

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:	DENISE DURAN
TAKEN BY:	Counsel for the Defendant
DATE:	February 9, 2024
TIME:	10:16 a.m. - 10:28 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 DENISE DURAN

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 My name is Deputy Denise, D-E-N-I-S-E, Duran,
10 D-U-R-A-N.

11 Q And my name is Maria DeLiberato. I'm an
12 assistant public defender, and along with Nichole
13 Blaquiery, we represent Juan Molina-Salles. It's PCSO
14 case number 22-305232. Ms. Constantine is here with the
15 State Attorney's office.

16 I have that you authored two supplements, 36 and
17 40. Is that right?

18 A Yes, ma'am. That's correct.

19 Q Any other supplements other than those two that
20 I've missed?

21 A No, ma'am.

22 Q Have you had an opportunity to review them
23 before today's deposition?

24 A I have.

25 Q And do you have them there with you?

1 A I do.

2 Q wonderful. If you need to refer to them,
3 please, perfectly fine. Just let me know that's what
4 you're doing.

5 A Okay.

6 Q Can you tell me how you're employed?

7 A I am employed with the Pinellas County Sheriff's
8 office as a deputy.

9 Q For how long?

10 A Approximately five years.

11 Q And any prior law enforcement experience before
12 PCSO?

13 A Yes. I used to work for the Department of
14 Corrections Probation and Parole as a probation officer.

15 Q How long for that?

16 A Five-and-a-half years.

17 Q In the ten-and-a-half years with the either
18 probation and parole and PCSO, ever had any disciplinary
19 complaints sustained against you for any reason?

20 A No. No, ma'am.

21 Q So I'm going to take you back to September 22nd,
22 2022. Were you on duty as a deputy that evening?

23 A I was. Yes, ma'am.

24 Q And how was it that you were dispatched in this
25 case?

1 A I was at the PBA, and I heard over the radio
2 that there was an incident on 275 and aid was being
3 rendered to one of our deputies.

4 Q How soon after you got the call did you arrive?

5 A Just minutes. I think that I was dispatched --
6 I self-assigned actually to the call, and I think it was
7 maybe three or four minutes later I got there.

8 Q And Deputy Hirshman I understand was the first
9 officer on scene. Does that sound right?

10 A Yes. That's who I heard come over the radio.

11 Q When you arrived, was he continuing lifesaving
12 efforts, or had they ceased at that point?

13 A They had ceased at that point I believe.

14 Q Were you able to see Deputy Hartwick?

15 A I could see him from afar, but I did not go
16 close, no. I was not close.

17 Q What did you do when you got on scene?

18 A I met with Sergeant Clark, Sergeant Alan Clark,
19 and he told me to identify anybody who had called 911, so
20 that's what I did.

21 Q Okay. And I have your report. Were you wearing
22 a body-worn camera at the time?

23 A Yes, ma'am.

24 Q Was it activated?

25 A It was.

1 Q And so I have your report. I want to just sort
2 of talk about what you remember, and obviously, I can ask
3 some questions. You get on scene, and you start talking
4 to someone who's made known to you as Laura Caudill. Is
5 that the first person you talked to?

6 A That's correct, ma'am.

7 Q Okay. And was it just you speaking to her as a
8 deputy, or were there other deputies nearby?

9 A No. It was Cheryl Gimenez. She was with me.

10 Q Okay. And what was her state of mind like, if
11 you remember?

12 A Calm. She was fairly calm and collected.

13 Q And was she with anyone?

14 A In her car, yes. I believe that she was with
15 our crisis response specialist at the time.

16 Q Ms. --

17 A But while on scene --

18 Q I'm talking about Ms. Caudill.

19 A Oh, yes. I'm sorry, I thought you meant Cheryl.
20 My apologies. Yes, she was with one of her construction
21 workers.

22 Q And when I was talking about her demeanor, I was
23 talking about Ms. Caudill. Was she -- what was her
24 demeanor?

25 A Oh, I'm sorry.

1 Q That's all right.

2 A Sorry. She was matter-of-fact. I mean, she
3 wasn't overly emotional, but I did not notice any --

4 Q Was she --

5 A -- crisis mode.

6 Q Was she forthcoming, or was she hesitant to give
7 information?

8 A I found her to be pretty forthcoming.

9 Q Okay. Did you speak to her while she was
10 standing next to the construction worker, or did you
11 separate them?

12 A She was with -- she was next to the construction
13 worker while I was just initially questioning her about
14 whether she had called 911.

15 Q Okay. And what did she tell you?

16 A She told me that she had attempted to call 911,
17 and she kind of got this -- these numerical prompts but
18 eventually was able to speak to an operator.

19 Q Okay. And what did she tell you that she either
20 heard or knew about the crash?

21 A I asked her if she had seen anything. She said
22 that she was driving from down there, and she pointed from
23 a northern to southern direction, and she had gotten a
24 call on the phone saying there was a deputy in the road.

25 Q Did she tell you who she got that call from?

1 A No.

2 Q And then she told you that she called her
3 supervisor or her inspector, Kenneth Rogers?

4 A Yes. She alerted him.

5 Q And he also called 911?

6 A He did.

7 Q Did you -- were you able to speak to Kenneth?

8 A I was, yes.

9 Q And that's your -- that's in Supplement 40 is
10 your conversation with Kenneth, right?

11 A That's correct.

12 Q With Laura and Kenneth, do you speak to them
13 together or separate?

14 A Separately.

15 Q Okay. Were they like close together or far
16 apart from one another?

17 A No. When I initially identified both of them,
18 they were separated. They were not close together.

19 Q Okay. And then were there other sort of
20 construction crew members around the area with Laura?

21 A Eventually they did start to gather.

22 Q And did -- if you know, did they speak English?

23 A Not to my knowledge.

24 Q Do you speak Spanish?

25 A No, ma'am.

1 Q Does Officer Gimenez speak Spanish?

2 A No. Not to my knowledge anyway.

3 Q Okay. And so did you -- you didn't have
4 interaction with those Spanish-speaking individuals?

5 A No, ma'am, I did not.

6 Q And if they were talking amongst one another,
7 you wouldn't have understood what they were saying. Is
8 that right?

9 A That's correct.

10 Q And so did you -- so you note in your report I
11 was unable to positively identify any of them. What does
12 that mean?

13 A By name, date of birth.

14 Q Did you ask them for ID or something? How
15 did --

16 A No, I did not. Not that I recall. I did not
17 ask anyone for ID aside from Laura.

18 Q So it wasn't that you like tried to figure out
19 who they were and couldn't. You just didn't ask because
20 of the language barrier.

21 A Correct. It was kind of chaotic.

22 Q Understood. Understood. So it sounds like then
23 you told Laura and Kenneth to sort of keep away from one
24 another, or the sergeant told you to tell them not to talk
25 to each other?

1 A That's correct. So Sergeant Clark told me to
2 kind of keep everybody separated and not allow anybody to
3 speak about the incident.

4 Q Okay. And so then, just moving to Supplement
5 40, you also talked to Kenneth Rogers?

6 A Yes, ma'am.

7 Q And body-worn camera on I assume with your
8 interaction with him?

9 A Yes, ma'am.

10 Q Okay. And what did he tell you?

11 A He told me that he had drove by the deputy, saw
12 him outside his vehicle doing something. He wasn't really
13 sure. He drove I guess it would be in a southbound
14 direction and stopped, and the next thing he knew, someone
15 was knocking on his window.

16 Q Knocking on his window to tell him about the
17 accident?

18 A That's correct.

19 Q Did he seem to say that it was sort of odd or
20 unusual that the deputy was outside of his car?

21 A No.

22 Q He just noticed it?

23 A Yes. He noticed that he was standing outside
24 his vehicle as he was driving by. And then he parked his
25 vehicle, and the next thing he knew, he was getting a

1 knock at the window being alerted to the situation.

2 Q And then did he call 911?

3 A He did.

4 Q Did he ever see the accident or go see where
5 Deputy Hartwick was struck or anything like that to your
6 knowledge?

7 A To my knowledge, no.

8 Q He didn't tell you anything about that?

9 A I asked him if he saw anything, and he said no,
10 that he had -- Deputy Hartwick was already on the ground
11 by the time he was notified.

12 Q Did he tell you anything else that's not
13 documented here in your report or wouldn't be on your
14 body-worn camera that you can recall?

15 A No. Not that I recall, ma'am.

16 Q What did you do after you spoke to these two
17 individuals?

18 A I stayed on scene for several hours. I did as I
19 was instructed to do by Sergeant Clark, and I just stood
20 by and made sure that everyone kind of kept somewhat of a
21 distance and did not talk amongst themselves, especially
22 the foreman and the female. Her name is Caudill. Yeah,
23 Laura. Excuse me, I'm sorry.

24 Q Do you participate at all in the search for the
25 suspect or anything like that?

1 A No, ma'am, I did not.

2 Q And were they -- were you on scene when the
3 search for the suspect sort of started? I assume it was
4 kind of ongoing from the beginning. Is that right?

5 A It was, yes.

6 Q Did they have the helicopters up and that sort
7 of thing while you were still on scene, or did that happen
8 later?

9 A No. I was leaving. At the time that I left --
10 so I had left around shortly after eight, and helicopters
11 were going, and there was a full-on search. It had been
12 ongoing for hours at that point.

13 Q And you left at eight in the morning, so the
14 following morning?

15 A Yes, ma'am.

16 Q So you would have been there overnight?

17 A Yes, ma'am.

18 Q And the sort of search scene, is it like -- do
19 you know where the search -- like how contained the search
20 scene was?

21 A I don't know anything about that, ma'am.

22 Q Okay. Any other involvement after that day?
23 Did you have any other involvement with this case?

24 A No, ma'am, I did not.

25 Q No other witness interviews or evidence

1 collection or anything like that?

2 A No, ma'am.

3 Q Did you attend any briefings either with your
4 department or with the state attorney's office about this
5 case and the prosecution of this case?

6 A No, ma'am.

7 MS. DELIBERATO: Thank you very much. I
8 appreciate you coming in today.

9 THE DEPONENT: Thank you, ma'am. I appreciate
10 you.

11 MS. DELIBERATO: Up to you whether you want to
12 read or waive. Just let the court reporter know.
13 Unless Nichole or Liz have any questions. Sorry,
14 sometimes I get ahead of myself.

15 MS. CONSTANTINE: No questions.

16 (Deposition concludes at 10:28 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 DENISE DURAN 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

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Tamara M. Pacheco

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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: DENISE DURAN

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 DENISE DURAN; 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