

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

CIVIL DIVISION CASE NO.: 22-09348-CF

State of Florida

-vs-

Juan Ariel Molina-Salles,
Defendant.

VIDEO TELECONFERENCE DEPOSITION OF
CINTHIA GOMEZ HERNANDEZ

TAKEN BY: Attorney for the Defendant
DATE TAKEN: Tuesday, August 20, 2024
TIME: Commencing at 11:00 a.m.

Examination of the witness taken before:

ANDY SHAFFER, CER
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Executive Reporting Service

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APPEARANCES: (All appearances via Zoom)

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ALSO PRESENT: MARISOL HEGG - INTERPRETER

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1 THEREUPON,

2 MARISOL HEGG

3 was adduced as the interpreter herein, and being first
4 duly sworn upon oath, did interpret the testimony as
5 follows:

6 THE INTERPRETER: I do.

7 THEREUPON,

8 CINTHIA GOMEZ HERNANDEZ

9 was adduced as the witness herein, and being first duly
10 sworn upon oath, was questioned and testified as
11 follows:

12 THE WITNESS: Yes.

13 THE REPORTER: Thank you.

14 DIRECT EXAMINATION

15 BY MS. DELIBERATO:

16 Q. Good morning. Could you please state your
17 name for the record?

18 A. Cinthia Melissa Gomez Hernandez.

19 Q. And what is your date of birth?

20 A. July 15, 2003.

21 Q. Where were you born?

22 A. Honduras.

23 Q. My name is Maria DeLiberado. I'm an
24 Assistant Public Defender and I represent Juan Ariel
25 Molina-Salles. Elizabeth Traverso is here for the

1 State Attorney's office. They're the ones that are
2 prosecuting Mr. Molina-Salles. And we're here today
3 for your deposition.

4 Have you ever given a deposition before?

5 A. Yes.

6 Q. In what capacity?

7 A. I did it the days after the accident in the
8 prosecutor's office.

9 Q. Okay. Any other time other than that?

10 A. I believe so.

11 Q. And when was that?

12 A. The exact date, I do not know.

13 Q. Do you know who took the deposition?

14 A. I don't. I don't know the prosecutors.

15 Q. Do you know about when it was? I know you
16 don't know the exact date, but this year, last year?

17 A. It was in 2023.

18 Q. Did you go to a place to do it, or was it on
19 the computer like this?

20 A. I went to a place.

21 Q. Where did you go?

22 A. In Pinellas.

23 Q. Do you know the address?

24 A. I believe it was Pinellas Courthouse.

25 Q. Okay. So most important, when I ask you

1 questions today, I need you to answer out loud. I
2 can't have you shake your head or say uh-uh or uh-huh.
3 It has to be yes or no, and answer in complete words.
4 Okay?

5 A. Okay.

6 Q. And if I ask you a question and you don't
7 understand my question, please ask me to repeat it.
8 Okay?

9 A. Okay.

10 Q. And if you don't know the answer to a
11 question or you don't remember, that's okay. I don't
12 want you to guess.

13 A. Okay.

14 Q. Where are you currently living?

15 A. The exact address?

16 Q. Yes.

17 A. 3649 Anderson Avenue, Tampa, Florida, 33611.

18 Q. And who do you live with?

19 A. With my mom and my brothers and sisters.

20 Q. What do you do for work?

21 A. I'm not working.

22 Q. Do you go to school?

23 A. I'm taking some courses.

24 Q. Where are you taking courses?

25 A. Here in Tampa.

1 Q. At what school?

2 A. It's a modeling school.

3 Q. Do you know the name of it?

4 A. Gy Modeling Academy.

5 Q. Do you know Juan Molina-Salles?

6 A. Yes.

7 Q. How do you know him?

8 A. I knew him because we used to work together.

9 Q. What name did you know him as?

10 A. Victor.

11 Q. Did he have any nicknames?

12 A. Yes, he used to be called Gordo.

13 Q. And who did you work for when you worked
14 together?

15 A. Archer Western.

16 Q. When did you start working for Archer
17 Western?

18 A. I started in June.

19 Q. June of what year?

20 A. 2022.

21 Q. And how old were you?

22 THE INTERPRETER: Can you repeat that for me,
23 Ms. DeLiberato?

24 BY MS. DELIBERATO:

25 Q. How old were you when you started working

1 for them?

2 A. 19. Correction. 18, because my birthday is
3 in July, so I turned 19.

4 Q. How did you get the job at Archer Western?

5 A. Online.

6 Q. Did you know anybody else who worked there?

7 A. Yes.

8 Q. Who?

9 A. My father.

10 Q. And what is his name?

11 A. Allen Gomez.

12 Q. Was he driving the pickup truck behind Victor
13 the night of the accident?

14 A. Yes.

15 Q. When you came to work at Archer Western in
16 June of 2022, was Victor already working there?

17 A. I believe yes, but he was not in our crew.

18 Q. When did he start working in your crew?

19 A. I believe it was in July.

20 Q. What do you remember about him?

21 A. Not a lot, because I didn't work a lot with
22 him.

23 Q. And what was your job title there?

24 A. Helper.

25 Q. What kinds of things would you do?

1 A. Being with a shovel, moving the dirt.

2 Q. Did you ever drive any of the machinery?

3 A. No.

4 Q. Did you know anything about how that
5 machinery is supposed to be operated or anything like
6 that?

7 A. Not a lot.

8 Q. Have you seen Juan drive that front loader
9 before?

10 A. Yes.

11 Q. You said that you were born in Honduras.
12 When did you come to the United States?

13 A. I arrived in December of 2018.

14 Q. So you were 15 years old at the time?

15 A. Yes.

16 Q. And did you come straight to Florida?

17 A. Yes.

18 Q. And have you lived in Tampa that whole time?

19 A. Yes.

20 Q. And this is a question I have to ask of
21 everybody. I don't mean in any disrespect. Have you
22 ever been arrested before?

23 A. No.

24 Q. Have you had any other jobs other than at
25 Archer Western?

1 A. Yes.

2 Q. Where else have you worked?

3 A. I worked at Johnson Bros in Orlando.

4 Q. And what are they? What kind of company is
5 that?

6 A. Construction.

7 Q. When did you work for them?

8 A. In December last year.

9 Q. Just for that month or for longer than that?

10 A. Only for that time.

11 Q. And what did you do for them?

12 A. The same. Helper of machinery.

13 Q. You started working in Archer Western June of
14 2022. When did you stop working there?

15 A. In September.

16 Q. After this accident?

17 A. Yes.

18 Q. And why did you stop working there?

19 A. Because I used to have other documents, and
20 then they told me that I could not continue working for
21 them.

22 Q. Okay. So I want to talk to you a little bit
23 about the night that the police officer died in the
24 accident, okay?

25 A. Yes.

1 Q. What time did you start work that day?

2 A. At 5:00 p.m.

3 Q. And what was your shift supposed to be? From
4 five until when?

5 A. Into five or sometimes into six.

6 Q. So 5:00 p.m. to 5:00 a.m. or 6:00 a.m.?

7 A. Yes.

8 Q. And what were you tasked with doing?

9 A. That night?

10 Q. Yes.

11 A. That night we weren't doing that much really,
12 because all what we did -- I was there to move in some
13 barrels. And then after that, we went to have dinner
14 that night.

15 Q. Did Juan go to dinner with you?

16 A. Yes.

17 Q. Did you then go back to work after dinner?

18 A. Yes.

19 Q. So tell me what happened as you're in the
20 pickup truck and you're following Juan in the front
21 loader, what you remember?

22 A. We went back to pick up the machine that Juan
23 was driving because we needed to continue to move the
24 barricades. And then my dad, he stopped the truck --
25 or the cart, and he said, "The police." And then the

1 police officer, he was already in the floor at that
2 moment. It's like my memory is stuck. I mean, it's
3 not that I really don't remember anything, but it's
4 like it's blank.

5 Q. Okay. What were you doing in the truck when
6 you were following Juan when your dad was driving?

7 A. I was in as a passenger and I was with my
8 phone.

9 Q. Like what were you doing on the phone? Do
10 you remember?

11 A. I was looking at the social media.

12 Q. Could you see the police officer's car, his
13 patrol car facing you as you drove -- you rode down
14 behind Juan?

15 A. I was not really looking a lot because I was
16 paying attention to my phone.

17 Q. Okay. In the previous times that you'd
18 worked, had you seen police officers kind of sitting at
19 the construction site, providing security? Have you
20 seen that before?

21 A. Yes. They were always inside the patrol.
22 They were never outside.

23 Q. Okay. So anytime you saw them, they were
24 inside their patrol car?

25 A. Yes.

1 Q. Did you notice anything unusual about the way
2 Juan was driving the front loader that night?

3 A. No.

4 Q. Did it seem like a regular night that he was
5 driving this machine?

6 A. Yes.

7 Q. Did it seem like he was driving it in a safe
8 manner, based on your observation?

9 A. I believe yes.

10 Q. So the first time you notice something is
11 when your dad stops the car and says, "There's a police
12 officer on the ground"?

13 THE INTERPRETER: I'm sorry, Ms., I barely
14 can hear you. I don't know --

15 MS. DELIBERTO: Oh, sorry. Sorry. I got far
16 away from my computer.

17 THE INTERPRETER: Okay. Thank you. I'm
18 sorry.

19 BY MS. DELIBERATO:

20 Q. No. You're fine. The first time you notice
21 anything unusual is when your dad stops the truck and
22 says, "There's a police officer on the ground"?

23 A. Yes.

24 Q. Do you get out of the truck?

25 A. No.

1 Q. Did you see the police officer?

2 THE INTERPRETER: I'm sorry, I didn't hear
3 her last answer.

4 BY MS. DELIBERATO:

5 Q. Did you get out of the truck?

6 A. No. Until the police arrived.

7 Q. Did you ever see the police officer on the
8 ground?

9 A. I didn't see him because when I heard about
10 the police officer, I just went myself down because I'm
11 very afraid of the accidents.

12 Q. Why were you afraid?

13 A. Because it was said the police officer.

14 MS. DELIBERATO: I didn't hear the last thing
15 you said, Madam Interpreter. You're on mute somehow.

16 THE INTERPRETER: How about now?

17 MS. DELIBERATO: Yes, now.

18 THE INTERPRETER: Okay. Okay. I muted. The
19 answer was because it was -- oh, my gosh. I'm sorry.

20 BY MS. DELIBERATO:

21 Q. It's okay.

22 A. Because the officer was on the ground.

23 Q. What was your dad doing and saying?

24 A. I believe he went out to speak to the -- to
25 the lady who speak English for her to call the

1 ambulance.

2 Q. Did you see what the front loader did after
3 you guys stopped the truck?

4 A. He continue.

5 Q. Did you ever talk to Juan after the accident
6 that night?

7 A. No.

8 Q. Have you talked to him since then?

9 A. No.

10 Q. Did you and your dad and the other man in the
11 car, did you guys have a conversation before you talked
12 to the police?

13 A. No.

14 Q. Were you afraid to tell the police your real
15 identity?

16 A. Yes.

17 Q. Why were you afraid?

18 A. Because I was not using my real name.

19 Q. Did Archer Western know your real name?

20 A. Now yes, because I wanted to start working
21 with them again with my real name, but they didn't
22 accept me.

23 Q. When you talked to the police, were you also
24 nervous?

25 A. I always was very nervous because for

1 everything what was going on.

2 Q. How long did you stay there that night?

3 A. Until 8 or 9:00 in the morning.

4 Q. And then they finally let you go?

5 A. Yes.

6 Q. Had you been working with Juan before that
7 and had occasion to follow him in the front loader?

8 A. Yes.

9 Q. Is that something that happened on a regular
10 basis?

11 A. Yes.

12 Q. And you would drive past the police officers,
13 I assume, a lot of times. Is that right?

14 A. Yes.

15 Q. And they're usually inside their cars?

16 A. Always, they were inside.

17 Q. And that was different this night?

18 A. Yes. Because then after later he was on the
19 ground.

20 Q. Is there anything that I haven't asked you
21 about today that you remember from that night?

22 A. No.

23 Q. Did you ever go back to work for Archer
24 Western the day -- like in the days after this
25 accident?

1 A. No.

2 Q. Have you understood all of the questions that
3 I asked you today?

4 A. Yes.

5 Q. What is a good telephone number for you in
6 case we need to reach you?

7 A. My mom's?

8 Q. That's fine.

9 A. I'll give it to you in a second. It's
10 813-484-3276.

11 Q. And what is your mom's name?

12 A. Nidia Hernandez. N-I-D-I-A.

13 MS. DELIBERATO: Thank you so much for your
14 time this morning. I don't have any other
15 questions and I don't believe the State has any
16 questions. The court reporter that's here, that's
17 typing down everything, he's going to type this up
18 into a transcript and you can read it if you want
19 to before he files it. It will be in English. Do
20 you want to read it?

21 THE WITNESS: No, no. I'm fine like that.

22 MS. DELIBERATO: Thank you very much for your
23 time. Take care.

24 THE WITNESS: Thank you.

25 (The deposition ended at 11:33 a.m.)

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CERTIFICATE OF OATH

STATE OF FLORIDA
COUNTY OF PINELLAS

I, ANDY SHAFFER, CER the undersigned
authority, certify that MARISOL HEGG,
INTERPRETER, and CINTHIA GOMEZ HERNANDEZ, WITNESS,
appeared before me via video teleconference and was
duly sworn on August 20, 2024, at 11:00 a.m.

WITNESS my hand and official seal this 20th day
of August 2024.



Andy Shaffer, CER
Notary Public
Commission: HH 410445
Expiration: 6/14/2027



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CERTIFICATE OF TRANSCRIPTIONIST

STATE OF FLORIDA
COUNTY OF HERNANDO

I, HANNAH LEOTA, CER, do hereby certify that I was authorized to and did transcribe the deposition of Cinthia Gomez Hernandez; that a review of the transcript was not requested; and that the foregoing transcript is a true and correct record.

I FURTHER CERTIFY that I am not a relative, employee, or attorney, or counsel 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.

DATED this 28th day of August 2024, at Hernando County, Florida.

Hannah Leota

Hannah Leota, CER
Notary Public
Commission: HH 412991
Expiration: 6/20/2027