

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: LEVI BLAKE
TAKEN BY: Counsel for the Defendant
DATE: February 9, 2024
TIME: 10:01 a.m. - 10:15 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 LEVI BLAKE

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 Deputy Levi Blake. Last name is B-L-A-K-E.

10 Q Deputy Blake, my name is Maria DeLiberato. I'm
11 an assistant public defender. Myself and Nichole
12 Blaquiere represent Juan Molina-Salles. It is PCSO case
13 number SO22-305232. Ms. Constantine is here for the
14 State. She's having some issues with her audio, but she's
15 communicating in the chat, so we're ready to proceed.

16 I have that you authored just one supplement,
17 Supplement 15. Is that right?

18 A That's correct.

19 Q Any other supplements that you authored?

20 A No.

21 Q Have you had a chance to review it before
22 today's deposition?

23 A Yes, I did.

24 Q You have it there with you in case you need to
25 refer to it?

1 A Yes, I do.

2 Q Anytime you do, that's perfectly fine. Just let
3 me know that's what you're doing. Could you tell me how
4 you're employed?

5 A I'm employed as a deputy sheriff with the
6 Pinellas County Sheriff's Office in the Field Training
7 Unit.

8 Q How long have you been there?

9 A Since September of 2018.

10 Q Any law enforcement prior to that?

11 A Yes.

12 Q Where were you?

13 A In the state of Indiana I worked for three
14 agencies: The Monrovia Police Department, Morgan County
15 Sheriff's Office, and the Indiana State Police. I started
16 in a sworn position in 2013. I transferred to the state
17 of Arizona to the Chandler Police Department in 2015, and
18 I worked there until my employment with the Sheriff's
19 office.

20 Q During all of your time as a law enforcement,
21 Arizona, Indiana, and here with PCSO, have you ever had
22 any complaints sustained against you for any reason?

23 A Yes.

24 Q Can you tell me about them?

25 A They were Facebook. They were complaints

1 related to Facebook posts.

2 Q Like that you were posting on Facebook --

3 A Yes.

4 Q -- and they were inappropriate?

5 A Correct.

6 Q was that with PCSO or other agencies?

7 A That was with Chandler Police Department.

8 Q In Arizona.

9 A Correct.

10 Q Any in any other police departments?

11 A I have a letter of reprimand with the Sheriff's
12 office, and that was for failure to document a
13 use-of-force.

14 Q And how was it you were working on
15 September 22nd, 2022? How were you working that day?
16 Were you on duty or off?

17 A I was off duty.

18 Q And were you working part of the traffic detail
19 or the construction detail?

20 A Yes, I was.

21 Q Had you done that before?

22 A Yes.

23 Q How many times?

24 A Oh, I have no clue.

25 Q A lot?

1 A A lot.

2 Q with Archer Western or with other --

3 MS. CONSTANTINE: Hello.

4 MS. DELIBERATO: Oh, we can hear you now.

5 MS. CONSTANTINE: Oh, sorry.

6 Q (By Ms. Deliberato) with Archer Western only or
7 had you done off-duty details with other construction
8 companies?

9 A Both.

10 Q What other ones have you worked with, if you
11 know?

12 A I'm not sure.

13 Q Have you worked this particular detail with
14 Archer Western before on this particular construction site
15 on 275?

16 A Yes.

17 Q And what time did you go to work that night?

18 A Most of the jobs start at 7 p.m., so some time
19 around that time.

20 Q And did you speak to Deputy Hartwick that
21 evening?

22 A I did.

23 Q And did you guys all kind of meet together and
24 then do you get put in your post, or how does that work?

25 A I don't remember how it worked that night. They

1 made some changes after that, and to be quite frank, I
2 only remember how we met after the changes came. I don't
3 remember how it worked. I know that Deputy Hartwick and I
4 had spoke on the phone prior to me getting to the job
5 scene. I know that particular night I had already
6 received a text message of my location, where I was going
7 to. As far as everybody else, I don't know, you know, how
8 that worked.

9 Q So did you see Deputy Hartwick in person, or you
10 just spoke on the phone?

11 A Spoke on the phone.

12 Q And you said that after this, there had been
13 some changes in the way that you guys meet. What are the
14 changes now?

15 A We all meet at a centralized location most of
16 the time, and then they come and get us and send us to our
17 job sites from there.

18 Q Okay. And were those changes -- and if you
19 don't know, that's okay. Were those changes as a result
20 of this accident, or just that was a change separate and
21 apart?

22 A I have no clue.

23 Q How far away was your traffic detail from Deputy
24 Hartwick?

25 A A couple of miles.

1 Q And did you have contact with the foreman, Kody
2 is his name? Do you remember that?

3 A That's who I would have received my traffic
4 assignment from earlier in the night. As far as
5 face-to-face, I don't remember whether I had physical
6 face-to-face contact with him or not.

7 Q Do you think -- your memory is that you got your
8 location for that night via text message?

9 A That would have been normal at the time, yes.

10 Q And do you remember what the instructions were
11 on the detail as far as what you were supposed to be
12 doing?

13 A I don't remember what the instructions were. I
14 know that I was shutting down eastbound Bryan Dairy Road
15 at 49th Street.

16 Q Okay. And when you shut down a road, do you
17 typically like sit in your cruiser with lights on to sort
18 of block the traffic? Is that how -- how do you shut down
19 a lane or direction of traffic?

20 A So they shut it down for us by posting signs,
21 cones, all those things on the roadway, and then they tell
22 us pretty much where they want our cars placed and how
23 they want them placed specifically.

24 Q Okay. And -- but while you're sort of blocking
25 traffic, are you sitting in your car while you're making

1 sure traffic doesn't go by?

2 A I would say 95-percent of the time I am, yes.

3 Q what would be the reasons you would get out of
4 your car?

5 A My legs hurt. Other than that, most of the time
6 I'm inside the car.

7 Q And if you get out of the car, are you supposed
8 to put on your traffic-safety vest?

9 A I don't know. I don't know what the policy is
10 on that for off-duty details.

11 Q Okay.

12 A Yeah, I don't know the policy or at the time
13 what policy is.

14 Q Okay. And at some point you heard a call on the
15 radio for a hit-and-run crash?

16 A It was something to that effect, yes.

17 Q Your report notes that it said the call notes
18 stated it was Sheriff's vehicle versus pedestrian. That's
19 at least how it originally came out, or I assume so since
20 you wrote it in your report?

21 A Yes. That was the notes that were in the call
22 notes.

23 Q And how -- did you sort of figure out pretty
24 quickly that it may be Deputy Hartwick involved based on
25 the location?

1 A Yes. I knew it was Deputy Plumb and Deputy
2 Hartwick in that immediate area, and our dispatch center
3 started attempting to raise Deputy Hartwick on the radio,
4 which is when I knew it had to have been him involved.

5 Q Because he wasn't responding? I'm sorry. Take
6 your time, as much as you need.

7 A That's correct.

8 Q And what did you do next?

9 A I drove to the scene of the crash.

10 Q You said you think you were a couple of miles
11 away?

12 A Yeah. It took me about four to five minutes to
13 get there.

14 Q When you arrived, were other deputies on scene?

15 A I don't know how many were on scene. There
16 weren't very many. I know I was one of the first to
17 arrive on scene.

18 Q It sounds like from your report Deputy Hirshman
19 was also there?

20 A He was first on scene.

21 Q And when you arrived, was he already performing
22 CPR on Deputy Hartwick?

23 A When I arrived, all lifesaving attempts had
24 stopped at that point.

25 Q Okay. And what was your role then once

1 lifesaving attempts had stopped? I think you said it was
2 about four or five minutes that you got there, right?

3 A Correct.

4 Q what did you do?

5 A I put caution tape up in the area because there
6 was a lot of construction workers that were just walking
7 around and walking through everything. So I put up the
8 caution tape in the area to stop them from doing that.

9 Q And it sounds like as part of your role, you're
10 on the Major Accident Investigation Team. That's part of
11 your role with the Sheriff's office?

12 A It was at the time, yes.

13 Q Not -- you were at the time but not anymore?

14 A That's correct.

15 Q So you blocked off the scene. what else did you
16 do?

17 A At that time, I had directed one of the
18 lieutenants to check his body to make sure there was no
19 gunshot wounds or anything of that nature. It was just
20 assessing the scene and waiting for, you know, any further
21 direction from command staff because everybody was getting
22 there at that time.

23 Q Okay. Did you interview anyone?

24 A I did not interview anybody.

25 Q And it sounds like after you -- there was a

1 second crash that happened shortly after this?

2 A That's correct.

3 Q And that was a car sort of drove off an
4 unfinished overpass?

5 A That's correct.

6 Q And at the time, it sounds like people were
7 unaware whether this may be related, that maybe this was
8 the individual that struck Deputy Hartwick and taken off.
9 It sounds like people didn't know. Is that right?

10 A That's correct.

11 Q And so did you then go to the hospital?

12 A Yes. I went to Bayfront Hospital.

13 Q Okay. So anything else -- did you do anything
14 else on scene before you left to go to the hospital?

15 A I did not.

16 Q what happened at the hospital?

17 A A typical MAIT crash investigation for a driver
18 that we believed could have been involved and we were
19 treating it as being involved, up to and including a short
20 interview with that driver that determined he was not
21 involved. And, yeah -- I mean, I don't know how far in
22 depth you want me to get into it since he wasn't
23 particularly involved in it.

24 Q I have your report. So you were able to sort of
25 determine pretty quickly that it was unrelated?

1 A Yeah. I determined that very fast. But I was
2 notified that homicide was in route to the hospital, and
3 they're the ones that ultimately made that determination
4 and advised me of what I knew at that time.

5 Q why did you -- how did you determine that so
6 fast? what was it that you were pretty sure for?

7 A I spoke with him due to the exigency of what was
8 happening because, I mean, we need to know at that time.
9 So I conducted a short interview with him, and his story
10 stuck with, you know, what appeared to have happened.

11 Q Okay. Did you follow up and stay on that
12 particular scene?

13 A I stayed there. Shortly after homicide left, I
14 left.

15 Q Okay. And then did you go back to Deputy
16 Hartwick's scene?

17 A I went back to the other scene of the crash to
18 get the blood boxes to -- or blood kits to Corporal
19 Mullins, and I went home after that.

20 Q I guess that was to determine whether that
21 driver was impaired in some way or another, right?

22 A That's correct.

23 Q That was after that crash. Okay. So you never
24 went back to the scene?

25 A Correct.

1 Q Deputy Hartwick scene when I say the scene.

2 A Correct.

3 Q Did you do anything else in this case?

4 A No.

5 Q Did you attend any briefings within your office
6 or the State Attorney's office about the investigation and
7 prosecution of this case?

8 A Not to my recollection, no.

9 MS. DELIBERATO: I don't have any further
10 questions. I'm sorry to bring you in to do this this
11 morning, and I'm sorry for your loss.

12 THE DEPONENT: No worries. Thank you.

13 MS. DELIBERATO: Any questions?

14 MS. CONSTANTINE: No questions.

15 EXAMINATION

16 BY MS. BLAQUIERE:

17 Q Deputy Blake, how did -- how did the information
18 appear, the text message about where you're supposed to go
19 for your detail? Did it come in as coordinates that you
20 plug in? How does that --

21 A I -- I don't know. I don't even want to
22 speculate to it because things changed so much after that.
23 I don't remember. I will say sometimes they came in as a
24 Google location, and sometimes they came in as
25 cross-streets. That night, I don't know.

1 MS. BLAQUIERE: Thank you, Deputy Blake.

2 MS. DELIBERATO: Thanks very much. And it's up
3 to you whether you want to read or waive. Just let
4 the court reporter know.

5 THE DEPONENT: I'll read.

6 (Deposition concludes at 10:15 a.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 DEPUTY LEVI BLAKE personally appeared before me by ZOOM
7 videoconference and was duly sworn.

8 witness my hand and official seal this 9th 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 LEVI BLAKE; 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