

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: DERRICK BOATENG
TAKEN BY: Counsel for the Defendant
DATE: February 9, 2024
TIME: 1:40 p.m. - 2:00 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 DERRICK BOATENG

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. Could you please state and
8 spell your name for the record.

9 A Derrick Boateng, D-E-R-R-I-C-K. Boateng is
10 B-O-A-T-E-N-G.

11 Q My name is Maria DeLiberato. I'm an assistant
12 public defender. Myself and Nichole Blaquiere represent
13 Juan Molina-Salles. I have your PCSO case number
14 22-305232. Present for the state is Elizabeth
15 Constantine.

16 And I have that you authored just one
17 supplement, and then you're mentioned in a few others. I
18 have you authored Supplement 62. Is there a different
19 one?

20 A No. There's only one that I wrote.

21 Q Was 62. Okay. Have you had a chance to review
22 your supplement?

23 A Yes, ma'am.

24 Q There's also a recorded interview that you did
25 with Detective Orłowski. Did you have a chance -- that's

1 Supplement 30. Did you happen to look at that too or no?

2 A No. I didn't know there was another supplement.

3 Q I have some questions about it. If for any
4 reason you want to look at it, I can always either pull it
5 up on my screen or show it to you.

6 A Okay.

7 Q You'll probably remember, but if not, I just
8 wanted to let you know. If you need to refer to your
9 Supplement 62, perfectly fine to do so throughout your
10 deposition.

11 A Yes, ma'am.

12 Q Can you tell me how you are employed.

13 A I'm employed full-time with Pinellas County
14 Sheriff's Office with the Alternative Sentencing Unit
15 right now.

16 Q And what's that, the Alternative Sentencing
17 Unit?

18 A We work in the court, and we -- it's a pre-trial
19 unit. So we supervise probation inmates or offenders,
20 people on ankle monitors, alcohol monitors, supervised
21 release and APAC --

22 Q Okay.

23 A -- so we basically can keep people out of jail.

24 Q Got it. How long have you been employed with
25 PCSO?

1 A Since May of 2018.

2 Q Any prior law enforcement experience before
3 that?

4 A I worked corrections in Jacksonville from 2016
5 to 2018.

6 Q Anything else?

7 A I was an auxillary police office in New Jersey
8 with the Old Bridge Police Department.

9 Q what's the town in New Jersey?

10 A Old Bridge.

11 Q Old Bridge?

12 A Yes, ma'am.

13 Q Any other law enforcement experience?

14 A No, ma'am.

15 Q In all of your time with PCSO or with
16 corrections in Jacksonville or as an auxillary officer in
17 New Jersey, have you ever had a complaint sustained
18 against you for any reason, meaning a finding somehow of
19 misconduct or wrongdoing?

20 A From a complaint?

21 Q That have been --

22 A Not that I'm aware of.

23 Q Yeah, that it was sustained. Not just that
24 somebody made a complaint about you, but there was an
25 investigation, and it was found to be valid.

1 A Not that I'm aware of. But, I mean, I have
2 gotten in trouble, just not from the complaint side.
3 Nobody complained on me. It was just a -- what's it
4 called? It was a pursuit, and I violated policy, and I
5 was suspended for it.

6 Q Okay. I understand. Anything other than that
7 infraction?

8 A No, ma'am. Not that I'm aware of. Not that I
9 remember.

10 Q Okay. So it sounds like for this,
11 September 22nd, 2022, you were actually working off-duty
12 construction detail. Is that right?

13 A Yes, ma'am.

14 Q Have you done that before?

15 A Yes.

16 Q How many times?

17 A I couldn't tell you. It's pretty often --

18 Q Often?

19 A -- because a little extra money, we do it.

20 Q Understood. Have you worked on this particular
21 Archer Western project before?

22 A Yes.

23 Q How -- like in the weeks and months before this,
24 how many times would you say you were you on that traffic
25 detail?

1 A Once or twice every two weeks.

2 Q And how was it that you would get your location
3 information as far as where to go and what to do? How did
4 that come about?

5 A So when you're assigned the detail, there's
6 instructions of who to contact, like a contact person, and
7 then also there's instructions on where to meet. So
8 usually if you call the person, they will tell you where
9 to meet because they may be working in a different part of
10 the county that day. So I believe that one, Archer
11 western, we'd been meeting around Roosevelt and 275 area
12 on Roosevelt.

13 Q Okay.

14 A So then from there, we'd meet there, and they
15 have people that would come get us, a deputy, maybe two or
16 three, four at a time to go put them in certain spots that
17 they needed us to be at.

18 Q And is it the construction company foreman that
19 tells you, the deputy where to go?

20 A If not them, it would be someone that works with
21 them in the trucks. They would just come and, Hey, we
22 need you guys. We need a few of you to come here. And
23 then we would follow them to a specific spot. If they're
24 closing a road down, they may need us to stop and block
25 certain traffic or anything like that.

1 Q Do you remember the name of the person that put
2 you in position that night?

3 A No.

4 Q Does Kody wagner sound familiar or not sure?
5 It's okay if you don't know.

6 A Kody, yes. Kody sounds familiar.

7 Q Okay. When I say Kody, you think you know who
8 that is?

9 A Yeah. It's a little skinny, white male. It's a
10 younger guy. Yeah, I remember Kody.

11 Q Have you since this incident continued to work
12 construction detail for Archer western at this location?

13 A Yes.

14 Q Has the policy or anything changed since this
15 incident in terms of how you meet or how you get your
16 location?

17 A Policy on our side or on the Archer western
18 side?

19 Q Either way.

20 A Nothing that I'm aware of, but it's just
21 precautions that I take personally from then.

22 Q In what way?

23 A well, so most of the time we're on the
24 interstate and stuff like that or busy roads that you're
25 closing down. So, you know, as any person, you want to

1 put your safety first, you know, especially after certain
2 incidents have occurred. Because during these -- people
3 that drive in the county, unfortunately some people don't
4 drive very well or pay attention. So as a deputy just in
5 itself, you take these precautions, whether you angle your
6 vehicle a certain way, turn your steering wheel a certain
7 way. Even if it's throwing on a traffic vest. You know,
8 watch out before you step out of the car. Stuff like that
9 that, you know, it just becomes more heightened after that
10 incident.

11 Q Okay. And do you remember the detail, what Kody
12 told you guys he needed you to do this particular evening?

13 A So it's not that he tells you what to do. The
14 vehicle will come. Hey, we need you to shut down this
15 lane or two lanes on this specific road. So we will
16 follow -- it's usually a cone truck. So they'll tell you
17 how many roads you're blocking, and usually, they'll put
18 up signs. And then after that, they'll set up the cones,
19 and, okay, you've got one deputy here. Depending on how
20 long they're closing it, they'd be spacing us out at
21 different spots and different distances.

22 Q And are you -- while you're just sort of sitting
23 in your cruiser with the roadway blocked, are you supposed
24 to stay inside your car?

25 A Yes, unless they need you to stand out and

1 direct traffic anywhere. So if they need you to direct
2 traffic --

3 Q Do you recall --

4 A I'm sorry, what was that?

5 Q Got it. For this specific detail this night,
6 you were not asked to direct traffic. Is that right?

7 A No.

8 Q You were told to stay inside your car?

9 A Yeah. Well, not -- we're told stay inside our
10 car because they don't need us. If they need us to stand
11 out, they'll tell us. I mean, also, you can only sit in
12 your car for so long. You just, you know . . .

13 Q And I think --

14 A Sometimes you just want to help them out or
15 whatever or just to stretch out your legs, whatever the
16 case may be.

17 Q Sure. And I think you said when you do step out
18 of your car, you know, your safety is first. So take
19 certain safety precautions, traffic vest, that sort of
20 thing, right?

21 A I mean, yeah, but sometimes -- sometimes, you
22 know, you may not think about that. So, yeah, you turn
23 around and get out of your car. You look around and make
24 sure -- you know, if I'm going to open my door, I'm going
25 to make sure there's not a bunch of cars coming speeding

1 and stuff like that, yeah.

2 Q Understood.

3 A I'm pretty sure everybody does that. It's kind
4 of like driving your own vehicle. If you're going to get
5 out in the middle of the road to help out anything, you
6 know, you watch out. Even when you're crossing the road
7 on foot, you watch to the left, right, stuff like that.

8 Q Sure. So you get put into position that
9 evening, and you're in your car. I think you're just
10 checking your e-mails. Does that sound right?

11 A Yes.

12 Q And then what happens?

13 A So I was checking my e-mails. I get a lot of
14 them unfortunately. But I heard a lot of radio traffic.
15 There was a lot of radio traffic. I didn't know what was
16 going on. I started looking around on the map feature
17 that we have on our computer on the CAD -- on the CAD
18 database or software, whatever you want to call it, and
19 then I heard -- I heard one of the deputies just start
20 saying, Hey, CPR in progress. So I'm like, what's going
21 on? And then a few moments after he said CPR in progress,
22 then he called Signal 7.

23 So then they told us to shut down the roads. At
24 that moment, I didn't know exactly who was involved. So I
25 was like, well, we're shutting down every road. Because

1 if there's something going on, you know, that's what it
2 seemed like it was calling for. Let's take care of that.

3 So I was southbound on 275. I said, well, let's
4 shut down each road. So we're shutting down all traffic
5 going -- I don't know exactly. I think all traffic
6 northbound. So I ended up going down 275, came over the
7 Gandy exit, came back up and shut down northbound 275 and
8 118 or 30th Ave exit. So that was my position that I took
9 from there.

10 Q And just so that the record is clear, signal 7
11 means an officer down. Is that right?

12 A Signal 7 just means -- not necessarily exactly
13 an officer down.

14 Q It's a death?

15 A So it's like if someone -- so, yeah, someone is
16 passed away, yeah.

17 Q Did you ever actually go to the scene where
18 Deputy Hartwick was?

19 A Not until after when I needed to go speak with
20 the detective. Because I just was holding my position in
21 the spot that I was. Another incident occurred there,
22 so . . .

23 Q We'll get to that in a second.

24 A Yeah.

25 Q Had you seen Deputy Hartwick that evening before

1 you were all placed? Was he all -- did he come to the
2 same meeting place that you went to?

3 A I did not see him. We don't -- the meeting
4 place, we get there and we park, and we stay in our
5 vehicles. So it's not like we all get out of our car and
6 have a big meeting or anything like that.

7 Q Understood. Did you work that detail with
8 Deputy Hartwick on previous occasions do you know?

9 A No. I don't recall.

10 Q Okay. Do you know how long -- you heard the
11 radio traffic, a lot of noise. Do you know how long until
12 you heard Signal 7? Was it pretty quick?

13 A From between the CPR in progress and Sig-7, a
14 few seconds. It wasn't -- it didn't take long.

15 Q Okay. Sounds like it was pretty clear that he
16 was deceased pretty immediately?

17 A Yeah. Yeah.

18 Q And then you mentioned the secondary accident.
19 Did you actually hear and witness that other accident?

20 A I saw that accident.

21 Q You like saw the whole thing happen, right?

22 A Yeah.

23 Q Okay. Tell me what you saw.

24 A So I was blocking the exit. There was another
25 law enforcement vehicle ahead of me. I found out later on

1 it was a Pinellas Park. At that moment, I was just so
2 focused on doing what I had to do to protect whatever we
3 had going on in that moment where we were blocking
4 everything.

5 So there was a vehicle ahead of me. It turned
6 out to be a Pinellas Park officer. I think there may have
7 been another one behind me. So I was in my vehicle just
8 trying to do anything that I could help with. Then ahead
9 of us, they were demolishing -- I believe they were
10 demolishing or -- yeah, some sort of like ramp, and a
11 vehicle just came driving right off of it. The vehicle
12 hit the ground, landed on the topside.

13 So I immediately got out of the vehicle, ran
14 towards that vehicle. At that point, we didn't know if
15 the signal 7 incident, if it was someone that was trying
16 to flee or anything like that. So that's why we shut down
17 the roads obviously. So when that vehicle came driving
18 off the ramp, it was kind of like, okay, could this person
19 be involved or not be involved?

20 So after the vehicle landed -- thank God that
21 Pinellas Park deputy/officer was right there. But we all
22 just kind of like ran out of our cars to go see what was
23 going on. We get there, and there was a male in that
24 driver's seat. The vehicle was overturned, and he was
25 obviously also upside down because the vehicle had been

1 overturned.

2 Deputy Mason, a few of us, we're trying to keep
3 him -- he wasn't breathing at that time. He was like
4 unresponsive. We're trying to keep him alive. Deputy
5 Mason was able to get him out of the vehicle, and Sunstar
6 came and took him down to the hospital. Went there to --
7 at that point, we don't know if there is involvement or
8 whatever involvement it was. So someone had to stay with
9 him the whole time. So I went to the hospital. Then the
10 hospital staff took over from there.

11 Q Okay. So you sort of follow along to the
12 hospital to see -- you know, kind of maintain if this
13 might be related or maybe unrelated. Did you guys
14 determine that it was unrelated?

15 A Eventually it was determined it was unrelated.

16 Q Okay. And then did you stay at the hospital, or
17 did you get called back to the scene?

18 A I got called back, and I went and spoke with the
19 detectives.

20 Q And that's Detective Orłowski, the recorded
21 statement that we briefly talked about earlier?

22 A Correct.

23 Q Did you -- were you then like in the area where
24 Deputy Hartwick was? Were you able to observe anything
25 there?

1 A No. Because I believe the scene was a little
2 bit further down from the command post. So the command
3 post is where I stayed at. They obviously shut down the
4 scene over there.

5 Q The transcript of the interview says we're going
6 to conclude at 0513 hours in the morning. So it sounds
7 like it was a little after 5 a.m. that it was concluded.
8 Did you stay on scene after that, or did you leave?

9 A I left to go home and basically get ready for
10 the next working day.

11 Q So you weren't on scene when Mr. Molina-Salles
12 was apprehended?

13 A I'm trying to remember correctly.

14 Q He was apprehended in the woods about 8, a
15 little after 8 a.m.

16 A Yeah, I was not on scene.

17 Q You had to be at work at the courthouse.

18 A Yeah.

19 Q Do you work at the Criminal Justice Center?

20 A So our unit is under Judicial Operations Bureau,
21 but I don't work in the courthouse. I'm around keeping
22 track of about 2000-plus people that we have. So I'm not
23 stationed in the courthouse, but I do work under the
24 courthouse.

25 Q Okay. Did you have any other involvement in

1 this case?

2 A Aside of the matter there -- I mean, my report
3 afterwards, no, I didn't have anything else.

4 Q The overpass, the other accident that happened
5 where the gentleman drove off the overpass, was that
6 construction part of the same Archer Western project?

7 A I don't know who was in charge of that, but -- I
8 don't know who was in charge of that. I don't know if it
9 was Archer demolishing the ramp or what. But I just know
10 I was sitting there, and then the vehicle came. It was
11 scary. We didn't want two tragedies in one day. Well, in
12 that specific time, it would have been -- it was
13 overwhelming a little bit.

14 Q I understand. I understand. Yeah. I just
15 wasn't sure if you knew whether that was an Archer Western
16 project as well.

17 A No, I don't know who was in charge of that
18 project. I'm sorry.

19 Q Did you attend any meetings, any briefings
20 either in your department or the State Attorney's office
21 after this incident?

22 A Not the State Attorney's office. It was
23 probably like -- if anything, it was probably something
24 among us or the unit. Just, hey, when you're out there,
25 you know, keep your head on a swivel. Just because the

1 job gets so -- it's for safety, and it's also very unsafe.
2 So it's kind of like, hey, we don't want to beat a dead
3 horse, but keep your head on a swivel. You know, make
4 sure that you're protecting yourself, putting yourself in
5 a place of advantage. Stuff like that.

6 MS. DELIBERATO: Understood. I don't have any
7 further questions. Nichole or Liz, any questions?

8 MS. CONSTANTINE: No questions.

9 MS. DELIBERATO: It's up to you whether you want
10 to read or waive. This will be typed up. So you can
11 either read it before it's transcribed or just waive
12 the reading and trust that the court reporter has
13 transcribed it. Totally up to you either way.

14 THE DEPONENT: Me?

15 MS. DELIBERATO: Yes.

16 THE DEPONENT: I'll do it later.

17 MS. DELIBERATO: So, basically, she can send it
18 to you ahead of time; or you can waive that, and
19 she'll just type it up as we talked today.

20 THE DEPONENT: We'll do it today. That's fine.

21 MS. DELIBERATO: We'll put him down as a read.

22 (Deposition concludes at 2:00 p.m.)

23

24

25

COUNTY OF PINELLAS)

STATE OF FLORIDA)

CERTIFICATE OF OATH

I, the undersigned authority, certify that
DERRICK BOATENG personally appeared before me on the 9th
day of February, 2024 and was duly sworn.

witness my hand and official seal this 10th day
of February, 2024.

Tamara M. Pacheco

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

ERRATA SHEET

IN THE CASE OF: STATE OF FL v. JUAN MOLINA-SALLES

NAME OF DEPONENT: DERRICK BOATENG

CASE NUMBER: 22-09348CFANO

Please read the transcript of your deposition. If you feel you need to make corrections, please note on this page. DO NOT mark on the transcript itself. Sign and date the transcript below.

PAGE	LINE	ERROR/AMENDMENT	REASON FOR CHANGE

Signature

Date

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 DERRICK BOATENG; 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