

IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA

CASE NO: 2209348CF

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STATE OF FLORIDA)
) DEPOSITION OF:
vs.) JOHN SYERS JR.
)
JUAN ARIEL MOLINA-SALLES)
-----X

TAKEN BY: Attorney for Defendant
DATE: August 19, 2024
TIME: Commencing at 9:30 a.m.
PLACE: Pinellas County Justice Center
14250 49th Street North
Room 1100
Clearwater, Florida
REPORTED BY: Angeli English, FPR

Executive Reporting Service
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I N D E X

DEPOSITION OF JOHN SYERS JR.

PAGE

DIRECT EXAMINATION BY MS. DELIBERATO

4

CERTIFICATE OF OATH

91

CERTIFICATE OF COURT REPORTER

92

ERRATA SHEET (forwarded upon execution)

93

E X H I B I T S

(None)

1 THEREUPON,

2 JOHN SYERS JR.

3 was adduced as the witness herein, and being first duly
4 sworn upon oath, was questioned and testified as
5 follows:

6 THE WITNESS: I do.

7 COURT REPORTER: Thank you.

8 MS. DELIBERATO: Good morning. And we're here
9 with Corporal John Syers, who doesn't have his ID
10 this morning, but we all agree in this room that
11 he is who he says he is, the lead investigator on
12 this case.

13 DIRECT EXAMINATION

14 BY MS. DELIBERATO:

15 Q. If you could, just please state and spell your
16 name for the record.

17 A. It's John F. Syers, Jr., S-y-e-r-s. I
18 currently work for Pinellas County Sheriff's Office in
19 the Robbery/Homicide Unit.

20 Q. And you're a corporal?

21 A. Yes.

22 Q. My name is Maria DeLiberato. I'm an assistant
23 public defender. Myself and Nichole Blaquiere
24 represent Juan Molina-Salles. We're here on Case
25 Number SO22-305232. Elizabeth Constantine is here for

1 the State.

2 It's my understanding that you are the lead
3 case agent on this case; is that correct?

4 A. That's correct.

5 Q. Can you kind of tell me what that means.

6 A. So in the Sheriff's Office, in the
7 Robbery/Homicide Unit, when we are called out as a unit
8 to a case, like we were in this one, typically what
9 happens is we show up and we're given a briefing by
10 whatever involved officers know the information leading
11 up to our callout. And at that time supervisors in the
12 Robbery Homicide Unit designate positions.

13 Q. Okay.

14 A. And typical positions are the case agent,
15 assistant case agent. Those are the people mostly
16 responsible for interviewing and leading the case.
17 Obviously, after that first initial investigation, to
18 carry it on. You have to canvass people. You have a
19 scene person and then everything else is dependent on
20 what type of case it is. You might have other
21 positions also. But case agent, assistant case agent,
22 are the ones that are in charge of the investigation
23 basically.

24 Q. Okay. And we've never met before. Can you
25 just walk me a little bit through your employment

1 history. How long have you been with the Sheriff's
2 Office?

3 A. About 25 years and three weeks. I've worked
4 patrol, street crimes, narcotics, homicide, violent
5 offender warrant unit, quite a few places.

6 Q. How long have you been in the Robbery Homicide
7 Unit this time? Is it like -- were you back and
8 forth -- or as a corporal, I guess?

9 A. I was in the Robbery Homicide Unit before for
10 about three and half years. And I've been there for
11 almost four years now, so a total of a little over
12 seven.

13 Q. Okay. Any prior law enforcement before PCSO?

14 A. No. I have military, and I have a four-year
15 degree in criminology. But whatever I did in the
16 military like vaguely responsible for military police
17 unit. It's not --

18 Q. Okay. But no other law enforcement agency --

19 A. No.

20 Q. -- other than PCSO?

21 A. No. Just Pinellas County.

22 Q. Does robbery homicide usually get assigned to
23 traffic deaths as well or was this in particular
24 because of the victim in this case?

25 A. I don't make that determination. But I'll

1 tell you, based on my experience, is that, if there are
2 important cases, it doesn't matter what it's involving,
3 we will typically be called. And I would assume that
4 we were called because of the victim in this case.

5 Q. Okay. Because I wasn't sure if like sort of
6 a -- I don't want to say, routine. I don't mean that
7 in a disrespectful way --

8 A. Well, there's policy for crimes that we handle
9 and stuff like that. But again, I would tell you
10 through my experience, we get called on things that are
11 not within our so called policies. Just somebody says,
12 hey, I need you guys to be able to handle this or
13 supervise it or whatever.

14 Q. Okay. And is that sort of because the Robbery
15 Homicide Unit is typically the most experienced like
16 investigators? Like why would your particular unit --

17 A. Because of investigators used, yes.

18 Q. -- okay.

19 So I want to just sort of -- my goal for today
20 is just to sort of get everything that you did, the
21 decisions that you made and kind of get a layout of the
22 scene. So anything that you need to refer to,
23 perfectly fine to do so.

24 If I ask you a question and you don't
25 understand or you need me to clarify it, please do so.

1 So if you answer all my questions, I'll assume that
2 you've understood them. Happy to repeat them, rephrase
3 as much as you need to. Okay?

4 A. Okay.

5 Q. So tell me a little bit about how -- were you
6 working on duty the night that this came out? How was
7 it that you got called to the scene?

8 A. I don't believe so. I think it was Sergeant
9 Robinson. I have to refer to my supplement.

10 Q. Yep.

11 A. But to tell you specifically who called me,
12 that was Lieutenant Sues. He no longer works for the
13 Sheriff's Office.

14 Q. Okay.

15 A. But he called and requested that I respond to
16 that area so...

17 Q. And --

18 THE COURT REPORTER: What was that name? I'm
19 sorry.

20 THE WITNESS: Sues, it's S-u-e-s-s.

21 THE COURT REPORTER: Thank you.

22 MS. DELIBERATO: I would not have pronounced
23 it that way in a million years.

24 BY MS. DELIBERATO:

25 Q. Now before you got the call, had you heard

1 anything on the radio or anything like that about what
2 had happened?

3 A. No, ma'am.

4 Q. Okay. Because you were not working?

5 A. No.

6 Q. Were you like home asleep or --

7 A. I don't know that I was asleep. But I was not
8 working. It was almost midnight so...

9 Q. Okay. So you get the call a little before
10 midnight, and it looks like you got to the scene about
11 12:30 in the morning. Does that sound right?

12 A. Yes, ma'am.

13 Q. And where exactly do you go?

14 A. When I first responded, I -- there was a
15 command bus setting up and basically right on I-275,
16 and I drove my vehicle up as close as I could. And
17 while I was standing around waiting, because we don't
18 all get there the same time, waiting for everybody to
19 get there and get this briefing that I was telling you
20 about. I was basically right across from Deputy
21 Hartwick's cruiser --

22 Q. Okay.

23 A. -- kind of in the median area.

24 Q. And did you know Deputy Hartwick personally?

25 A. I know of him. I never like worked, you know,

1 specifically with him in my squad. I mean, maybe like
2 he was there a long time. I've been there a long time.
3 So maybe we had in-service or training or something
4 together. But I don't -- I wouldn't call us like close
5 friends or anything. I just I knew his name. I knew
6 of him.

7 Q. Okay. And is that sort of -- like I assume
8 when they're making case assignments, whoever is making
9 case assignments, they're trying to not assign people
10 who have a deep personal friendship with the officer
11 like for a primary role; is that fair to say?

12 A. No. If I was the one making the assignments,
13 I wouldn't assign somebody to work with their best
14 friends. No, I would not.

15 Q. Okay.

16 A. I can't -- I can't specify in this case
17 because I didn't make the assignments. But if I was
18 the supervisor, yes. That would not be --

19 Q. Okay.

20 A. -- a prudent thing to do.

21 Q. Understood.

22 And so when you got to the scene -- I know
23 that based on everything that I've reviewed, that he
24 was pronounced deceased pretty much immediately upon
25 fire rescue's arrival; is that right?

1 A. That's what I learned, yes.

2 Q. Okay. So what information did you get when
3 you came to the scene? Like what did you -- like what
4 did you hear? What -- do you remember kind of what you
5 think you were rolling up upon?

6 A. So while I'm standing there, I don't -- I
7 can't tell you the exact detectives. But I'm pretty
8 sure like Detective Blumberg was standing there with
9 me. We did not have this formal brief that we
10 typically do. But the information that I first
11 received was that it was believed that a driver or
12 somebody hit Deputy Hartwick. There was a scene that
13 was to the south of another crash or accident.

14 Q. Okay.

15 A. It ended up being somebody drove off an
16 unfinished portion of the roadway. And I know that
17 they sent Detective Thompson down there to look at
18 that. Because again, you know, we know nothing. We're
19 getting -- we're getting this information. And it was
20 either believed it was being investigated, was this
21 possibly, you know, the driver or something that hit
22 Deputy Hartwick.

23 Q. And then sort of took off and then crashed
24 himself. Was that the sort of potential working theory
25 at the time?

1 A. All I can tell you is the brief synopsis that
2 I got from people that were there. And I can tell you
3 like I'm not a traffic homicide investigator. But
4 standing right there across, there were cones next to
5 his vehicle, and he was on the other side of the
6 vehicle. And it did not seem to me that a car would
7 have veered, you know, through the cones on the other
8 side of his vehicle, hit him, then came back out onto
9 the roadway and not leave any wreckage behind or
10 anything. Just -- just my first, you know --

11 Q. It just didn't make sense from what --

12 A. Just from standing there, it just made me kind
13 of scratch my head a little bit so...

14 Q. Okay. How soon did you sort of learn that
15 that was -- that that other crash was unrelated?

16 A. I -- I can't tell you that. I would say the
17 time that I learned that it was definitively not
18 another car was during -- it must have been after one
19 interview or something. I was shown a video from one
20 of the semitrucks or from Deputy Hartwick's cruiser.
21 Excuse me. And on that cruiser it showed the small
22 wheel loader driving by.

23 Q. Okay.

24 A. So at that point, we were like, okay, this is
25 most likely what happened.

1 Q. But had you had any information from any
2 civilian witnesses, that were in the pickup truck
3 behind or anything like that, that had actually seen or
4 come right up upon Deputy Hartwick after?

5 A. Yes. Some of the first civilian witnesses
6 that we were provided by patrol and stuff like that
7 were the 911 caller, Lieutenant Rogers, Laura Caudell,
8 who was a English speaking supervisor that also spoke
9 Spanish. And that's how we learned how to -- or that
10 the people in the truck were involved or had seen
11 something.

12 Q. Okay.

13 A. So that's how we determined the people to
14 start interviewing.

15 Q. Okay. And I think you said this before. You
16 hadn't had any traffic homicide particular experience
17 or training, right?

18 A. I mean, no specialized training. Put it that
19 way.

20 Q. Okay. Just sort of your on-the-job experience
21 and the scene?

22 A. We had another deputy that was hit by a drunk
23 driver. I worked that case too, so I had experience
24 with it but that is not my specialty, no.

25 Q. Okay. And were you at all familiar with this

1 construction detail, this off-duty detail that a lot of
2 the PCSO officers were doing?

3 A. I don't do detail so, no --

4 Q. Okay.

5 A. -- I have no involvement with it. I mean, I
6 learned, from interviewing deputies, kind of, you know,
7 what the deal is. But I don't -- I don't do those and
8 I didn't --

9 Q. Okay.

10 A. -- particularly have that on my radar. No.

11 Q. Any particular previous dealings with Archer
12 Western, the construction company at all?

13 A. Not that I know of, no.

14 Q. Any knowledge about like their hiring
15 practices or anything like that, that you kind of go
16 into with this idea?

17 A. No, ma'am.

18 Q. I'm guessing you learned some of that later
19 potentially which we'll get to. But I didn't know if
20 like, as you rolled up, you had any information about
21 that?

22 A. No, ma'am.

23 Q. Okay. So it sounds like you're assigned the
24 case agent from -- is that lieutenant Sues that makes
25 that assignment or somebody else?

1 A. I don't know. Typically -- typically it's a
2 sergeant. But, I mean, let me just say this. A deputy
3 has been killed. You've heard of like there's a lot of
4 chiefs and not many Indians? Okay.

5 Q. Yeah.

6 A. And I get like you want to know. But I'm kind
7 of being honest with you, when I say there's decisions
8 that are made that I don't know where they came from.
9 There's a lot of people --

10 Q. Okay.

11 A. -- that are in charge on that scene at the
12 time. So it could have been that somebody picked me
13 before I even got there.

14 Q. Okay.

15 A. I don't know and I can't really answer that
16 question. I can't specifically, as in another case,
17 I'll definitely tell you, okay, well, Sergeant Robinson
18 did this, and Sergeant this, you know. So I can't.

19 Q. I understand. And sort of fair to say this
20 is -- when a deputy is killed, this is a very important
21 upsetting event that everybody wants to get answers to
22 as soon as possible. Is that fair to say?

23 A. Fair to say.

24 Q. Okay. And so it's kind of all hands on deck,
25 everybody is pitching in to do whatever they need to

1 do?

2 A. Whether it's needed or not, yes.

3 Q. Okay. Okay. I understand.

4 So -- and it looks like Detective Orłowski is
5 the assistant case agent; is that right?

6 A. Correct.

7 MS. DELIBERATO: And that's O-r-l-o-w-s-k-i,
8 Madam Court Reporter.

9 A. And again, to specify, so he was assigned as
10 my assistant, but then we get into the interviews. We
11 have Spanish speakers. So pretty much Detective Sues
12 was assisting me with that.

13 BY MS. DELIBERATO:

14 Q. Okay.

15 A. And then -- and then -- let me see.

16 Q. Blumberg and Dunning were doing the scene; it
17 looks like?

18 A. Uh-huh.

19 Q. And then -- go ahead.

20 A. And then also, additionally, Sergeant Eastty,
21 who is very well trained in traffic homicides, and he's
22 a part of our major accident investigation team. He
23 was also present for interviews, again, for that
24 traffic side of it, if there's anything necessary that
25 I'm not asking or finding out or something like that.

1 Q. Okay.

2 A. So again it's not -- it's not your typical
3 case agent assisting. Case agent, it kind of got
4 massaged, as we went through, so I could have a Spanish
5 speaker and somebody that was familiar with, you know,
6 any type of traffic violations or investigation.

7 Q. Okay. And just sort of going through your
8 supplements. I don't know if they're in order of the
9 things that you did. It's okay, if they're not. And,
10 if you don't know, that's okay.

11 But do you think that the first person you
12 interviewed was Deputy Hirschman, who would have been
13 sort of the first responding officer? Does that sound
14 right?

15 A. Yes, ma'am.

16 Q. Okay. Do you -- what do you remember about
17 his sort of mental and emotional state when you
18 interviewed him?

19 A. I don't recall with anybody that I spoke to
20 that was, you know, emotional to the point where they
21 weren't making sense or anything like that.

22 Q. Okay.

23 A. You know, obviously, he saw a fellow officer
24 in uniform that was deceased so...

25 Q. And he knew Deputy Hartwick?

1 A. I believe so. Yeah.

2 Q. Okay. It's just -- I mean, you know, I
3 obviously I can hear the transcript and it sort of
4 sounds like very emotional. But I was just trying to
5 get a sense, if you had any personal observations of
6 his emotional state?

7 A. I would have to re-watch the interview.

8 Q. Okay. And I should have asked this before.
9 Did you -- what did you review before our deposition
10 today?

11 A. Like I said, I was on vacation. I found out
12 about the subpoena on Wednesday. And then I've been on
13 call all weekend and I was busy. So basically I read
14 my supplements and, you know, like a overview of the
15 case and stuff like that.

16 Q. Okay.

17 A. So I have not been able to re-watch the
18 interview --

19 Q. Understood.

20 A. -- or anything --

21 Q. Or the -- did you re-watch any of the video or
22 anything like that?

23 A. I saw a -- the geospatial presentation that we
24 did that kind of combined it all, so I watched that
25 part. I didn't watch every single minute of every --

1 Q. Understood.

2 A. -- video that we captured.

3 Q. Okay. So you talked to Deputy Hirschman
4 first, and he kind of gives you the, you know,
5 basically exactly what he saw. He's, of course,
6 English speaking.

7 A. Yes.

8 Q. And then who do you speak to next?

9 A. Deputy Plum.

10 Q. And was he another one of the first responding
11 officers?

12 A. Deputy Plum was one of the ones working the
13 detail. I would have to review it to see if he
14 actually respond to the scene.

15 Okay. So it looks like -- I see that the
16 interview stops, so I would assume at that point that
17 was when I found out about the video, about the small
18 wheel loader was during Deputy Plum's interview.

19 Q. Okay.

20 A. And just -- just briefly, if I -- I don't want
21 to assume. But I'm pretty sure that Deputy Plum did
22 not respond to the scene. What we found out was that
23 the deputies on this detail, they staged just north of
24 there by Roosevelt.

25 A guy by the name of Cody, who works for

1 Archer Western, comes by, and he'll say, I need -- I
2 need two, I need three deputies. They follow his truck
3 onto the highway, and he'll point out, you know, hey, I
4 need one deputy here.

5 They'll keep driving. I need one deputy here,
6 that type of stuff.

7 And what we discovered, in talking with Plum
8 and watching Deputy Hartwick's video, was that Plum was
9 first in line. He was supposed to be placed, but
10 Hartwick pulled up and said, hey, I'll -- I'll take
11 this spot. For whatever reason. And so he gets placed
12 first in the position where his cruiser is found.

13 Q. Okay. And I think you said you don't -- you
14 haven't really worked any of the off-duty detail. Did
15 Deputy Plum tell you sort of anything about what
16 they're supposed to be doing, or if they're supposed to
17 be in the car or out of the car? Did he give you any
18 of that information, as far as what they're supposed to
19 be doing, while they're on this detail?

20 A. The understanding that I had was that they
21 were there for basically the lights, to make it safe
22 for the workers because they are on a, you know,
23 interstate highway.

24 Q. Okay.

25 A. So it's basically a safety --

1 Q. Okay.

2 A. -- like not, you know, like working at an
3 intersection where the deputy is out or they're letting
4 out of church or something like that. Like it's
5 strictly their cruiser with the lights.

6 Q. Just sort of sitting in their car --

7 A. Right. For safety for the workers --

8 Q. Okay.

9 A. -- to make sure people don't drive into the
10 construction zones.

11 Q. Okay. So at this point, you're talking to
12 Deputy Plum. It sounds like you kind of learn there's
13 video and this construction vehicle is involved; is
14 that right?

15 A. I believe so. I think that's why that
16 interview was probably paused, because somebody told me
17 about it. We walked outside and briefly watched it.

18 Q. Okay. And what did you -- can you just
19 describe for me what you remember seeing from the
20 video. I mean, I've seen it, but I just want to hear
21 your impressions of it.

22 A. It's just the fleet camera from Deputy
23 Hartwick's vehicle, which they downloaded, and, like I
24 said, showed to me. And the small wheel loader is
25 heading southbound on the west side of his cruiser, and

1 that heads southbound. And there's a white Archer
2 Western truck behind it, and that truck comes to a stop
3 right there.

4 Q. Okay.

5 A. So you're not able to see an impact. You're
6 not able to see what happens directly west of his
7 cruiser. But you do see that and then you see that
8 truck stop.

9 Q. Okay. And you see also Deputy Hartwick walk
10 in front of his --

11 A. Prior -- prior to --

12 Q. -- prior to that?

13 A. Prior to that.

14 Q. You -- it was like a couple minutes is my
15 recollection. Does that sound right?

16 A. I can --

17 Q. Yeah.

18 A. -- tell you.

19 (Reviewing report.)

20 MS. BLAQUIERE: The timeline is in discovery?

21 MS. DELIBERATO: It is.

22 A. So 2243, he exits the driver's door and walks
23 around. The front passenger door is open and stuff.

24 2246 is when the small wheel loader drives
25 south -- or driving northbound.

1 BY MS. DELIBERATO:

2 Q. And that time stamp is based on his car's time
3 stamp, right, the 2243, 2246?

4 A. In that timeline, I've documented exactly
5 where I got those times --

6 Q. Right. No. That's very helpful. Because
7 there was a discrepancy between the front loader time
8 and the Axon fleet time; is that right?

9 A. As there will --

10 Q. Sure.

11 A. -- almost always be, unless they're all
12 working off of the same system.

13 Q. Right.

14 A. Even I found that even our body cameras and
15 fleet cameras maybe off by a frame or two or something
16 like that.

17 Q. Okay.

18 A. I can't explain that. I'm just saying I have
19 to go off of the device that I'm getting it from.

20 Q. And you did your best efforts to document that
21 everywhere, where you got the information from, and
22 what camera it was on, correct?

23 A. And what exact time that is. If it's the time
24 from the camera, or if it's the time that we verified
25 as being accurate and correct.

1 Q. And how do you determine which one is accurate
2 and correct?

3 A. Because when the -- the forensic technicians
4 get video, they will take the time that's on that
5 device right there and, you know, check it to the
6 actual time. So if it's exact, then that device is
7 working off of the same time. But a lot of times you
8 get to a 7-Eleven, and somebody is three days off or
9 they're four hours off or, you know, Daylight Savings
10 Time or something like that. So then you'll have that
11 what they call offset.

12 Q. Okay. And that's all documented and noted --

13 A. Yes.

14 Q. -- in the reports? Okay.

15 So in the video, it's looking out of Deputy
16 Hartwick's car, right, that's the view?

17 A. Forwards.

18 Q. Forwards. Okay.

19 And then do you also at some point see
20 video -- is there any video where the -- you're facing
21 Deputy Hartwick's car and can see the lights? Is there
22 any angle that does that? Is there like a red pickup
23 truck or anything?

24 A. No.

25 Q. No.

1 A. There's two semitrucks --

2 Q. Okay.

3 A. -- that are much farther north, and they are
4 facing south. And so you can see the rear of his
5 vehicle and the vehicle that's approaching.

6 Q. Okay.

7 A. But I don't have anything from the front of
8 Deputy Hartwick's car --

9 Q. Okay.

10 A. -- pointing north --

11 Q. So nothing from the point of view what the
12 driver of the construction vehicle could have seen?

13 A. No, ma'am.

14 Q. Okay. And then, of course, the body cam
15 footage, that is the time on the body cam footage is
16 all coordinated with the time from the police -- from
17 his camera as well, right? I don't -- and we don't
18 have to go through it.

19 I just -- like the first officer on the scene,
20 whatever their body worn camera footage was, we would
21 have to go back and make sure what the offset was to
22 see how much time elapsed before --

23 A. I mean, those are -- those are pretty
24 accurate.

25 Q. Okay.

1 A. We don't typically offset those, because a
2 deputy takes a body cam and plugs it in and it uploads,
3 right.

4 Q. Okay.

5 A. We don't -- we don't look to see that that's
6 correct.

7 Q. Okay.

8 A. I mean, somebody with Axon knowledge would
9 know that better than me. But those aren't
10 typically --

11 Q. Okay.

12 A. -- what I'm saying is offset is when I get
13 video from you.

14 Q. Okay.

15 A. Or I get video --

16 Q. I understand.

17 A. -- from a business. Those forensic
18 technicians verify like is their time correct or is it
19 not.

20 Q. Okay. So 2246 is when we see the loader go by
21 and the white pickup truck stop. When is the 911 call?

22 A. I would have to look at -- from this.

23 Q. Uh-huh. Take your time.

24 A. It looks like, according to the CAD notes,
25 approximately 2256 because it's 10:56 p.m.

1 Q. And that was -- the first 911 call, was that
2 Kenny -- Kenneth Rogers?

3 A. Kenneth Rogers.

4 Q. Okay. And then what time does Deputy
5 Hirschman or the first officer arrive on scene?

6 A. So according to -- his arrival time is 2307.

7 Q. Okay. So -- and I apologize for the jumping
8 around a little bit. But when you interviewed
9 Kenneth -- you interviewed Kenny Rogers, right?

10 A. Uh-huh.

11 Q. So we're going to turn to that. What did he
12 tell you about his observation of Deputy Hartwick when
13 he kind of was about to call 911? He walked up to sort
14 of see him; is that right?

15 A. I have to find that spot.

16 Q. Sure.

17 A. What I know is that he does not work for
18 Archer Western. He was some type of project manager or
19 safety consultant or something to that degree. And
20 Laura Caudell walked up to him and asked him to call
21 911.

22 Q. Okay.

23 A. And I would have to review the video. But I
24 don't know, if he started calling 911 right away, or if
25 he walked up there and then called.

1 Q. Okay.

2 A. (Reading from notes.) Sitting there, Laura
3 came up.

4 Okay. He says he calls 911, because of what
5 Laura tells him, you know, that an officer got hit. So
6 he calls 911 and he starts walk northbound --

7 Q. Okay.

8 A. -- direction.

9 Q. And he describes 91- -- to 911 that there's no
10 movement of Deputy Hartwick; is that right? That -- it
11 sounded like what he was saying -- and I'm going to try
12 to find the words so I can be precise.

13 A. He says: There's a body on the ground and it
14 was obviously bad, really, really bad. And, you know,
15 I went up. I looked, took a closer look. Obviously
16 didn't want to look at it much more.

17 But again he's telling me he didn't touch him.
18 He knew that he was deceased.

19 Q. Okay. And at some point then, you figure out
20 that there's a group in this pickup truck, four people
21 in the pickup truck, and then you and Detective Sues
22 start interviewing those people?

23 A. Correct.

24 Q. Because they witnessed -- they're the ones
25 that sort of, from their view, sort of stopped and

1 started this chain reaction process?

2 A. Right.

3 Q. Okay. So can we -- can you tell me their
4 names. And I want, just for the record to be clear,
5 they gave -- they all had different names that they
6 gave you; is that correct?

7 A. During the interview. After the interviews,
8 then we started realizing that people were using fake
9 work names because they're weren't citizens. Then we
10 went back and got real names.

11 Q. Okay. When did you find out that they weren't
12 citizens and they were using fake names? Fake work
13 names.

14 A. I don't know that I can pinpoint. I know that
15 Elieser or Elieser was already to jail by the time I
16 figured out that everybody had bad names.

17 Q. Okay. And do you remember how you figured it
18 out? Like did somebody from Archer Western tell you
19 or?

20 A. I don't recall.

21 Q. Okay.

22 A. It might have been like the border patrol was
23 involved at some point. But that might have been just
24 to verify who they were, but not quite sure how exactly
25 we got tipped off that it wasn't correct.

1 Q. Okay. And had you had the experience in your
2 25 years of PCSO of interviewing undocumented
3 immigrants, workers, witnesses and stuff like that --

4 A. Yes.

5 Q. Pretty common, I would just imagine, that --
6 especially for work purposes, they may have different
7 identifications?

8 A. Yes.

9 Q. Okay. Did you have that in your mind when you
10 were interviewing them, that maybe they're not?

11 A. Not so much as what you -- like how you
12 describe it. Like if I stop out with someone on the
13 street, they don't have to be illegal to give me a
14 false name --

15 Q. Okay.

16 A. -- but anybody would. So that's one thing.
17 But like this was -- this was an employment scenario.
18 So that's not in the -- that's not in the front of my
19 mind that, oh, the names that they use to be employed
20 is not correct. I'm just assuming that they're
21 correct.

22 Q. Okay. So you haven't had that experience of a
23 construction company hiring undocumented workers
24 before?

25 A. No.

1 Q. Not in your experience?

2 A. No. Because, like I said, you know, when
3 people give me false names, it's because they have
4 warrants or they don't want me to know who they are.
5 This is -- this is not that scenario to me.

6 Q. Right.

7 A. So, no, it's not in the forefront of my mind
8 that these names may not be real.

9 Q. Okay. And you -- I think we had said that you
10 didn't have any prior experience with Archer Western or
11 their hiring practices or anything like that?

12 A. No. No.

13 Q. Okay. So how do you -- these folks are
14 Spanish speaking. How do you and Detective Suess
15 conduct the interviews? Is it like you ask the
16 question and he translates or is he doing the bulk of
17 the questioning?

18 A. So as the case agent, I'm making sure that the
19 questions that need to be asked are asked. So he's
20 asking them. I want to say at least Allan could
21 understand English. But still we want to ask the
22 question in Spanish so that it's understandable, and
23 then he would answer Detective Suess. And he would
24 repeat what they said.

25 Q. Okay. So like the transcripts -- and we're

1 going to go through each of them, but the transcripts
2 are all in English. And sometimes it sounds like
3 Detective Suess would sort of catch you up, of telling
4 you --

5 A. Yeah.

6 Q. -- kind of what he said.

7 A. Because he didn't have a back and forth. I
8 mean, he's a detective too, so he knows what needs to
9 be asked too. But I'm just kind of, if you will, the
10 supervisor, making sure that I'm clear on everything
11 that's happening.

12 Q. And did you and Detective Suess talk
13 beforehand, sort of about how to conduct the interviews
14 or different roles that you would play, you know, one
15 more aggressive, less aggressive, things like that, or
16 did you just sort of play it by ear as it goes?

17 A. No. We're just trying -- we're fact finding,
18 asking questions at this point. There was no strategy
19 or anything.

20 Q. Okay. So let's sort of go through the
21 interviews. There's four of them. And we'll start
22 with -- it's Allan. Can you give me his name -- his
23 correct name and the name that he gave you.

24 A. So his name is Allan, with two l's, A-l-l-a-n,
25 and it's Gomez, G-o-m-e-z, Zelaya, Z-e-l-a-y-a. He was

1 the driver of the white pickup truck. The name that he
2 gave, during the interview, was Pedro, P-e-d-r-o,
3 Davila, D-a-v-i-l-a, Benitez, B-e-n-i-t-e-z.

4 Q. Okay. And give me just a second so I can pull
5 up his -- okay. And so present for that interview,
6 which is audio recorded but not video recorded,
7 correct?

8 A. Correct.

9 Q. And that's because you guys are kind of in the
10 command --

11 A. We're in a like a --

12 Q. -- bus?

13 A. Yeah. We're in the back of the bus and a
14 little table kind of like how we are right here.

15 Q. Okay. And you, as a corporal, don't have a
16 body worn camera; is that right?

17 A. We have them but, as detectives, we don't
18 typically like wear them or anything. Okay. If we
19 were -- probably now that body cameras have been around
20 a little more, like we carry them and we'll put them up
21 for an interview, I guess. But at that time it wasn't
22 really a thing for us.

23 Q. Okay.

24 A. Looking back, it probably would have been nice
25 to just prop the body camera, but that wasn't really a

1 way that we thought back then, I should say.

2 Q. Understood. And when did you guys get body
3 cameras in the department?

4 A. I -- I wasn't in patrol so I didn't get them.

5 Q. Okay.

6 A. Like I said, it kind of gets carried around in
7 my backpack. But it wasn't -- it wasn't much longer,
8 you know, before this maybe --

9 Q. Okay.

10 A. -- 2020, 2021, maybe.

11 Q. Okay. And so I'll use his legal name just so
12 the record is clear. So Allan is driving the white
13 pickup truck behind the front loader; is that right?

14 A. Yes, ma'am.

15 Q. Okay. And what does he say that he sees?
16 Just kind of give me the synopsis.

17 A. The synopsis of Allan is that he's driving.
18 He's behind the small wheel loader. The name that he
19 gives us was Juan Molina-Salles. He says that Juan
20 Molina-Salles gets in the loader. He's driving the
21 loader. It's directly in front of him. And when they
22 get close to the truck, he says that he sees a dark
23 spot so that's why he stops.

24 Q. When they get close to the patrol car, you
25 mean, not --

1 A. Patrol, yeah.

2 Q. -- the truck. You said the truck. I just
3 want to make sure --

4 A. Yeah. No. I mean, Deputy Hartwick's truck.

5 Q. Okay.

6 A. Patrol cruiser.

7 Q. Okay.

8 A. He sees a dark spot. He stops, gets out, sees
9 that it's the deputy.

10 Q. Okay.

11 A. I believe he tells me, believes he's deceased.

12 Q. Right.

13 A. And then he starts calling Laura Caudell --

14 Q. Okay.

15 A. -- who is the English Spanish speaking
16 supervisor.

17 Q. Okay. And we may come back to this a little
18 bit later. But there's -- in your interview with
19 Mr. Molina-Salles, he says that Pedro, who is Allan,
20 calls him and tells him what -- you know, tells me, you
21 just hit the deputy. That's what he said.

22 And I know that you just said that wasn't
23 true, based on the phone records, that's what I'm
24 trying to pin down. But do you ask Pedro if whether he
25 calls Juan at all?

1 A. I would have -- I would have to look at the --
2 I would have to look at the interview again. Because I
3 don't know that that was like on our radar at that
4 point.

5 Q. Okay. You're just sort of asking him what
6 he --

7 A. Right.

8 Q. -- what he does. But it doesn't seem like --
9 and obviously the interview speaks for itself. But it
10 doesn't sound like you went back to Pedro, after you
11 got the information from Juan, and said, hey, is this
12 true or not; does that sound right?

13 A. No, ma'am.

14 Q. Okay. You didn't do that?

15 A. Did not.

16 Q. Okay. So he says he calls Laura and --

17 A. He came in for an invest and told us stuff.
18 But I did not re-interview him that night, no.

19 Q. Okay. So he tells you that he sees the
20 deputy. He believes he's deceased. He's scared, of
21 course, worried, upset. He's also undocumented.

22 Is that correct?

23 A. Yes.

24 Q. All four people in the truck are undocumented?

25 A. Yes.

1 Q. Including -- and Mr. Molina-Salles?

2 A. Yes.

3 Q. So what -- does he say that he does anything
4 else? He just calls Laura and reports it. What else
5 does he do?

6 A. (Reviewing notes.)

7 Q. And again, I have the transcript. We don't
8 need to go through everything. But just kind of from
9 your -- I guess the reason I'm asking these questions
10 is like you're the case agent, you're making decisions.
11 So what do you glean from his interview that's
12 important to your investigation?

13 A. What I told you was the important stuff that I
14 got from Allan --

15 Q. Okay.

16 A. -- was that who was in his truck.

17 Q. Okay.

18 A. Who he was following. Who was in that small
19 wheel loader. I think we asked him about speeds and
20 stuff like that. And he might have said that he was
21 going a little bit fast. But again that turned out to
22 not be important to me.

23 Q. Why not?

24 A. I just -- at the time we don't know what we're
25 investigating.

1 Q. Right.

2 A. We don't know whether it's a crime, not a
3 crime, or anything. So I'm trying to see is somebody
4 driving reckless.

5 Q. Right.

6 A. Is somebody driving without headlights or -- I
7 don't know --

8 Q. Right. Or is it just an accident?

9 A. Right.

10 Q. Right.

11 A. I have no clue what's going on. So, like I
12 said, it was really just fact finding at that time.

13 Q. Okay.

14 A. But that was -- that was really the crux of
15 what I had from him.

16 Q. Okay. And you kind of asked him some just
17 general questions about he knows Juan as Victor?

18 A. Uh-huh.

19 Q. And also he goes by the nickname Panda; is
20 that right?

21 A. Correct.

22 Q. Okay. And then there's also Gordo, that
23 somebody calls him Gordo, because that means, fat, in
24 Spanish?

25 A. Right.

1 Q. Okay. I don't know if that came from Pedro or
2 somewhere else but --

3 A. I don't know either. It's probably just a
4 nickname somebody has.

5 Q. Okay. So after you interview Pedro, who is
6 the driver of the truck, you then go through the
7 next -- the rest of the people inside the truck. So
8 let's go to the next person. Who did you interview
9 next?

10 A. So real name is Douglas and I think it's
11 actually Douglas, D-o-u-g-l-a-s, Hernandez, Valladars,
12 V-a-l-l-a-d-a-r-s.

13 Q. Where is he in the truck? Or and then -- go
14 ahead. You'll give me his real name first.

15 A. The name he gave --

16 Q. Okay.

17 A. -- was Jose Ramon Perez Ramirez.

18 Q. Did he have an identification in that name,
19 Jose Ramon Perez Ramirez?

20 A. Again, I would have to check. I know the
21 female had a photocopy of a North Carolina ID on her
22 phone. I don't recall about Allan or Douglas.

23 Q. Okay. And so what does Douglas tell you? Can
24 you give sort of again the synopsis of how his
25 interview helped to inform your investigation?

1 A. Both other passengers both tell me they're not
2 paying attention at all. They really -- in the -- in
3 the -- again, summation of it is they didn't add
4 anything to it for me. I believe the girl might have
5 been sleeping or maybe Douglas was sleeping. But both
6 of them told me that they had no clue. They did not
7 get out of the truck, when Allan stopped it and got
8 out, and really had nothing to add. Other than they
9 did see Juan Molina-Salles get inside the small wheel
10 loader, before they left.

11 Q. Okay. Yeah. So everybody agreed that he,
12 Juan Molina-Salles, was the one driving the front
13 loader?

14 A. Correct.

15 Q. And I think you asked them all some questions.
16 And again the interviews are -- they are about his
17 experience driving it and that he's driven it before.
18 And there was nobody -- let me ask it this way.

19 Did any of them give you any indication that
20 he like didn't know how to drive it or was driving
21 recklessly or anything like that?

22 A. No. Again -- again those are like general
23 questions, does he have training on it or something. I
24 -- I, you know, just fact finding at that point but --

25 Q. Sure. But nobody said to you, oh, he has no

1 business driving that machine, and he was driving it
2 anyway?

3 A. No.

4 Q. Okay. So it looks like -- it sounds like that
5 Douglas was sitting behind Pedro?

6 A. Uh-huh.

7 Q. Okay.

8 THE COURT REPORTER: Is that a, yes?

9 THE WITNESS: Yes, ma'am.

10 MS. DELIBERATO: Sorry.

11 THE WITNESS: Allan.

12 BY MS. DELIBERATO:

13 Q. Allan. Yeah. Let's -- I'm going to do
14 better. I'm going to use their legal names. So Allan
15 is driving. Douglas is behind him, directly behind
16 him. Okay.

17 Then who's next?

18 A. And --

19 Q. Go ahead.

20 A. -- additionally Douglas is his brother-in-law.

21 Q. Douglas is Allan's brother-in-law.

22 A. Allan's brother-in-law married to his wife.

23 Q. Okay.

24 A. Again stuff I did not know at the time.

25 Q. Okay. He's married -- Douglas is married to

1 Allan's sister?

2 A. Yes.

3 Q. Okay. And they're all from Honduras?

4 A. I believe so, yes.

5 Q. Okay. And so then the next person that you
6 interview, Cinthia Melissa Gomez?

7 A. Right. Cinthia, C-i-n-t-h-i-a. And the name
8 that she gave was Nicole Sanabria, S-a-n-a-b-r-i-a, and
9 the last name Ayala, A-y-a-l-a.

10 Q. And that's the one that she had a picture of a
11 North Carolina ID, right?

12 A. I think it was on her phone.

13 Q. Okay.

14 A. It was a picture of a black-and-white copy of
15 a North Carolina ID, I believe.

16 Q. Did that seem odd to you that she was showing
17 you a picture?

18 A. Kind of. But again I've had interaction with
19 people. And they, you know, even American citizens
20 don't necessarily have their ID cards all the time.
21 So --

22 Q. Okay.

23 A. -- it didn't jump out to me as important at
24 the time. No.

25 Q. Okay. And where is she in the truck?

1 A. She's in the front passenger seat.

2 Q. Okay. And is she related to anyone?

3 A. She's Allan's daughter.

4 Q. She's pretty young. Yeah?

5 A. Yes.

6 Q. Do you know if she was 18?

7 A. Yes. She's an adult. She was born 7/15 of
8 '03, so what -- just turned 19 at that time.

9 Q. Okay. And what does she tell you? Give me
10 the synopsis of what she said.

11 A. I'm going to look again because --

12 Q. Sure.

13 A. -- like I said, one of them told me they
14 were -- well, she was on the phone.

15 Q. Okay.

16 A. Was not paying attention, looking at her
17 phone. The car stops. Her dad gets out and she
18 doesn't get out. She can't see the body, but again
19 tells me that Juan Molina-Salles was driving the
20 loader.

21 Q. And I think it's Allan. But does Allan
22 describe the cruiser lights sort of how they're
23 blinding, as they were following -- Deputy Hartwick's
24 cruiser was blinding them?

25 A. Yes.

1 Q. Okay. So Nicole doesn't get out of the car?

2 A. No, ma'am. Cinthia.

3 Q. Cinthia. And then the last person that you
4 interview is who? In the car -- in the truck.

5 A. That was it.

6 Q. Okay.

7 A. There's just three people in the car --

8 Q. Oh. For some reason I had the idea that it
9 was four. Okay.

10 A. Elieser is driving another small wheel loader
11 down the road.

12 Q. Okay. And he's the one who ultimately also
13 gets arrested for taking information -- for taking the
14 vest and the hard hat?

15 A. Yes. That's way after the fact.

16 Q. Yeah. We're going to get to him in a minute.
17 Okay. For some reason I had four people in the truck.

18 So at this point now, you've got your -- from
19 your investigation purposes, you know who's driving the
20 car. You know that the front loader ran over the
21 deputy based on the witness. And at this point are you
22 also getting information about Deputy Hartwick and his
23 injuries and things like that or do you not get any of
24 that yet?

25 A. Not the injuries. I mean, we know that he's

1 deceased. I'm assuming -- I'm sure at some point
2 somebody located the small wheel loader down there. I
3 know that there was pieces of what they thought could
4 be biological or definitely sandwiched material on the
5 front of it and stuff like that. So I'm probably
6 getting pieces of that. But our main focus is
7 interviewing these people.

8 Q. Okay.

9 A. So like in between these interviews, I might
10 get, you know, a couple snippets from people.

11 Q. Okay. And then do you like -- I guess, at
12 what point do you learn that Juan -- you know, Juan is
13 not there? Are you sort of asking like, okay, where is
14 this guy? How do you sort of find out that he's taken
15 off? Is that something you know right away? I'm just
16 trying to get a sense of what's happening. I
17 understand there's lot of information coming in. But
18 if you --

19 A. The problem in this is, like I said, was that
20 there was not this defined brief that we typically get.
21 Okay. So in my first supplement, I would have detailed
22 everything that we were told, but we weren't really
23 told a whole lot. Okay. So it's hard for me to recall
24 when exactly that I heard something. But I'm pretty
25 sure from -- from the get-go of us learning that the

1 small wheel loader was involved, that the person
2 driving it was not around.

3 Q. Okay.

4 A. So I couldn't tell you exactly when that was.

5 Q. Sure.

6 A. But I'm pretty sure, once we put those
7 together, like we knew that.

8 Q. Okay. And so -- and I understand all this
9 information is coming in, coming in piecemeal. So I
10 want to talk to you then about the interview with
11 Elieser Gomez-Zelaya. That is his real name, correct?
12 Elieser, Aurelio, A-u-r-e-l-i-o, Gomez-Zelaya,
13 G-o-m-e-z, hyphen, Z-e-l-a-y-a. That's his correct
14 legal name; is that right?

15 A. Yes.

16 Q. And the name he gave you was what?

17 A. Glidden, G-l-i-d-d-e-n, Barriera -- I'm going
18 to spell it, B-a-r-r-i-e-r-a, Soto, S-o-t-o.

19 Q. Okay. So you first interviewed him, it says
20 0413 hours, so 4:13 a.m., until about 4:30, right?

21 A. Correct.

22 Q. And then you come back and interview him again
23 at 5:06 to 5:18?

24 A. Correct.

25 Q. And in that interim space, you get video that

1 sort of says he wasn't telling you the truth the first
2 time?

3 A. Yes.

4 Q. Okay. So tell me when you -- the first
5 interview, what do you know about him? What do you
6 glean from that interview at that point?

7 A. Again, I would have to look at the details.
8 But he -- what we learned from him, is he's driving
9 another one. And at least here it ends up being
10 Allan's brother, I believe.

11 Q. Okay.

12 A. He's driving another small wheel loader,
13 almost exactly to the one that Juan Molina-Salles is
14 doing. He's down there to help move concrete barriers.
15 They -- well, in Honduras they call them rocks. But
16 that's what he's talking about is concrete barrier.
17 And, you know, he -- he doesn't tell us a lot other
18 than Victor -- Juan Molina-Salles parks it and leaves.

19 I would have to look at it to see if they had
20 any discussion or anything like that. But he
21 doesn't -- he doesn't tell us a lot. And the only
22 thing I can also tell you from memory is like, not even
23 knowing Spanish, I knew that -- like Suess and I talked
24 after this. I'm like this guy is full of s-h-i-t for
25 some reason.

1 Q. Okay.

2 A. Like, you know, you can just tell. And I
3 don't care if you speak another language or not. He
4 was being deceptive to us.

5 Q. And that was my question. So that -- that was
6 exactly -- I'm glad that you said that. So you knew --

7 A. But I didn't know why.

8 Q. Okay. But you could tell, based on your
9 training and experience, you felt that he was being
10 dishonest --

11 A. Just by --

12 Q. -- and deceptive?

13 A. -- sitting there and watching him answer
14 Detective Suess' questions.

15 Q. Anything that you -- understanding it wasn't
16 in your primary language, anything about -- is it his
17 body -- like what was it that gave you that? And if
18 you can't pinpoint it, it's okay. I'm just trying to
19 get a sense, if you can.

20 A. Verbal cues. I mean, again, I don't know the
21 words that he's speaking, but I see how he's looking at
22 us, how he's acting, how his body -- the kinesis of his
23 body and stuff like that. It's just -- I've
24 interviewed a lot of people in my life, and it just
25 wasn't -- something -- again, I can't -- you know, is

1 it his name that he's lying about? Is it -- whatever
2 like he's -- he was just not being honest. And I
3 remember specifically talking with Suess afterwards and
4 like something is up with this guy.

5 Q. Okay. Did you have that same feeling from the
6 people in the truck or, no?

7 A. No.

8 Q. Okay. So you felt that those three were being
9 forthcoming with what they saw?

10 A. I did, yes.

11 Q. Okay.

12 A. It wasn't obvious with him -- not with him.

13 Q. Okay. And he was interviewed, I think, based
14 on the time, after them; is that right?

15 A. Yes, ma'am.

16 Q. Okay. So was he kind of the first person that
17 you interviewed that you're like he knows more than
18 he's telling us? Or -- or he's being deceptive --

19 A. I would say --

20 Q. -- for some reason?

21 A. -- he's deceptive.

22 Q. Okay. In your mind, are you thinking it's
23 possible, because he's undocumented, or because he
24 actually knows more, or you just don't really know?

25 A. I didn't know because I didn't -- other than

1 what Suess is telling me, and what he's saying, I don't
2 know what it is that he is being deceptive about. I
3 just know that something was going on with him.

4 And then -- you know, so what's the difference
5 in between the interview times. Like we did that 4:30,
6 and then talked to him again at 5:06.

7 Q. Okay.

8 A. So shortly thereafter, someone brings the
9 video from the semitrucks that shows Juan Molina-Salles
10 handing him a -- the traffic vest and stuff like that.

11 Q. Okay. And is that kind of the first
12 information -- the first time you see Juan
13 Molina-Salles on the video anywhere or is there other
14 video footage of him?

15 A. There is other video footage. But as far as
16 that night, if you're asking me, I believe that was the
17 first time I saw.

18 Q. Okay. And when you see that, what do you and
19 Detective Suess do?

20 A. We go find Elieser who is just standing --

21 Q. Okay.

22 A. -- you know, around the scene or something
23 like that. And we call him back in.

24 Q. Okay. And I can tell from the transcript and
25 audio, you were pretty heated with him and how he had

1 been deceptive with you. Is that fair to say?

2 A. I mean, I don't know about heated. I was -- I
3 was stern.

4 Q. Okay.

5 A. I let him know like I know you're lying.

6 Q. Okay.

7 A. So don't lie anymore. Like this is serious.

8 Q. And how did he respond to that?

9 A. Started telling us what we knew from the video
10 so...

11 Q. And how long is that video interaction? Do
12 you remember?

13 A. I could go through the timeline of when he
14 actually pulls in or not. But, you mean, like the
15 actual --

16 Q. Yeah. I mean, yeah, how long are they
17 together?

18 A. A couple minutes maybe. Because he doesn't --
19 when Juan Molina-Salles pulls in, he gets out. There's
20 interaction. Both of them kind of walk in and out of
21 camera. And then he hands him the vest, at least that
22 you can see on the video, and then he walks north. So
23 it's a couple minutes. But it's -- it's not -- it's
24 not five seconds.

25 Q. Okay. And there's no sound on the video,

1 right?

2 A. No, ma'am.

3 Q. Is there anything on the video that looks like
4 Juan is threatening him or aggressive with him or
5 anything like that?

6 A. Not that I can see. Because, like I said,
7 they both walk off independently of each other, a
8 couple times.

9 Q. Okay. But there's no like gesturing, anything
10 that looks like wild yelling or anything like that?

11 A. I didn't see that. No.

12 Q. Okay. But Elieser basically tries to say that
13 he took the stuff because Juan threatened him, right?

14 A. He -- yes.

15 Q. Did you believe that?

16 A. Either -- either verbally or nonverbally he
17 was threatened by -- he felt threatened --

18 Q. Okay.

19 A. -- by Juan Molina-Salles.

20 Q. Did you believe him when he was saying that?

21 A. Again, is there anything on the video that
22 shows that, no, not that I see. Right. I can't say
23 how somebody feels or --

24 Q. Okay. But you kind of -- you sort of
25 challenge him. You're like: That's -- you're just

1 saying that to make excuses now; right?

2 A. Because he's already lied to us. So now
3 you're -- I mean, people want to justify their actions
4 and all of us do. So that's a reasonable assumption is
5 that, well, okay, yeah, I lied, but I just did it
6 because I was scared.

7 Q. Okay. But again you didn't like -- there was
8 nothing -- I understand you can't -- you're not inside
9 his head, so you don't know how he felt. But there was
10 nothing in the video or at least apparent that
11 supported his thought that he was threatened by
12 Mr. Molina-Salles?

13 A. Not that I saw.

14 Q. Okay. Then did he tell you where he put the
15 hard hat and the vest?

16 A. I recall that they -- the deputies told me
17 that they found it in the woods just to the west.
18 Again, I would have to look at his interview to see if
19 he specifically told us.

20 Q. Okay.

21 A. Like where he put it.

22 Q. And he describes Juan as nervous when he got
23 out of the loader?

24 A. Yes.

25 Q. Okay. And at this point are the canines

1 already out and around searching for Juan, searching
2 for the materials and all that, right?

3 A. I believe so, yes.

4 Q. Okay. Yeah. And we already deposed most of
5 those folks so --

6 A. And again there is lots of things happening,
7 that I don't know what's going on, because I'm in the
8 bus --

9 Q. Right. And fair to say this is a very large
10 and complicated scene. Like when I say, complicated --

11 A. I don't know if complicated would be a thing.
12 It would just be that there's a lot of people. It's
13 important to the Sheriff's Office and there's a lot of
14 people doing different things.

15 Q. A lot of moving parts?

16 A. Yes.

17 Q. Okay. And so information isn't always being
18 shared in --

19 A. There are things that are going on, while I'm
20 interviewing someone, that they're not breaking in to
21 tell me what's going on every five minutes. No.

22 Q. Okay. And do you guys sort of get a sense of
23 where Juan might be at this point. Like do you -- at
24 what point do you learn like where he went, where he
25 may have gone?

1 A. After the interviews were done, I remember
2 there was a -- I don't know where it came from, but
3 there is people in Tampa or something like that. Like
4 we thought that possibly somebody had picked him up,
5 because there had been such a time span. It was just
6 over nine hours. So I remember somebody telling me to
7 go to an address, because they thought that he was over
8 in Tampa, but that turned out to not be accurate.

9 Q. Did you go to that address?

10 A. I drove over to Tampa there. I did not go to
11 a specific address. I kind of drove to like a parking
12 lot, because I wasn't going to be involved in arresting
13 him or finding him or anything like that --

14 Q. Because -- why not? Because of the
15 jurisdiction?

16 A. Well, it just -- like I'm the detective. We
17 have like some of the units I used to be in, like
18 they're the guys that go do that.

19 Q. Okay.

20 A. I would just be there for the interview --

21 Q. Okay.

22 A. -- right afterwards.

23 Q. You wouldn't be like taking him into custody?

24 A. No.

25 Q. Okay.

1 A. So I just went to like a staging location or
2 something. And then I pretty much drove to Tampa and
3 then drove immediately back. And at some point I know
4 that all the -- I'm sure, if you talk to the canine,
5 like all their dogs were spent. So a call was made to
6 Pasco, for Bloodhounds. And the Bloodhounds are who
7 found Juan Molina-Salles, you know, north of the scene.

8 Q. Okay. And so that's about 8:20 in the
9 morning. Does that sound right?

10 A. Yes.

11 Q. And he is -- I know we have like the overview,
12 and you did actually like a pinpoint location of where
13 he was; is that right?

14 A. Yeah. I tried quite a few ways. But I
15 finally got a latitude and longitude from Corporal
16 Akins' body camera.

17 Q. Okay.

18 A. So it shows him coming up to the Pasco
19 deputies at -- that have him on the ground and
20 handcuffing him. So I took the time that it shows in
21 there and the lat/long to show that spot.

22 Q. And do you have that aerial -- is that a
23 photograph that you have that we could take a look at?

24 A. So that is the one with from Axon. Obviously
25 that's not very descriptive or anything.

1 Q. Okay.

2 A. But when -- when we have a body camera, it
3 also like keeps track of where you are, so that's
4 available to us in Axon.

5 Q. Okay.

6 A. I reached out actually to Axon. They provided
7 me with the lat/long and stuff like that. And then all
8 I did was just punch it into Google Earth. And this is
9 just two different -- so it's a wider --

10 Q. Okay.

11 A. -- description to say, you know --

12 Q. So where -- can you show me on here where the
13 crash scene is.

14 A. I thought I had it marked on one of the maps.
15 But it doesn't look like it here. Basically, the crash
16 scene was down here --

17 Q. Okay.

18 A. -- in that general area.

19 Q. Okay. And then the yellow pin is where he was
20 located?

21 A. Where he was found.

22 Q. And deputies had blocked off the interstate
23 from back beyond that; is that correct?

24 A. I don't know where it was blocked off. I know
25 definitely right here in the scene, southbound traffic.

1 Well, I want to say both ways might have been blocked
2 at some point.

3 Q. Okay.

4 A. But I don't know. Like I said, I wasn't --

5 Q. Was any -- right. But obviously the deputies
6 have testified that it was blocked past that. That
7 would --

8 A. Okay.

9 Q. -- I mean, you wouldn't have any reason to
10 dispute that?

11 A. No, ma'am.

12 Q. Okay.

13 MS. BLAQUIERE: Is that Ulmerton?

14 THE WITNESS: It's actually Roosevelt right
15 there.

16 BY MS. DELIBERATO:

17 Q. Yeah. Okay. So that was my other question.
18 Is there a picture somewhere that shows the crash site
19 and the location from where he was found? Or -- go
20 ahead.

21 A. The geospatial presentation that we have --

22 Q. Okay.

23 A. -- kind of puts all that together and shows
24 that.

25 Q. How --

1 A. But it -- yeah --

2 Q. -- go ahead.

3 A. I was going to say this is -- I don't remember
4 if that presentation actually has the lat/long in it.
5 Because I don't know, if I had it at that time, so this
6 might be the one that shows that. But I have something
7 that shows all the locations.

8 Q. Okay. And I assume for trial purposes,
9 whatever exhibits they're going to have, we'll get a
10 chance to look at beforehand.

11 But do you know the distance where he was
12 found from the crash site? Like as the crow flies?

13 A. From the crash site to where he is, if -- if
14 you would like me to like answer that at a later time,
15 I'm --

16 Q. That would be great.

17 A. -- I'm also positive I have that --

18 Q. Okay.

19 A. -- written down somewhere. But it will take
20 me a while to find it.

21 Q. That's fine. If you can do that, and just
22 send it to Ms. Constantine or myself after the fact.

23 THE WITNESS: Will you --

24 MS. CONSTANTINE: Email you, yeah --

25 THE WITNESS: Yes --

1 MS. DELIBERATO: Yes --

2 THE WITNESS: -- make a note about --

3 BY MS. DELIBERATO:

4 Q. Yeah. I'm just trying to get -- and what I
5 would like -- just so that you know what I would like
6 is kind of there might be a driving distance, right?
7 That might be different and maybe closer, shorter --

8 A. No. The -- whatever I would get would either
9 be off Google Earth or it would be off of our --

10 Q. Geospatial?

11 A. -- the -- yeah, the -- it's not like it
12 anymore -- basically our FARO scanners.

13 Q. Okay.

14 A. If it went all the way down to where he was.
15 I don't believe it did.

16 Q. Okay.

17 A. So I think what I did was a -- was a Google
18 Earth.

19 Q. Okay. Just however the distance -- however
20 you calculated the distance just, if you kind of give
21 me a summary of that.

22 A. Okay.

23 Q. That would be super helpful.

24 A. Yes.

25 MS. CONSTANTINE: I did discover the video

1 compilation that he's referring to.

2 MS. DELIBERATO: Either a geospatial -- the
3 geospatial? Yeah. I'm trying --

4 MS. CONSTANTINE: Well, yeah. I don't know if
5 you guys ever asked for a copy of it. I did it
6 like -- I'm able to pull it up and see it. Maybe
7 you did.

8 MS. BLAQUIERE: Can I get a copy?

9 MS. CONSTANTINE: What?

10 MS. BLAQUIERE: You said available at --

11 MS. CONSTANTINE: Yeah.

12 MS. DELIBERATO: Okay. You're in charge of
13 those things.

14 MS. BLAQUIERE: I'll do that.

15 (Speakers simultaneously.)

16 BY MS. DELIBERATO:

17 Q. Okay. So we jumped around a little bit.

18 When -- did you interview Laura Caudell before
19 the people in the truck or after, if you know?

20 And maybe I can pull it up.

21 A. I'm pretty sure the way that I supplemented it
22 was the order.

23 Q. Okay.

24 A. Let me check my interview. So I think she was
25 afterwards.

1 Q. Okay. Because it looks like Kenny Rogers was
2 at 5:30 in the morning, which would have been after --
3 within --

4 A. After the second interview --

5 Q. Yeah.

6 A. -- of Glidden.

7 Q. Of Glidden. And I think Laura was after that
8 so...

9 A. And I -- did I interview Laura or did another
10 detective?

11 Q. Let me double-check.

12 A. Yeah. I think I -- I think someone else
13 interviewed Laura. But I did make contact with her and
14 got screenshots from her telephone. But I didn't --
15 didn't formally interview --

16 Q. Okay. You got the screenshots as far as who
17 she called and when?

18 A. Yes.

19 Q. Which I think was actually after you talked to
20 Juan and were trying to piece together the phone call
21 information. It sounds like.

22 A. After -- after I talked with Allan. Yeah.

23 Q. Okay. With Allan. Okay. So Kenny Rogers is
24 at 5:30. And that's -- he basically details -- I think
25 we talked about him briefly. But he details that Laura

1 comes to him. He calls 911. He walks up to the -- he
2 is calling 911, kind of as he's walking up to the body.
3 He noticed --

4 A. Yes, ma'am.

5 Q. -- Deputy Hartwick and he's deceased.

6 Did he tell you really anything else that was
7 relevant to your investigation?

8 A. No, ma'am.

9 Q. Okay. So where are you when Juan
10 Molina-Salles is located? Are you back at the command
11 center? Are you still in Tampa?

12 A. I don't recall.

13 Q. Okay.

14 A. I could have been on my way back.

15 Q. You did not observe him being taken into
16 custody?

17 A. I don't.

18 Q. Okay. When is the first time -- do you see
19 him at the scene or do you not see him until he gets to
20 the station?

21 A. I believe I returned to the scene. I might
22 have seen him in a cruiser. But we determined we're
23 going to take him back to the Sheriff's Administration
24 building.

25 Q. Okay.

1 A. Obviously for a videotaped interview.

2 Q. Right.

3 A. So I might have seen him, no contact, no
4 interaction or anything like that.

5 Q. Okay. And so it looks like it starts at 10:22
6 in the morning and goes till about 11:57. So just
7 before noon?

8 A. Correct.

9 Q. And that is you, Detective Sues, and that's
10 it. That's just --

11 A. Just us, correct.

12 Q. Okay. What do you remember about his
13 demeanor?

14 A. I would probably have to watch it again to
15 give you an accurate depiction. But just from
16 recollection, maybe subdued.

17 Q. Okay. You guys had all been up all night at
18 this point, right?

19 A. Uh-huh.

20 Q. As had he?

21 THE COURT REPORTER: Is that a, yes?

22 THE WITNESS: Yes, ma'am.

23 BY MS. DELIBERATO:

24 Q. Okay. Because you got called out a little
25 before midnight, so this is 10 -- 10 --

1 A. Noon?

2 Q. Yeah. So it's 12 -- 10 to 12 hours later,
3 you've been up all night, all of you?

4 A. Yes, ma'am.

5 Q. Okay. How do you do -- and I know we can
6 refer to the video. I'm just trying to get a sense of
7 your recollection of it. The Miranda warnings, how is
8 that done? Is that Detective Suess reading him the
9 form?

10 A. We have the rights -- rights advisement form
11 in Spanish.

12 Q. Right.

13 A. I believe Detective Suess read that to him and
14 had him sign and initial.

15 Q. Okay. Did he seem -- you said -- you used the
16 word, subdued. Was -- is the word, cooperative; does
17 that make sense? Or -- I don't want to put words in
18 your mouth. I'm just trying to get a sense of like --

19 A. I mean, to give you adjectives, I would have
20 to watch it. But he wasn't -- he wasn't belligerent.
21 He didn't tell us to F-off. He -- you know, so I don't
22 know.

23 Q. Okay.

24 A. I don't -- I mean, he talked with us and he
25 answered our questions.

1 Q. Okay.

2 A. So, I mean, if that's cooperative, then, yes.

3 Q. Okay. And at this point, what is your sort of
4 purpose of the questioning? Like what you've -- you've
5 been on the scene now for 10 hours. Like do you -- are
6 you starting to form thoughts in your mind about what
7 he potentially could be charged with? Like what are
8 you thinking about going into this interrogation?

9 A. So still fact finding, to find out what
10 happened. But, yes, at this point, knowing that he
11 fled from the scene, you know, of a death, of serious
12 injury, then, yes. I knew that there was a criminal
13 charge involved at this point.

14 Q. So at the very least, in your mind, at this
15 point, it's leaving the scene with death; is that
16 right?

17 A. Correct.

18 Q. And then are you trying to investigate whether
19 it's also additional charge, vehicular homicide or DUI
20 or something like that?

21 A. I wouldn't know those details. So Sergeant
22 Eastty was still on scene. Like if something came up
23 in the interview, that led in that direction --

24 Q. Okay.

25 A. -- like he was in our office basically and

1 could advise me on that. But I -- I wouldn't know -- I
2 wouldn't know what the specifics are of a construction
3 vehicle on the side of a road, hitting somebody for a
4 vehicular homicide. I don't know. But I still want to
5 ask all relevant --

6 Q. Okay.

7 A. -- questions. Like how fast were you going?
8 Were you drinking? You know, that kind of thing.

9 Q. Okay. And you do ask him those questions, of
10 course, like throughout the interview?

11 A. Uh-huh.

12 Q. And that's --

13 THE COURT REPORTER: Is that a, yes?

14 THE WITNESS: Yes.

15 MS. DELIBERATO: Sorry.

16 BY MS. DELIBERATO:

17 Q. And that's what I'm trying to get a sense of.
18 Like you know at this point -- well, I don't want to
19 put words in your mouth. You believe at this point you
20 have probable cause for leaving the scene with death,
21 because you believe he left and there's a death?

22 A. Yes, ma'am.

23 Q. End of story, regardless of how the accident
24 was caused?

25 A. Correct.

1 Q. And so now you're trying to find out -- do I
2 just have that or do I have more? Is that fair?

3 A. If there's more, it will come out in the
4 interview. I wouldn't say that -- I don't want to say
5 that I went into there looking for more. I just went
6 in there to try to figure out what happened.

7 Q. Okay.

8 A. And I knew that at least it had happened.

9 Q. Okay. Right. So if he didn't want to talk to
10 you, he would -- you would have arrested him for
11 leaving the scene with death and taken him to jail? He
12 wasn't walking out of there?

13 A. He was going to jail. I mean, we had those
14 charges at that point. Yes.

15 Q. Okay. And is that a decision as the case
16 agent? Like do you make the decision as to what you
17 have probable cause to arrest for? Is that an input
18 from a bunch of people? Like whose decision is that?

19 A. It is -- it is my decision.

20 Q. Okay.

21 A. I mean, I'm the one interviewing. I'm the one
22 that determines what it is I have. Again, in this
23 particular situation, it's not like I didn't walk out
24 of there and I talked to Sergeant Eastty. I'm like,
25 hey, this is what I got. Like does this meet the, you

1 know, the criteria of the statute, which I pretty much
2 knew that it did. But to say that all the bigwigs
3 don't discuss this, yeah, absolutely, they do.

4 Q. I understand. And obviously it's ultimately
5 up to the state attorney what -- and we'll get to that
6 in a minute -- but what charges to file. But I'm just
7 trying to get a sense of like you, as the lead case
8 agent -- the case agent, you're making a determination
9 as to what offense you have probable cause for?

10 A. Correct.

11 Q. Okay.

12 A. Because, as the case agent, I should know most
13 of what's going on in the case.

14 Q. Okay.

15 A. And what these people have said, what this
16 person has said, and what the evidence is saying.

17 Q. Okay. And so if you, based on everything that
18 you observed, interviewed, learned from other officers,
19 if you had probable cause to charge him with something,
20 in addition to leaving the scene, you would have done
21 so?

22 A. Yes, ma'am.

23 Q. Okay. So the interview -- there's a point in
24 the interview that's -- and you may not recall it and
25 that's okay -- where he says like he doesn't want to

1 sign a paper to go through his phone without talking to
2 a lawyer. Do you remember that?

3 A. It was a consent to search for his phone?

4 Q. Uh-huh.

5 A. Vaguely, yes.

6 Q. Okay. And there's some back and forth -- and
7 it's not super clear in the transcripts, so I'm trying
8 to see if you have a recollection. You're like: Okay.
9 Does that mean you want a lawyer to keep talking to us
10 or just for that?

11 Do you remember that at all?

12 A. Again, I don't remember specifically because I
13 didn't review it. But I would say that, if someone
14 mentions a lawyer, I'm going to make sure that they're
15 not talking about their right to silence or their right
16 to an attorney. And I believe that -- that in speaking
17 with him, he made it very clear he was just talking
18 about the cell phone.

19 Q. That he was nervous to sign anything without a
20 lawyer?

21 A. Correct. To sign the consent to search form
22 for the digital media or his cell phone.

23 Q. And there was also a conversation about a
24 buccal swab later, saying where he was willing to give
25 you a buccal swab, but he didn't want to sign a paper?

1 A. Sign the paper, right.

2 Q. Okay. Did you ask him whether he could read
3 and write?

4 A. Well, I would have to review it. But maybe
5 Detective Suess would remember more or if -- where it's
6 in the transcript. Because I do remember Suess telling
7 me frequently like that like these guys are from
8 Honduras, and they're not the most educated. But I
9 don't remember, if he specifically asked him, like
10 what's your -- what's your level of education?

11 Because again, I mean, so what is -- what is a
12 normal level of education for Honduras? I don't know.

13 Q. Okay. Have you ever interviewed anybody from
14 Honduras before that you can think of?

15 A. I don't know.

16 Q. Okay. But you have interviewed undocumented
17 defendants and witnesses before?

18 A. Yes, ma'am.

19 Q. Okay. Did you get a sense, when you're
20 interviewing him, what his sort of overall intellectual
21 functioning was?

22 A. I didn't. I didn't get a sense that he
23 couldn't converse with Detective Suess and tell us, you
24 know, what he was feeling, what he was seeing, what he
25 did.

1 Q. Okay. And he described to you sort of his
2 being -- once he sort of realized what had happened and
3 he decided to run, he kind of describes to you as like
4 being paralyzed and like panicked, I think. Does that
5 sound right?

6 A. Panicked, I believe.

7 Q. Okay. And there's a lot of back and forth.
8 And I think you were trying to ascertain from him like:
9 Are you -- what are you scared of? Like why would you
10 leave?

11 A. Uh-huh.

12 Q. And it sounds like the answers that he gives
13 you are not -- I don't want to put words in your mouth.
14 But from reading it, it sounds like you're not
15 satisfied by his answers?

16 A. Well, I don't know that he gave me a
17 specific -- like there's -- there's a sense of being
18 scared just because of what's happening. But if I
19 recall correctly, I'm trying to say, okay, well, are
20 you scared, because you think you might get deported,
21 because of the illegality of it, or are you scared
22 because, you know, you killed a police officer, or, you
23 know, like tell me what it is that you're scared about.

24 And I don't -- I don't recall that he just
25 gave me something specific. I don't remember again the

1 exact back and forth.

2 Q. Okay. And he tells you that he doesn't know
3 the laws in this country, right?

4 A. Uh-huh.

5 Q. So he does voice that he's not from this
6 country and he came here illegally?

7 A. Yes. I believe he was clear about that.

8 Q. Okay. And are you and Detective Suess talking
9 like -- do you think that he's -- we talked about this
10 with the other interviews, the people in the truck and
11 then with Elieser. Do you think that he's being
12 forthcoming with you?

13 A. I didn't get the -- the kinesis pointers that
14 I did with Elieser. No.

15 Q. Okay. So you felt he was being pretty
16 forthcoming about what his -- I know -- I know you
17 don't like some of his answers. But you didn't get
18 that same -- I'll call it a Spidey-Sense that he's
19 being deceptive to you?

20 A. Not overly deceptive. Like -- like -- I mean,
21 Elieser was absolutely hiding something from us. Now
22 can I tell whether he's telling me the truth or not?
23 No. Because it turns out that he wasn't telling us the
24 truth about at least a portion of it. But again he's
25 talking with us. He's conversing with us. And there's

1 nothing coming across to me, at least through the
2 translation, that he's, you know, overtly deceptive.

3 Q. Okay. He never says that he wasn't driving
4 the front loader?

5 A. No.

6 Q. What is it that you believe that he was
7 deceptive about?

8 A. So come to find out with the video and this --
9 it might take a little while to describe.

10 Q. Okay.

11 A. But remember how I said there's people and
12 they're just, you know, they think they're being
13 helpful and they're assigning people. So we had a
14 detective go to the video -- grab the video from the
15 two semitrailers. Okay. One on them is a forensic
16 specialist, and that's what they do. Joey Soutullo.
17 He's --

18 Q. Say the name again.

19 A. Soutullo, S-o-u-t-u-l-l-o.

20 Q. Okay.

21 A. So this is -- this is what they do, that
22 particular unit. They go out and they grab DVRs or
23 videos. And they, you know, they're the ones that
24 taught me this about the offset and all that kind of
25 stuff. I mean, that is a main portion of their job.

1 So at some point somebody else, a detective in
2 the digital forensic unit, which they're mostly
3 involved with downloading, you know, electronic
4 devices. They go out and they get the video from
5 the -- from the red semi, I believe. So the video I
6 get from the red semi is just a Windows Media file
7 that's like 14 and half minutes long. There's no time
8 stamp on it. There's no anything.

9 And that is -- that's the one that we were
10 talking about before, that is pointing southbound
11 looking at, you know, the small wheel loader and all
12 that. You can see the back of Deputy Hartwick's
13 cruiser. But you can see the vehicle is coming north.
14 So when I look at that, I don't know what time is what.
15 I just know I have 14 and a half minutes video from
16 this. And the lighting situation is not such that on
17 my laptop that I can tell which lights are really
18 which. So when --

19 Q. When you say which lights are which, what do
20 you mean? Between the front loader and the truck?

21 A. I'm saying there's -- there's a lot of lights
22 down there.

23 Q. Okay.

24 A. So just me looking on a Windows Media file on
25 my laptop, that, as you see, has trouble connecting to

1 the internet, it's just not the --

2 Q. Okay.

3 A. -- it's just not the technology for me to be
4 able to see between them. So now the white semi, which
5 was taken from the forensic specialist, he has the
6 offset. He knows exactly what the time is. It's
7 telling me all that kind of stuff.

8 So when I gave this to the forensic tech
9 specialist, Angela Ellis, to do the geospatial thing,
10 she was able to actually synch up the white semi video
11 to the red semi video, so that I could get an
12 approximate time. And it's not going to be exact,
13 because it could be a frame or two off, but it's
14 pretty -- pretty exact as a human being could be.

15 She was also able to see that -- that
16 front-end loader, based on the times that we know from
17 Deputy's Hartwick's cruiser and everything else like
18 that, that front-end loader, like we were led to
19 believe by both Allan and Juan Molina, was stopped
20 there for about 2 minutes and 42 seconds. Like he
21 didn't just drive and not know what happened. It was
22 stopped there. And you can actually see the lights
23 move when it starts accelerating northbound and coming
24 towards the semi and stuff.

25 Q. When you say stopped there, you mean, stopped

1 beside Deputy Hartwick's car --

2 A. I'm saying in that area.

3 Q. Okay.

4 A. I can't say exactly where it was.

5 Q. Okay.

6 A. But it's up there by Deputy Hartwick's cruiser
7 and all that kind of stuff, and it's definitely based
8 on the time. And, again, when I give you that
9 distance, it's not moving. And it takes about
10 2 minutes and 42 seconds for him to continue on.

11 Q. Okay. Okay. But you can't tell how far from
12 Deputy Hartwick's car he was?

13 A. No, ma'am.

14 Q. And whether that was -- that he stopped
15 because he got a phone call or anything like that?

16 A. Well, I know, based on the time that Allan's
17 truck was stopped at that time, so he was past his
18 cruiser. It wasn't like he stopped, you know, farther
19 south on that map or anything like that. But I think
20 it's reasonable to say that the accident happened and
21 he stopped there.

22 Q. Okay. So tell me why that's significant to
23 you.

24 A. It's -- it's significant because -- well, he
25 was deceptive to us, you know. His testimony, if I

1 remember correctly, is that he was driving. He didn't
2 feel anything. You know, Allan called him to tell him
3 that he hit a deputy and killed him, which is not true,
4 based on the call logs, and now based on this, you
5 know, the video being firmed up. And it also -- he's
6 already admitted that he knows Deputy Hartwick is
7 deceased which is obviously a crime. But this just
8 proves it even more.

9 Q. Okay.

10 A. He knew -- he knows that he was deceased
11 because he stopped there. He knew that he hit him.

12 Q. Okay. But it doesn't inform you, in terms of
13 like, hey, kind of a recklessness about the driving or
14 his --

15 A. Intentional act, no.

16 Q. -- any -- okay.

17 A. It just -- it just firms more of what he told
18 me. And then -- and again, not everyone is one
19 thousand percent honest all the time. Even us, within
20 our conversations, on a daily basis, we aren't. And
21 this is just a part of it. And all it does to me is
22 just firm up the elements of the charge, is that he
23 knew definitely that he hit Deputy Hartwick and killed
24 him. And he knew that before he even got up there --
25 or got to Elieser.

1 Q. Okay. And not --

2 A. And nobody called him and told him that. He
3 knew that himself.

4 Q. Okay. And that's -- that's -- you base that
5 on the stopping, the 2 minutes and 42 seconds of
6 stopping. And then I think also you kind of in the
7 question -- at what point you tell Sues to tell him:
8 Like, hey, I was in the military. I drove these
9 trucks.

10 But you didn't believe that he didn't feel
11 anything either?

12 A. No.

13 Q. Okay.

14 A. I've seen -- I've seen people in the military
15 killed from road graders and stuff like that. And I've
16 driven those vehicles and, I mean, come on. You -- I
17 know they're big. And to somebody that has not been
18 inside one of those things, you might think that you
19 could just hit a person or a rock or something. But
20 it's not. You know, even though the tire is really
21 large or the front is really -- or the vehicle is
22 really heavy and large, you're still going to feel
23 something.

24 Q. Okay.

25 A. And that's my personal experience.

1 Q. I understand. Anything else about the
2 interview with Juan that you felt he was not being
3 forthcoming about? I think we just talked about the
4 phone call, the fact that he didn't -- he didn't
5 believe -- he says he didn't believe that he hit
6 somebody. Anything else that he said that you felt
7 like he wasn't being forthcoming about?

8 A. No. Not that I recall.

9 Q. Okay. So you go through the interview. You
10 take -- you do the buccal swab because you're going to
11 do DNA on the front loader, just to tie up all the
12 loose ends, I assume, correct?

13 A. Yes.

14 Q. Even though he's already -- everybody has
15 admitted he's driving, your job is to still make sure
16 that they can prove that all the way?

17 A. Yeah. I mean, that's the investigation is do
18 everything that I need to do.

19 Q. Okay. And then how -- at what point do you
20 come off shift and like go get some sleep and come back
21 at this? Do you know how long you were awake for?

22 A. I --

23 Q. Like the -- I mean, that you finish the
24 interview with Juan at 12:00. Like do you at some
25 point go like take a break before you do more things or

1 you're continuing to go?

2 A. I'm sure at some point. I would probably have
3 to look at an --

4 Q. Okay.

5 A. -- overtime form to find out when I went home.
6 But --

7 Q. So what's kind of the next -- you make a
8 determination to charge him with leaving the scene with
9 death. That's based on everything that you know at the
10 time, your conversation with Sergeant Eastty, after you
11 announce the decision that you make to -- that's what
12 you believe is the best charge of probable cause, the
13 leaving the scene with death at that point?

14 A. I think that's the proper charge, yes, ma'am.

15 Q. Okay. And then at some point do you do --
16 come to an invest at the state attorney's office?

17 A. Yes, ma'am.

18 Q. You describe it as a live invest? I don't
19 know. Somebody wrote live invest somewhere, and I was
20 like --

21 A. So some judicial circuits have like phone
22 invests --

23 Q. Okay.

24 A. -- or something. Like we have it in person.

25 Q. Okay. Who was present for that?

1 A. Orłowski, O-r-l-o-w-s-k-i, Sues and I.

2 Q. And was there any civilian witnesses?

3 A. Yes.

4 Q. Who was that?

5 A. That was Allan, Cinthia, and Douglas.

6 Q. Elieser is already in custody; is that right?

7 A. That's correct.

8 Q. And at some point do you participate in his
9 like proffer with his defense attorney or anything or
10 are you involved with that as well?

11 A. Yes, ma'am.

12 Q. Okay. Do you also make the decision on what
13 to charge Elieser with? Or is that somebody else?

14 A. Earlier in the evening?

15 Q. Yes.

16 A. Yes.

17 Q. Okay. Does he have a separate invest or is it
18 one invest for both codefendants?

19 A. His are not felonies. So felonies are
20 typically invested.

21 Q. Okay.

22 THE WITNESS: I don't know if you just picked
23 that up or --

24 MS. CONSTANTINE: I would assume it would have
25 been at the same time. We won't have done two

1 separate invests.

2 MS. DELIBERATO: Okay.

3 MS. CONSTANTINE: I mean, it's the same fact
4 pattern.

5 MS. DELIBERATO: Okay.

6 BY MS. DELIBERATO:

7 Q. And can you sort of give me again a broad
8 overview of the invest. Like do you -- are you -- what
9 is your role in the invest?

10 A. So typically an investigation, so I have the
11 case. I bring in, you know, half the time I might not
12 even have -- have the reports written or something like
13 that. But I come in -- I come in and I give the fact
14 based scenario of who we talked to, what we learned.
15 If there's any physical evidence, we'll share that or
16 something in here. Like I tell -- I list all the stuff
17 that I actually handed the state attorney's office as
18 far as videos and that type of stuff. And that would
19 be the stuff that I have on hand.

20 Q. Okay. And you just said those witnesses are
21 in attendance. Like are you guys all in the same room
22 doing this? Do they interview people one at a time?
23 It's been a minute since I've done a state attorney
24 invest. I haven't been a state attorney in 18 years.

25 A. I want to say that -- Suess and I were there

1 at least with Allan.

2 Q. Okay.

3 A. But we might have left. I don't know if we
4 had a callout or whatever.

5 Q. Okay.

6 A. But I don't believe that we stayed for all of
7 them, because I remember there was a translator there
8 for Allan. And I don't know, if you remember, but
9 Allan kept like answering the English questions instead
10 of waiting for the Spanish question. So I do remember
11 that specifically.

12 Q. Okay.

13 A. But I don't remember staying for everyone.

14 Q. And that's not -- like is that recorded in any
15 way? Are those like audio recorded? Is there a court
16 reporter or anything like that?

17 A. That -- they would be able to tell you that.

18 Q. Okay. You don't record it in any way?

19 A. I do not.

20 Q. Okay. Do you talk at that point with the
21 state attorneys about charges and what charges to be
22 filed or not?

23 A. Not specifically. I mean, typically, as in
24 this case, I've already charged them. So the state
25 attorney's office is going to decide whether to go

1 forward with those charges or not.

2 Q. Okay. And --

3 A. If there were to be other or new or something,
4 I guess there would be discussion. But I don't recall
5 that in this --

6 Q. Okay. So was there ever any discussion, that
7 you can recall, with you and the state attorney's
8 office to charge additional charges or other charges
9 than the one you believe you had probable cause for?

10 A. No, ma'am.

11 Q. Okay. Did they ask you kind of your opinion
12 and what you think should happen or anything like that?

13 A. No, ma'am.

14 Q. Do you have an opinion of what you think
15 should happen to Mr. Molina-Salles?

16 A. Not particularly, no.

17 Q. Okay. You don't feel a certain kind of way
18 about prison sentence or anything like that?

19 A. I'm not the victim in the case, so I don't --
20 even though it's a deputy sheriff, like I don't get
21 involved in that portion or anything like that. You
22 know, the justice system is the justice system, and I
23 don't, you know -- obviously there are suspects that I
24 believe are worse than others. But I don't -- I got to
25 kind of keep myself separate from that.

1 Q. Okay.

2 A. Just to be brutally honest.

3 Q. No. I appreciate that. That's all. And, you
4 know, sometimes people have strong feelings about
5 things and sometimes they don't. So I didn't know if
6 this was a particular defendant that you had a strong
7 feeling that something severe should happen to him or
8 not?

9 A. No, ma'am.

10 Q. Okay. Any other involvement that you -- like
11 any other work like that you plan to do on this case
12 like before trial?

13 A. No, ma'am.

14 Q. That's a, no, okay.

15 Anything that we -- that's not already
16 documented in your reports, that you've done that's --
17 like any other interviews or evidence collection or
18 anything that you didn't write down and put in your
19 very many pages of supplements that I have?

20 A. Not that I see. I mean, as long as you have
21 all the -- all the paperwork and reports, that I've
22 provided them and the videos and all that --

23 Q. Okay.

24 A. -- no, ma'am. I don't see --

25 Q. Okay. And there's nothing that you've done

1 recently that you're like, oh, I've got to go write a
2 report -- you don't have any outstanding reports to
3 write in this case?

4 A. No. Not in this case.

5 Q. Okay. And we talked about you're going to go
6 back and get the distance for me --

7 A. Yeah.

8 Q. -- and send that to Ms. Constantine?

9 A. I'm pretty sure I have that written down
10 somewhere.

11 Q. Okay. This is the question I ask of
12 everybody. It means no offense. Have you, in the
13 25-ish years you've been with PCSO, ever had any
14 complaints sustained against you for any reason?
15 Meaning, like there was a finding -- sustained means
16 like that they found you did something wrong and you
17 received some sort of discipline for it.

18 A. There's only one that I think of. And I think
19 I got like a -- like some type of written form or
20 something like that.

21 Q. Okay. And what was that and when, if you
22 remember?

23 A. It was -- I want to say 2016 or something like
24 that. And I don't know what the final finding was, but
25 I remember that it started out as an insubordination

1 and that was unfounded. But I got some kind of written
2 counseling or something.

3 Q. Okay. Do you remember like what it was in
4 like reference to like?

5 A. It was in reference to a murder.

6 Q. Okay.

7 A. Or -- I'm sorry. It was in reference to an
8 attempted murder or something.

9 Q. Okay.

10 A. And we could talk for another two hours and I
11 won't be able to answer half the questions about it.
12 But --

13 Q. Okay. So you sort of had felt a certain way
14 about something, and somebody felt that you shouldn't
15 say -- feel that way and -- I don't want to put words
16 in your mouth. And it sounds like it's not a big deal.
17 I just want to get a sense.

18 A. We had a disagreement.

19 Q. Okay. And the original charge was
20 insubordination and it ended up being just sort of --

21 A. Yeah. Absolutely not.

22 Q. -- a written -- just some kind of written --

23 A. Right.

24 Q. -- thing? Okay. And that was 2016?

25 A. I believe so. Yes.

1 Q. And nothing else other than that?

2 A. I don't -- I mean, in 25 years, I don't --
3 I've had complaints but never ever like had a day off
4 or punishment or something. So that's why I -- and you
5 can pull it and see what --

6 Q. No. It's a question that again it's a
7 question that I ask of everybody. And one in 25 years
8 is definitely in of itself --

9 A. Yeah.

10 Q. -- I'm not -- I'm not suggesting anything by
11 that. I'm just trying to get some information.

12 A. I understand.

13 MS. DELIBERATO: I don't believe that I have
14 any other questions.

15 Anything from you?

16 MS. CONSTANTINE: Uh-uh.

17 MS. DELIBERATO: If there's anything that --
18 as you're going back, if you leave here and you
19 review something, you know, leading up to trial,
20 that you're like, oh, I should have said this or I
21 meant to say this, please just let Ms. Constantine
22 know.

23 We can, you know, we can either do a formal
24 deposition or just have a telephone call. We just
25 want to make sure that the trial process goes as

1 smoothly as possible. So I know, because of the
2 late notice of the subpoena, you didn't have a
3 chance to sort of fully review as you probably
4 would have.

5 THE WITNESS: Yes.

6 MS. DELIBERATO: So if you're reviewing
7 things, in anticipation of trial, and you think
8 your trial testimony would be materially different
9 from an answer you gave in deposition today, much
10 easier to just say so with the State and let me
11 know. So we don't have to spend a bunch of time,
12 you know, cross-examination in the middle of
13 trial, trying to figure out what you actually
14 meant.

15 THE WITNESS: Okay.

16 MS. DELIBERATO: Okay. I'll give you my card
17 just so that you have it. And then we can -- I'll
18 reserve your right to read the depo, if you would
19 like. That way you have it.

20 THE WITNESS: Please.

21 MS. DELIBERATO: Thanks very much.

22 (Said deponent wished to read and sign the
23 deposition, and the taking of this deposition was
24 concluded at 11:36 a.m.)

25

CERTIFICATE OF OATH

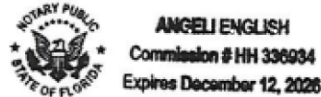
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STATE OF FLORIDA

COUNTY OF PINELLAS

I, the undersigned authority, certify that
JOHN SYERS JR., personally appeared before me on
August 19, 2024, and was duly sworn.

WITNESS my hand and official seal this
17th day of September, 2024.



A handwritten signature in black ink, appearing to read "Angeli English", is written over a horizontal line.

Angeli English, FPR

CERTIFICATE OF COURT REPORTER

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STATE OF FLORIDA

COUNTY OF PINELLAS

I, Angeli English, FPR, Court Reporter, certify that I was authorized to and did stenographically report the deposition of JOHN SYERS JR.; that a review of the transcript was requested; and that the transcript is a true and correct record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, or attorney, or counsel 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.

DATED this 17th day of September, 2024.



Angeli English, FPR

1 IN RE: DEPOSITION OF: JOHN SYERS JR. TAKEN: 8/19/2024
2 IN THE CASE OF STATE OF FLORIDA VS JUAN ARIEL
MOLINA-SALLES

ERRATA SHEET

3 DO NOT WRITE ON TRANSCRIPT - ENTER CHANGES

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19 Under penalties of perjury, I declare that I have read
20 the foregoing document and that the facts stated in it
are true.

21 _____
DATE JOHN SYERS JR.

(AE 31311)

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