

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: DANIELLE KIRCHGRABER
TAKEN BY: Counsel for the Defendant
DATE: February 9, 2024
TIME: 9:52 a.m. - 9:59 a.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 DANIELLE KIRCHGRABER

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

9 A Yes. Corporal Danielle Kirchgraber,
10 K-I-R-C-H-G-R-A-B-E-R.

11 Q And your previous last name was Z-S-I-D-O. Is
12 that right?

13 A Yes. Zsido, correct.

14 Q My name is Maria DeLiberato. I'm an assistant
15 public defender. Myself and Nichole Blaquiere represent
16 Juan Molina-Salles. It is your case number Pinellas
17 County Sheriff's Office S022-305232. Ms. Constantine is
18 here with the State Attorney's office. She's having some
19 issue with her audio, but she's messaging in the chat.

20 We're here for a deposition today. Are you
21 prepared to go forward with your deposition?

22 A Yes.

23 Q I have that you authored just one supplement,
24 Supplement 13. Is that right?

25 A That's correct.

1 Q No others than that?

2 A No others.

3 Q And if at any point you need to refer to it
4 during today's deposition, more than welcome. Just let me
5 know that that's what you're doing.

6 A Yes, ma'am.

7 Q So tell me how you're employed.

8 A I'm employed as a corporal within the DUI Unit
9 at the Pinellas County Sheriff's Office.

10 Q And how long have you been there?

11 A Ten years.

12 Q Any other roles or positions you've had with
13 PCSO?

14 A Yes. I was previously a dispatcher, and then I
15 became certified law enforcement where I served two years
16 on patrol as a deputy sheriff. I came to the DUI unit as
17 a deputy -- as a DUI deputy, back to the road as an FTO
18 for a year, and now I'm the corporal in the DUI Unit.

19 Q Okay. Any prior law enforcement before joining
20 PCSO ten years ago?

21 A No.

22 Q In your tenure at PCSO, ever had any complaints
23 sustained against you for any reason?

24 A No, ma'am.

25 Q Okay. So I'm taking you back to September 22,

1 2022. Were you working that evening?

2 A Yes, I was.

3 Q And did you at some point get a call to respond
4 to a traffic crash?

5 A Yes.

6 Q Do you remember how that call went out?

7 A It was a radio transmission that there was a
8 deputy that was possibly involved in a crash. So at that
9 point, my unit just -- everybody responded to assist to
10 figure out what was going on because the radio traffic was
11 unclear as to what had happened.

12 Q And when -- how soon after you got the call did
13 you arrive on scene?

14 A I would have to refer to the video for accuracy,
15 but I would say approximately maybe 15, 20 minutes.

16 Q Okay.

17 A I was coming from the other side of town.

18 Q You were, I'm sorry, what?

19 A I'm sorry, I'm sick. I was coming from the
20 other side of town.

21 Q Okay. Did you go sort of right to where Deputy
22 Hartwick was, or did you go to a different part of the
23 scene?

24 A I went to a different part of the scene to block
25 off traffic, and then once I was relieved by a

1 St. Petersburg officer -- I didn't know who relieved me --
2 I then went to the scene.

3 Q Okay. And were they -- was Deputy Hartwick
4 deceased already at that time when you got there?

5 A Yes.

6 Q Okay. Were you able to observe him or --

7 A Yes, I was.

8 Q Okay. And then what was it that you were asked
9 to do?

10 A I was asked by Lieutenant Killian to find the
11 foreman who was in charge of the detail, who was Kody
12 Gardner. I got his number. I don't know how I was able
13 to obtain it, but I got his number, found out he was
14 offsite, and asked him to return back to the scene so I
15 could interview him face-to-face.

16 Q And did he do that?

17 A Yes, he did.

18 Q And were you wearing a body-worn camera at the
19 time?

20 A Yes, I was.

21 Q Was that activated during your interview of him?

22 A Yes, it was.

23 Q And so tell me -- and again, I have your report,
24 and we have the body cam. But just, if you can, tell me
25 what you remember about the interview with him.

1 A Once he came back to me or the scene to meet
2 with me, he told me that he was in charge -- or the
3 foreman that was in charge of this specific detail where
4 there was eleven deputies assigned, plus one Pinellas Park
5 officer; that they were supposed to meet for the detail at
6 7 p.m. They all have a specific meeting place, and
7 one-by-one, Kody would bring the deputy or officer to
8 their specific post and then go back and get the next
9 deputy and set them up for the detail. That was supposed
10 to last from -- anywhere from 7 p.m. to 5 in the morning.

11 Q Okay. And in your interview with Kody, did he
12 tell you that he sort of placed them about 1500 feet apart
13 from one another? Does that sound right?

14 A That was on 275. There was three deputies, if I
15 recall.

16 Q That would be Deputy Hartwick, Deputy Boateng,
17 and Deputy Plumb?

18 A Yes.

19 Q And did Kody tell you that the directive for
20 this particular detail was for the deputies to remain in
21 their agency-issued cruisers with their emergency lights
22 activated?

23 A Yes.

24 Q And anything else that he told you that was
25 significant that you can sort of think of right now that

1 you want to make sure that you tell me about?

2 A As he was going to get the last deputy, who was
3 Deputy Lira-Rangel, he was driving him out to his post,
4 and that's when he received a phone call that he -- there
5 was a deputy that was involved in a crash, which he then
6 told the other deputy who he was escorting out. And that
7 was the end of the placement. That's when Deputy Hartwick
8 was involved in the crash.

9 Q who was the -- I don't see that name in your
10 report. who was the last deputy he was placing?

11 A Lira-Rangel. It's a hyphenated last name.

12 Q Okay. And then it sounds like while you were
13 talking to Kody, he talked about another foreman, Laura
14 Caudill, C-A-U-D-I-L-L.

15 A Uh-huh.

16 Q Okay. what did he tell you about her?

17 A That she was in charge of five to approximately
18 six other construction workers. He didn't know the names
19 of who she was assigned to. And during my interview with
20 him, she told Kody -- initially, she was the one to call
21 him and tell him about the crash. I never had direct
22 contact with her. It was only through phone contact
23 through utilizing Kody. Laura was informed that there was
24 a crash, and she was very hesitant to speak with us
25 further. She told him that she couldn't talk to him, and

1 she wasn't going to talk to him and disconnected the call.

2 Q Okay. So he actually had her on speakerphone
3 while you were talking to him?

4 A Yes.

5 Q And he -- she knew that he was with the police,
6 right?

7 A I don't recall if she knew.

8 Q Okay. But she said I can't talk to you? I'm
9 not talking about it and then hung up?

10 A Yes.

11 Q Anything else that you talked to Kody about that
12 we haven't spoken about or that's not in your report or on
13 the body cam?

14 A Not that I can recall.

15 Q Did you ever -- were you involved in the search
16 for the driver or any of that?

17 A No. I remained on scene with Kody until
18 homicide detectives arrived, and then the interview was
19 transferred over to homicide detectives.

20 Q Okay. Were you on scene once the driver of the
21 vehicle was apprehended, or did that happen much later?

22 A That happened after the fact.

23 Q Did you have any contact with my client, Juan
24 Molina-Salles after this?

25 A No, ma'am.

1 Q Did you attend any briefings or meetings either
2 within your department or the State Attorney's office
3 about this case?

4 A No, ma'am.

5 MS. DELIBERATO: I don't have any further
6 questions. Nichole, any questions?

7 MS. BLAQUIERE: (Shakes head.)

8 MS. DELIBERATO: Liz? Hopefully not. She'll
9 put it in the chat.

10 (ASA Constantine responds "No questions" in chat
11 message.)

12 MS. DELIBERATO: I appreciate your time this
13 morning. Thank you so much, and obviously, you can
14 read or waive. It's totally up to you.

15 THE DEPONENT: Great. I would like to read,
16 please.

17 (Deposition concludes at 9:59 a.m.)
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COUNTY OF PINELLAS)

STATE OF FLORIDA)

CERTIFICATE OF OATH

I, the undersigned authority, certify that
DANIELLE KIRCHGRABER personally appeared before me by ZOOM
videoconference and was duly sworn.

witness my hand and official seal this 9th day
of February, 2024.

Tamara M. Pacheco

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

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ERRATA SHEET

IN THE CASE OF: STATE OF FL v. JUAN MOLINA-SALLES
NAME OF DEPONENT: DANIELLE KIRCHGRABER
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

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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 DANIELLE KIRCHGRABER; 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