

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: ANTHONY BORBONIO
TAKEN BY: Counsel for the Defendant
DATE: February 9, 2024
TIME: 1:31 p.m. - 1:39 p.m.
PLACE: ZOOM videoconference
REPORTED BY: Tamara M. Pacheco, RPR
Notary Public, State of FL

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JTP REPORTING (727) 422-8287

ZOOM VIDEOCONFERENCE APPEARANCES

ELIZABETH CONSTANTINE, ESQUIRE

Assistant State Attorney

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Clearwater, Florida 34620

Attorney for the State of Florida

MARIA DELIBERATO, ESQUIRE

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EXHIBITS

(No exhibits were marked for identification.)

1 WHEREUPON,

2 ANTHONY BORBONIO

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. Please state and spell your
8 name for the record.

9 A Anthony Borbonio, A-N-T-H-O-N-Y. Borbonio is
10 B-O-R-B-O-N-I-O.

11 Q My name is Maria DeLiberato. I'm an assistant
12 public defender, and myself and Nichole Blaquiére
13 represent Juan Molina-Salles. It's PCSO case number
14 22-305232. Present for the state is Ms. Constantine.

15 And I have that you authored one supplement,
16 Supplement 59. Does that sound right?

17 A Yes, ma'am.

18 Q Any other supplements that you authored that
19 you're aware of?

20 A (No audible response.)

21 Q I'm sorry, I didn't hear that.

22 A No, ma'am. No, I don't.

23 Q Have you had a chance to review your supplement?

24 A Yes, ma'am.

25 Q Okay. And if you need to refer to it at all

1 during your deposition, of course, feel free. Just let me
2 know that's what you're doing. How are you employed?

3 A Ma'am?

4 Q How are you employed?

5 A Pinellas County Sheriff's Office.

6 Q As a detective?

7 A I was a detective at the time.

8 Q And what is your title now?

9 A Deputy, patrol.

10 Q How long have you been with PCSO?

11 A Approximately seven years. Six years actually.

12 Q Six years. Okay. Any prior law enforcement
13 before joining PCSO?

14 A No.

15 Q Since your time at PCSO, have you ever had any
16 complaints sustained against you for any reason?

17 A Not really. Not that I know of.

18 Q Okay. And by "sustained," I mean that there was
19 an allegation and a finding.

20 A No. There was never that.

21 Q Okay. Why the switch from detective to deputy?

22 A It was just my time. I'd been there for four
23 years.

24 Q And the night of September 22nd or 23rd I guess
25 in the morning -- we're talking in the morning -- you were

1 asked it looks like to go to a scene to do a photo-pack
2 and a buccal swab from someone. Is that right?

3 A Yeah. I wasn't called to go do anything
4 specific. I was called to go to the scene and report
5 there to see what they needed.

6 Q Okay. You had not been to the scene the
7 previous night or overnight. Is that right?

8 A Yeah. No, I was literally sleeping, and I got a
9 call. They said come to the scene at 275. I said okay.

10 Q Had you -- were you scheduled to work that day,
11 or was it a day off?

12 A I was scheduled to work but not until one. No,
13 actually, I think it was my day off.

14 Q Okay. Did you know what you were being called
15 out to do, or they just said come here? Did you sort of
16 hear what had happened?

17 A No. They just said, Come to the scene on 275
18 and Roosevelt. We had a deputy pass away. I said okay.
19 So I sped there, and on the way there or somewhere in
20 between there, I got a call to say, hey, you know, you've
21 got to administer a photo-pack and this. So I
22 responded -- once I got there, kind of they told me what I
23 had to do and where I had to go. So I started looking
24 around to see where the people that told me where I had to
25 report to were. There was just so many people.

1 Q Understood. And you didn't, like, make up the
2 photo-pack or anything like that?

3 A No.

4 Q They just handed it to you?

5 A No, I printed it out. It was sent to my e-mail,
6 made by whoever it was made by. They just said, Hey, you
7 got an e-mail in your e-mail. Print that out at the
8 closest printer and bring it to the scene now. That was
9 it.

10 Q Okay. And was there a person that was in
11 custody that you were supposed to show this to?

12 A Yeah. Once they -- once I got it printed, they
13 said call us back. I called back. They said, Yeah, show
14 up by the command bus. They're going to report to -- I
15 think it was Thompson. She has the guy you have to
16 administer a photo-pack too.

17 Q And where was this gentleman? Was he in a
18 police car? Was he in handcuffs? What was the --

19 A No, he wasn't in handcuffs. I think he was just
20 standing on the side of the road. They were just standing
21 by talking to him.

22 Q At the time, did you understand him to be a
23 witness or a suspect or didn't you know?

24 A I didn't know.

25 Q Okay. You're just asked to come and check --

1 A Yeah. I don't really ask questions on something
2 like that.

3 Q And did you -- it looks like you read him a
4 consent form in Spanish. Is that right?

5 A Yes.

6 Q Are you fluent in Spanish?

7 A Yes, ma'am.

8 Q And was he only a Spanish speaker?

9 A Yeah. He spoke a little broken English, but
10 yeah, mostly Spanish.

11 Q Did you communicate with him in Spanish?

12 A Yes.

13 Q For the photo-pack and for the buccal swab?

14 A Yes, ma'am.

15 Q And how did you do the photo-pack with him?

16 A I follow the instructions that come with the
17 photo-pack, and one-by-one I read them to him. He said he
18 understood.

19 Q Okay. And then what happened when you showed
20 him the photo-pack?

21 A I showed him the photo-pack in the sequential
22 photo array displayed with -- there's certain blank pages
23 that we mix in on purpose, but I showed him one at a time.
24 He viewed the photo one and stated no. I showed him photo
25 two, he said -- in Spanish he said "*ese es,*" which means

1 that's the one, that's him. And I asked how certain he
2 was. He said one-hundred percent. Then I moved on to
3 photo three, four, five, and six, which he replied no, no,
4 no, no. And then -- he responded immediately when I
5 showed him the picture that it was the suspect in
6 question.

7 Q Okay. And your report -- and I can't tell if
8 this is your narrative or someone else's, but it notes
9 that they actually asked you to come because you didn't
10 have any knowledge of the suspect or the case. Is that
11 right?

12 A Yes, ma'am.

13 Q That's protocol that the person administering
14 the photo-pack isn't supposed to know anything about
15 who --

16 A Yes.

17 Q -- the person is they're supposed to pick out?

18 A That's true. Yeah.

19 Q You had never before seen Juan Molina-Salles or
20 Victor Vazquez or known any of the information about that?

21 A No. Never once ever met him.

22 Q And you were working the Narcotics Unit then?

23 A Yes, ma'am.

24 Q Is that where you are still now, in the
25 Narcotics Unit?

1 A No, no. I'm in patrol.

2 Q In patrol. Okay. And so you do the photo-pack.
3 He completes the form, and basically, that's your only
4 involvement?

5 A That's it. As soon as I get him the photo-pack,
6 I gave everything to them. I left.

7 Q Did you -- were you present when he was
8 ultimately taken into custody?

9 A Yeah. I saw him get arrested.

10 Q Did you know what they were arresting him for?

11 A I kind of asked as I was walking away, like, why
12 are they taking him. They said something like he was
13 involved with tampering or something with the suspect's
14 name or something like that.

15 Q Okay. But you didn't know that at the time you
16 were administering the photo-pack?

17 A No, no. I didn't know any of that.

18 Q So you have no idea if somebody read him Miranda
19 rights before that or anything like that?

20 A No, I don't know.

21 Q But you didn't do that?

22 A Not that I remember, no.

23 Q You just went over the consent form in Spanish
24 for the buccal swab and then the photo-pack?

25 A Yes, ma'am.

1 Q Did you have any other involvement in this case?

2 A No, ma'am.

3 Q Did you ever, like, go to the actual scene or
4 see Mr. Molina-Salles apprehended in the woods or anything
5 like that?

6 A Huh-uh. No.

7 Q Did you attend any briefings either in your
8 department or at the State Attorney's office about this
9 case or the prosecution of this case?

10 A No.

11 MS. DELIBERATO: I don't have any further
12 questions. Liz or Nichole, any questions?

13 MS. CONSTANTINE: No questions.

14 MS. DELIBERATO: Thanks so much. Up to you
15 whether you want to read or waive the deposition.
16 You can either read a copy of it before it's
17 transcribed, or you can waive that reading.

18 THE DEPONENT: No, I'm good. Waive.

19 (Deposition concludes at 1:39 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 ANTHONY BORBONIO personally appeared before me on the 9th
7 day of February, 2024, and was duly sworn.

8 witness my hand and official seal this 10th day
9 of February, 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 ANTHONY BORBONIO; that a review of the transcript was NOT 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