

25 A It might have been -- well over an hour. Yeah.

1 I don't remember.

2 Q Okay. Did you do anything else?

3 A No.

4 Q You're just sort of hanging out, waiting to be
5 released?

6 A Correct.

7 Q What are you -- are you hearing things on the
8 radio? Did you hear anything about any facts about a
9 potential accident or the suspect or anything like that?

10 A No. No. In fact, at that point, we didn't know
11 if he had gotten hit by a car. That's what we had
12 assumed. At that point, we didn't know. Later on the
13 facts came out.

14 Q That it was a construction vehicle.

15 A Correct.

16 Q Where was his -- was his body located, if you
17 know, behind his police car?

18 A Yes, sort of -- yeah, it would have been behind.
19 His vehicle was just past, and he was on the shoulder,
20 like the emergency lane.

21 Q Okay. Was he directly behind it or kind of
22 behind it off to the side?

23 A Off to the side. Like, his vehicle was more in
24 the lane of travel, like, to block traffic I suppose, and
25 then his body was in the emergency lane, the shoulder.

1 Q Okay. Were you on scene -- there was, strangely
2 enough, a secondary accident that night where a car
3 actually drove over the overpass and almost landed on
4 another officer, and that gentleman was injured pretty
5 severely. There was some overlap in this case, so I
6 didn't know if your unit went to deal with that accident
7 at all.

8 A No. No.

9 Q Any other involvement after this day on scene?

10 A No.

11 Q Did you attend any, like, meetings or briefings
12 in your department or with the Sheriff's office or the
13 State Attorney's office or anything like that?

14 A No.

15 Q You said, like, later when the facts came out.
16 Where did you get that information from?

17 A When we were -- just from the talk on scene.
18 And I don't remember if the -- no, the construction
19 vehicle from what I remember wasn't there. It was just
20 talking that he had gotten hit by a construction vehicle.
21 I don't remember who I heard it from. Like I said, we
22 were there -- it might have been two hours. I don't
23 remember.

24 Q Any other details that you were told about this
25 case, about the suspect or who he was or his immigration

1 status or anything like that?

2 A No, just what the newspaper said or what I read
3 online.

4 Q Did you kind of follow the case in the news or
5 you just happened to see it right after?

6 A Yeah, just right after.

7 Q Okay. Anything that you've sort of seen or read
8 about it more recently?

9 A No.

10 MS. DELIBERATO: Okay. I don't have any further
11 questions. My co-counsel may.

12 (Pause in deposition.)

13 Q (By Ms. Deliberato) I can ask Officer Papaj
14 this, but the report, the times in the report, are they
15 entered -- does he manually enter them, or how does that
16 get spit out?

17 A Those are probably manually entered.

18 Q Does he do that after the fact or --

19 A Pretty much immediately after pronouncement
20 because those times do have to be timestamped. He could
21 adjust those, but we try to keep it as close to the time.

22 Q Is it typed in on a computer and then the report
23 spits it out, or is it handwritten somewhere?

24 A Correct. It's typed on a computer.

25 MS. DELIBERATO: Anything else? I don't have

1 any questions. Mr. Koskinas, do you have any
2 questions?

3 MR. KOSKINAS: I do not. You're free to go.
4 Thank you, sir, for your time.

5 (Deposition concludes at 1:45 p.m.)
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1 COUNTY OF PINELLAS)

2 STATE OF FLORIDA)

3 CERTIFICATE OF OATH

4

5 I, the undersigned authority, certify that
6 DANIEL PEPE personally appeared before me on the 8th day
7 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 DANIEL PEPE; 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