

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:	NICHOLAS PADEN
TAKEN BY:	Counsel for the Defendant
DATE:	February 9, 2024
TIME:	10:48 a.m. - 10:59 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 NICHOLAS PADEN

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

9 A Hello. My name is Nicholas Paden,
10 N-I-C-H-O-L-A-S, P-A-D-E-N.

11 Q My name is Maria DeLiberato. I'm an assistant
12 public defender. I represent Juan Molina-Salles. I have
13 a co-counsel. She may pop back on. She's not on right
14 now. Ms. Constantine is here with the State. We are here
15 on PCSO case number S022-305232.

16 I have that you authored four supplements, 41,
17 42, 43, and 102. Is that right?

18 A That's correct.

19 Q Any other supplements that I missed?

20 A No supplements, no.

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

23 A I have.

24 Q And if you need to refer to them during your
25 deposition, perfectly fine. Just let me know that's what

1 you're doing.

2 A Okay.

3 Q Tell me how you're employed.

4 A I am a detective with the Pinellas County
5 Sheriff's Office.

6 Q How long have you been so employed?

7 A I got hired in February of 2014. I was
8 sponsored by the Sheriff's office to attend the Academy
9 there. Approximately six to seven months later I hit the
10 road as a trainee. I did three years in patrol. After
11 which time, in 2017, summer of 2017 I transferred to the
12 Sexual Predator and Offender Tracking Unit where I was a
13 detective there for a year-and-a-half. February of 2019,
14 I transferred over to Crimes Against Children where I was
15 a detective there for five years, and I recently
16 transferred over to Digital Forensics in January of this
17 year.

18 Q Any prior law enforcement before 2014?

19 A Not sworn but I worked in the Communication
20 Center for the St. Petersburg Police Department, as well
21 as in Records for Alachua County Sheriff's Office.

22 Q And during your time as a sworn deputy, have you
23 ever had any complaints sustained against you for any
24 reason?

25 A Complaints sustained? I'm unaware of any

1 sustained.

2 Q Not like somebody that made a complaint about
3 you, but a complaint that was found and you were found to
4 be sort of in violation.

5 A Not to my knowledge.

6 Q Okay. Thanks. So were you working on
7 September 22, 2022?

8 A I was.

9 Q And what -- how were you on duty, or what were
10 you doing?

11 A Or rather I guess it's easier to say I was not
12 on duty, but I got called out in the early morning hours
13 of the 23rd.

14 Q Okay. And what was that for?

15 A I was informed that there was a deputy that was
16 killed on the roadway, and so I responded to the scene to
17 assist.

18 Q Was it sort of all units, like everybody kind of
19 all hands on deck to come out to the scene?

20 A There were many, many deputies on scene, yes.

21 Q When you got to the scene, it sounds like it was
22 more like towards the morning hours of the 23rd?

23 A Correct.

24 Q What were you asked to do when you got on scene?

25 A Upon my arrival, I was tasked with attempting to

1 begin interviews with witnesses. I started with a nearby
2 foreman, Laura Caudill, and I spoke with her briefly on
3 scene before I was retasked with drafting search warrants
4 for the devices relevant to the case.

5 Q Okay. When you got on scene to talk to Laura
6 Caudill, had she already been spoken to by deputies do you
7 know?

8 A I don't know.

9 Q Would that be sort of common that maybe initial
10 deputies would speak to a witness and then sort of wait
11 for a detective to arrive?

12 A It would be, but then again, it was a state of
13 flux. I only did a short interview with her before I was
14 retasked.

15 Q Did you have a body-worn camera activated during
16 your interview or not?

17 A No.

18 Q Do you have a body-worn as a detective or no?

19 A I do, yes.

20 Q Do you know why it wasn't activated?

21 A Not at the time. I was just told to start
22 interviews.

23 Q And is it sort of up to you whether you can turn
24 it on or off?

25 A There wasn't -- I didn't have it on me at the

1 time. Again, as a detective at the time, I wasn't
2 anticipating doing interviews, and then I was tasked with
3 that assignment. So I began the interviews. It was
4 recorded.

5 Q That was my next question. Did you record it
6 with a recording device that you had?

7 A I did.

8 Q What did she -- and I have your report and the
9 narratives. So I don't want to go into too many details,
10 but what do you recall of her conversation with you?

11 A I recall that she had mentioned that she was not
12 present at the scene of the crash. She was informed by
13 one of her workers that there was a deputy lying on the
14 ground, and so she rushed to the scene, attempted calling
15 911 unsuccessfully, and then she made contact with
16 Mr. Kenny Rogers who was able to contact 911.

17 Q And it sounds like you showed -- you got her
18 phone from her. She showed you the call log showing the
19 attempts to call?

20 A She did.

21 Q Did she tell you she got a call from one of her
22 workers that she described she knew him to be called
23 Pedro?

24 A Yes.

25 Q And that she -- that he actually did witness the

1 crash?

2 A She told me that Pedro informed her there was a
3 deputy on the ground. So it was not known at that time
4 whether or not Pedro had witnessed the crash or that he
5 told her he witnessed the crash.

6 Q Okay. But she herself did not witness the
7 crash?

8 A Correct.

9 Q Anything else that she told you?

10 A Just that she attempted to call 911 herself and
11 that she was unsuccessful and then spoke with Kenny. And
12 it was only later that we learned about the defendant's
13 involvement. So when I spoke to her, the defendant was
14 not mentioned or known at that time.

15 Q Okay. And you also asked her about the sort
16 of -- whether it was common for deputies to get out of
17 their vehicle while on this traffic detail.

18 A I did.

19 Q And what did she say about that?

20 A She said that she -- it was not common, and to
21 her knowledge, she'd only seen it one prior time.

22 Q Okay. Did you ever talk to the actual foreman
23 who was in charge of sort of placing the deputies that
24 evening, Kody Gardner?

25 A I did not.

1 Q How long would you say your interview with Laura
2 took?

3 A So I began the interview, and then approximately
4 five minutes later, I realized that it wasn't being
5 recorded. So I halted the interview, restarted the
6 interview. So in total, I would say somewhere around 15
7 or 20 minutes. It was really just a cursory interview.

8 Q And did you interview her by herself, or was she
9 around other people?

10 A She was alone.

11 Q And was it kind of on the side of the road?

12 A It was in my vehicle.

13 Q Inside your vehicle. Okay. What was her
14 demeanor like?

15 A Calm.

16 Q Anybody else that you interviewed other than
17 Laura?

18 A No.

19 Q And then you said you were asked to sort of
20 switch tasks and do search warrants. Who asked you to do
21 that?

22 A I don't recall. There were many chefs in the
23 kitchen that day.

24 Q Understood. What search warrants did you do?

25 A I drafted three search warrants. One was for

1 the front loader that struck and killed the deputy. One
2 was for the defendant's cell site data to locate his
3 whereabouts during the time when he was outstanding. We
4 did not know where he was. He was recovered during the
5 drafting of that paperwork, so we just pushed that warrant
6 through to get historical cell site location for him. As
7 well as a device search warrant for the phone found on his
8 person when he was taken into custody.

9 Q Okay. So the -- that night, at the time you
10 arrived on scene, did they know who they believed the
11 suspect was or not?

12 A At the time that we arrived they did not.

13 Q Okay. And were you on scene when they figured
14 out who they believe the suspect to be?

15 A Yes.

16 Q And so you were asked to draft the search
17 warrant for -- you knew his phone number through witness
18 interviews? Is that how it worked?

19 A Over time, during the drafting of the search
20 warrant, new information was pouring in constantly. And
21 at one point there was talk of who was operating the front
22 loader at the time who -- it was an assumed name at the
23 time. He also had a nickname by the name of Panda, but
24 his phone number was known. So that's what prompted that
25 search warrant for that cellular-site data.

1 Q So not the actual phone because you didn't have
2 him in custody yet, but you're able to get the search
3 warrant for the data based on the number?

4 A Correct.

5 Q And then were you -- were you involved in the
6 actual search or location of Mr. Molina-Salles?

7 A I was not.

8 Q Do you know where on the scene he was found,
9 like where in the surrounding area?

10 A No.

11 Q Okay. And while you were on scene, I assume
12 there's helicopters, lots of things happening searching
13 that area in and around the crash. Is that right?

14 A I can't speak to that. I was inside the command
15 bus, so I was inside of a vehicle with no windows.

16 Q Okay. Not participating in the search in any
17 way?

18 A Correct.

19 Q You're hearing information at least on the radio
20 as far as what other people are doing to the extent that
21 you're paying attention to it?

22 A I was made aware that there were attempts to
23 locate the individual.

24 Q Okay. And then at some point, I note in your
25 supplement, it looks like Supplement 42, it was a couple

1 of days later that you completed the search warrant,
2 October 4, 2022, and that's when you got his actual phone
3 from his person?

4 A The 4th of October was when I completed the
5 search warrant return inventory paperwork for the device.

6 Q Okay. When did you actually get his cell phone?
7 That same day or you don't know?

8 A I can't even say that I ever handled the device.
9 I just handled the paperwork for the device details.

10 Q Got it. Okay. Did you ever have any contact
11 with Mr. Molina-Salles yourself?

12 A No.

13 Q Did you ever, like, review any contents of the
14 phone or do any extraction or anything like that?

15 A No.

16 Q And at the time, you were not -- you're doing
17 digital forensics now, but at the time you were not,
18 right?

19 A That is correct.

20 Q What about the front loader? Did you actually
21 go and, like, secure the front loader and look at it, do
22 inventory of it or no?

23 A Yes.

24 Q What did you -- what did you notice about the
25 front loader?

1 A So first there was initial photographs taken of
2 the front loader itself prior to securing a search warrant
3 because it was out in the open, but once the search
4 warrant was executed by me after having it signed by Judge
5 Matthey, I did a closer inspection. We lifted the forks
6 of the attachment to look for additional evidence. None
7 was found. I went into the cab of the vehicle and located
8 an open bottle of water, but no other indication of, like,
9 personal effects or anything like this. Then I stood by
10 while forensics processed the vehicle and prepared it for
11 transport to its storage location.

12 Q Nothing notably illegal in the car, drugs,
13 alcohol, beer cans, things like that, right?

14 A No.

15 Q Did you have any other involvement? It looks
16 like a couple of days later, on 10/6, you got the AT&T
17 search warrant returned and submitted that to property,
18 but no analysis of any of that, right?

19 A Correct.

20 Q Any other involvement other than the interview
21 with Laura Caudill and then the three search warrants?

22 A No. And securing the front loader at its final
23 location, covering it with a tarp and such.

24 Q Okay. Any other additional processing of the
25 front loader or participation in any examination of that?

1 A No.

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

5 A I believe there was an informal meeting the next
6 morning in the homicide office, but I don't recall the
7 details. I don't recall there being a specific agenda.

8 Q Okay. Maybe just sort of update, that they
9 found a suspect or things like that. Because I think by
10 the next morning they had found him.

11 A Correct.

12 Q Okay. Anything else detailing your involvement
13 that I haven't asked you about here today?

14 A Yes. While perusing the search warrants today
15 and referring to the interview of Ms. Caudill and my
16 report, I noticed that there was a typographical error.
17 In the affidavits of all three search warrants, the front
18 loader, the cell-site data, and the cellular phone device,
19 I incorrectly list that she received a phonecall from
20 Pedro -- who's known as Pedro at the time at 10:50 p.m.,
21 2250 hours when in fact it was 2248 hours. So a
22 two-minute discrepancy that was a typographical in that
23 affidavit.

24 Q Okay. In the search warrant affidavit, but in
25 the report -- and I'm looking at Supplement 41 -- it's

1 2248.

2 A That's correct.

3 Q So when would -- do you do your report, like,
4 later? which one came -- when did you realize the error I
5 guess is the question?

6 A I realized the error today. So it was correct
7 in my notes that prompted the report writing. It was just
8 in the moment when we were drafting the search warrants, a
9 lot of information was coming in. I was co-drafting the
10 document with members of the State Attorney's office. It
11 was only today I realized that two-minute discrepancy, and
12 I realized it was incorrect. It was 2248 hours, not 2250
13 when she received that phonecall.

14 Q And then so the outgoing call to 911 was 2250.
15 So is that still --

16 A That's correct.

17 Q Okay. Thank you for that clarification. I
18 appreciate you bringing it to our attention.

19 A No problem.

20 MS. DELIBERATO: I don't have any further
21 questions. Liz, any questions?

22 MS. CONSTANTINE: No questions for me. Thank
23 you.

24 MS. DELIBERATO: And up to you whether you want
25 to read or waive.

1 THE DEPONENT: I'll waive.

2 MS. DELIBERATO: Thanks very much. Appreciate
3 your time. Have a nice day.

4 THE DEPONENT: Thank you.

5 (Deposition concludes at 10:59 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 NICHOLAS PADEN 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 NICHOLAS PADEN; 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