

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: NICHOLAS PAPAJ
TAKEN BY: Counsel for the Defendant
DATE: March 8, 2024
TIME: 1:48 p.m. - 2:02 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 NICHOLAS PAPAJ

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 If you could go ahead and state and spell your
8 name for the record now that we're on the record.

9 A Yes. So for the record, my full name is
10 Nicholas Papaj, which is N-I-C-H-O-L-A-S. Last name
11 Papaj, P-A-P-A-J.

12 Q And how are you employed?

13 A How? I'm a firefighter/paramedic for the City
14 of St. Petersburg.

15 Q How long have you been so employed?

16 A Over nine-and-a-half years.

17 Q Okay. Any prior other agencies that you work
18 with as a firefighter/EMT?

19 A As an EMT, I did work for a place called
20 Americare for a year.

21 Q Okay. Anything other than that?

22 A No, ma'am.

23 Q Okay. And were you working on the night of
24 September 22, 2022?

25 A Yes, ma'am.

1 Q Okay. And how -- were you on a particular
2 engine or truck?

3 A Yes. I was driving Engine-7 that day and
4 evening.

5 Q And who were you with?

6 A I was with my lieutenant, which is Lieutenant
7 Pepe, and then Alan Brainard, which was sitting backwards
8 that day and that evening.

9 Q Okay. And before we came on the record, I noted
10 in front of you that you have an EMS -- Pinellas County
11 EMS Patient Care Report. It's four pages long, and it
12 looks like it was authored by you. Is that right?

13 A Yes, ma'am.

14 Q And you have it there in front of you.
15 Perfectly fine for you to refer to it as many times as you
16 need to throughout the deposition. Do you have an
17 independent recollection of this incident as you sit here
18 today even without reviewing the report?

19 A Yes. I mean, I remember the call. Do I
20 remember it detailed, no, but is it vague, yes, because of
21 the time. And when we have calls like this that are of
22 significance, you tend to remember them more than others.
23 You know, again, not in full detail but just like a very
24 broad spectrum of the call.

25 Q Okay. And did you review anything else other

1 than your report before the deposition today?

2 A No, ma'am.

3 Q Okay. So you're driving Engine-7. You get the
4 call. Do you remember what the call goes out as?

5 A I believe MVC, which is a motor vehicle
6 collision.

7 Q Okay. And how soon until you get on scene?

8 A Well, let's see. According to the times here,
9 call received at 9/22/2022 at 2252. That was when it was
10 received. Dispatched 2254. We were in route within a
11 minute and then at scene at 2306. So it took us
12 approximately seven minutes to get on scene.

13 Q Okay. Help me do the math there. So 2255 to
14 2306?

15 A So seven -- I'm sorry, that would be eleven
16 minutes.

17 Q Okay. I was like, I thought so, but then I was
18 like maybe I'm reading it wrong. I went to law school.
19 I'm very bad at math.

20 A No, I'm sorry. That's my fault.

21 Q And then what do you -- when you get on scene,
22 who else -- is there already an engine on scene or a truck
23 on scene?

24 A There is a truck, which happened to be Truck-13
25 on that particular day.

1 Q Do you know if you got the notification that it
2 was a Signal-7 before you got on scene?

3 A It was respectfully, I think -- let's see. I'm
4 referring back to my narrative. Before -- so I put before
5 Engine-7 crew exited. So we got the Signal-7 while we
6 were still in the engine.

7 Q Okay. And Signal-7 means a death. Is that
8 right?

9 A Yes, ma'am.

10 Q Okay. And so do you remember -- you get the
11 Signal-7. What do you do? You get out of the engine, and
12 you go towards the patient?

13 A Yes. So because I was still a paramedic and
14 then a paramedic which was on Truck-13 as a lieutenant
15 respectfully called the Signal-7, I, because still a
16 paramedic, wanted to go confirm that death. But with
17 being so, it was still called a Signal-7, so I can't undo
18 the death because you respectfully -- when somebody calls
19 it, it's typically a Signal-7, which is a death.

20 Q Sure. So do you ever actually get to Deputy
21 Hartwick to do anything to confirm the death?

22 A I'm sorry?

23 Q So you -- they confirm the Signal-7. You're
24 going to go confirm it. How do you do that?

25 A So then I would put my monitor on the patient.

1 But before I did that, we were going towards the patient,
2 and then we had PCSO officer as we were trying to digress
3 what Truck-13 found to call the Signal-7. And then as we
4 were doing that, we got -- we were yelled at, which we
5 were. I mean, I understand the, you know, I would say
6 pack that kind of goes into a respective officer when
7 something is called. It's emotions that kind of go in.
8 Emotions I should say. And respectively, we had kind of
9 digressed away from the body. You know, it was kind of,
10 again, detailed what the findings were that Truck-13
11 found.

12 Q So my question is though, did you actually
13 personally ever get to put your monitor on the deputy or
14 not?

15 A No, ma'am.

16 Q Okay. And so the detail in your report, after
17 talking with the T-13 crew, that's where you kind of get
18 all the information. It sounds like those guys were the
19 first ones to actually put hands on Deputy Hartwick. Is
20 that right?

21 A Yes, ma'am. I don't know the time that they got
22 there before. But, yeah, so it could have been five, ten
23 minutes that they got there because we had the 11 minute
24 on scene time.

25 Q But are they -- did they do their own report?

1 A No. They probably should have. The respective
2 lieutenant probably should have done the report. I -- you
3 know, this is the thing I kind of have a problem with.
4 Lieutenants that respectively drive the truck, so if
5 you're going to practice as a paramedic, you should at
6 least write a report as a paramedic and not have me write
7 the report.

8 Q That was my question. So the only report that I
9 have is the one your wrote. So you're not aware of any
10 other reports that anybody on Truck-13 wrote?

11 A Yeah, there's no other reports. Mine is the
12 only one.

13 Q And they gave you the information, which you put
14 in the report?

15 A Yes, ma'am.

16 Q Okay. And then so a couple of things that you
17 note. The findings are obvious signs of unsurvivable
18 trauma, right?

19 A Yes, ma'am. But those are not my findings.
20 Those would be the findings of them that was explained to
21 me. Once we got details, those would be the signs of
22 unsurvivable trauma.

23 Q And so just a couple of questions about the
24 report. When are you -- you're typing this on scene?

25 A No. At this time -- this report was typed very

1 early in the morning. Because on scene, we're giving
2 testimony to all different types of people. We're kind of
3 just there managing the scene to make sure it's really not
4 getting -- so, no, I don't have time. I would haven't
5 time to do this on scene.

6 Q So when did you do this report?

7 A It was early in the -- I don't know. It was
8 some time late at night. [sic]. If you look -- I don't
9 know. It doesn't say when we got back in service. I
10 don't have that time. But anytime after service -- I know
11 we were there for quite some time. I don't have that
12 information as far as, excuse me, when we got back into
13 service. If you can get that time, you can see -- I don't
14 have an exact time. I don't know.

15 Q Okay. So some time early morning hours, but all
16 while it was still very fresh in your mind I assume?

17 A Yes, ma'am.

18 Q Now, when Truck-13 is telling you this
19 information, are you writing it down anywhere to later put
20 in your report, or you're just remembering it and then
21 putting it in the report?

22 A No, I can remember it very detailed because of
23 the time I've been doing this. Information gets passed on
24 quite regularly in my profession as far as being a
25 paramedic as far as relaying information to Sunstar,

1 getting information from family and Sunstar and other EMS.
2 So to remember information, especially on a call like
3 this, was very, very important. So I knew it was going to
4 be very detailed. You can see, the report is very
5 detailed as I can put it.

6 Q Yes. No, that was my impression as well, so I
7 wanted to make sure. It sounded like you took all the
8 information and wrote a very detailed report based on
9 everything that was told to you. Is that right?

10 A Yes, ma'am.

11 Q And then so under the sort of disposition on
12 page two, you note initial patient acuity, and it says,
13 "Obviously dead. No recitation effort." That's based on
14 information Truck-13 gave you to put in the report, right?

15 A Yes.

16 Q And is that like -- so it says black. Is that
17 like a drop-down menu? Are there choices? I just want to
18 understand. It says "initial patient acuity," and then it
19 says, "Black: Obviously dead. No recitation effort."

20 A Yes. So basically they give four signs.
21 There's basically green, yellow, red, and black. So those
22 are the only drop-downs. Green is a walking patient.
23 Yellow is kind of sick. Red is what you would call
24 immediate. And then black would just be -- it's typical
25 with everybody who's got those obvious signs of trauma

1 would be black.

2 Q I understand. Okay. And so same, pulse was
3 absent. So under assessment, we've got appearance. None
4 of those things you have on there because there's no
5 breathing, no neural activity, unresponsive. He's
6 unresponsive, and then no carotid pulse. Is that right?

7 A That would be carotid.

8 Q Oh, carotid, right.

9 A Yes, ma'am. Again, in the narrative, they
10 reported Truck-13 felt a carotid twice while in different
11 positions, in a prone position and then also in a supine
12 position. And then another person also tried to feel for
13 a pulse, and then there was still no pulse found.

14 Q So I want to be clear because that was a
15 question I had in the narrative. In one place it says
16 felt for a carotid -- I can't read it.

17 A Carotid.

18 Q -- felt for a carotid pulse. No pulse. Then it
19 says when he was rolled in the supine position, a carotid
20 pulse was felt again, and then no -- patient had no pulse.
21 Meaning felt for again? I want to be clear that there was
22 never a pulse, right?

23 A Yes, ma'am, there was never a pulse.

24 Q So that looks like a quick little typo when it
25 says a carotid pulse was felt again, it should have been

1 felt for?

2 A Yes. Yes, ma'am. I would say that would be
3 correct.

4 Q I just want to be clear. There was never any
5 indication of a pulse as soon as EMS was on scene?

6 A That's correct, ma'am.

7 Q After you stayed on scene and then you were put
8 on back in service and you did the report, did you have
9 any other involvement in this case?

10 A No, ma'am.

11 Q Did you attend any meetings or any briefings
12 either in your department or with the Sheriff or with the
13 State Attorney's office about it?

14 A No, ma'am.

15 Q Did you do any research? Did you find anything
16 out about sort of the facts or anything else that may have
17 happened or read any news media reports?

18 A No, I didn't do any research. I mean, you
19 just -- you kind of heard the information around the
20 media, and just being on that call, you kind of heard just
21 talking to different officers what actually kind of
22 happened.

23 Q Okay. What do you remember hearing, if
24 anything?

25 A That a guy hit him in a loader, I guess. Maybe

1 an immigrant I guess gave false names that was hiding or
2 something of that nature is what I was told.

3 Q Okay. Anything else that you sort of remember
4 or can think of just as we sit here today?

5 A No. No, ma'am.

6 Q Okay. So when you're entering, like, the times
7 and stuff, are you typing the times, or is it drop-down
8 menus? How is that to generate this printed report?

9 A What times in specific?

10 Q The call received, dispatch, in route, on scene,
11 at patient. All that.

12 A No. Those are automatically put in by dispatch.
13 Those we can't -- yeah, those are automatic.

14 Q Okay. So that's like they send it out. That's
15 not something you entered on this report?

16 A No, ma'am.

17 Q Do you know how they know when you arrived? Is
18 it like GPS on your vehicle or --

19 A No. The officer would have to press a button
20 which would be on scene, which is called an MDT, inside
21 the apparatus. That would be on the officer's side. So
22 once he clicks on scene, it generates and auto populates
23 the exact time.

24 Q Is that something you as the driver does or
25 somebody else?

1 A No. That would not be the driver. That would
2 be the lieutenant sitting on the passenger side.

3 Q Okay. So Lieutenant Pepe would have pressed the
4 button and said we're here basically?

5 A Yes, ma'am.

6 MS. DELIBERATO: Okay. I don't have any further
7 questions. Mr. Koskinas, any questions?

8 MR. KOSKINAS: No, that's it. Thank you, sir,
9 for coming in. We appreciate your time.

10 THE DEPONENT: Absolutely. Thank you.

11 (Deposition concludes at 2:02 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 NICHOLAS PAPAJ 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 NICHOLAS PAPAJ; 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