

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA

Case Number: 22-09348CFANO

STATE OF FLORIDA,

Plaintiff,

VS.

JUAN ARIEL MOLINA-SALLES,

Defendant.

DEPOSITION OF: BRIAN HIRSHMAN
TAKEN BY: Counsel for the Defendant
DATE: March 28, 2024
TIME: 1:42 p.m. - 1:52 p.m.
PLACE: ZOOM videoconference
REPORTED BY: Tamara M. Pacheco, RPR
Notary Public, State of FL

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ZOOM VIDEOCONFERENCE APPEARANCES

NATHAN VONDERHEIDE, ESQUIRE

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Clearwater, Florida 34620

Attorney for the State of Florida

NICHOLE BLAQUIERE, ESQUIRE

Assistant Public Defender

14250 49th Street North

Clearwater, Florida 34620

Attorney for the Defendant

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EXHIBITS

(No exhibits were marked for identification.)

1 WHEREUPON,

2 BRIAN HIRSHMAN

3 (the deponent herein, being first duly sworn, was examined
4 and testified as follows:)

5 EXAMINATION

6 BY MS. BLAQUIERE:

7 Q Good afternoon, deputy. I'm sorry, is it
8 detective?

9 A Deputy.

10 Q Okay. Deputy Hirshman, my name is Nichole
11 Blaquiere. With Maria DeLiberato, who is not with us
12 today, we represent Juan Molina-Salles, and present is
13 Mr. Nathan Vonderheide for the State.

14 Let's start off with, can you provide your
15 background and experience, please, in law enforcement.

16 A I came to the Sheriff's office in 2018. I've
17 been here since, and prior to that I worked for
18 17-and-a-half years in the state of Maryland in various
19 agencies there.

20 Q Just to run through your involvement and how
21 it's documented that day, on September 22nd, 2022, the day
22 of Deputy Hartwick's death, you did not author any
23 reports, correct?

24 A Correct.

25 Q You did -- you did have an interview the next

1 morning, and you had your body camera and videos from your
2 in-car video. Is that what you're aware of?

3 A Yes.

4 Q That interview was recorded and transcribed as
5 well. Have you had a chance to look at that interview?

6 A No.

7 Q When you gave the interview, were you -- did you
8 provide accurate information in that interview?

9 A Yes.

10 Q Have you had a chance to look at your body
11 camera from that day?

12 A No.

13 Q Just to verify, you were the first law
14 enforcement officer on scene the night of Deputy
15 Hartwick's death, correct?

16 A Yes.

17 Q When was the last time you saw Deputy Hartwick
18 prior to his passing?

19 A Earlier that morning. I worked with him on a
20 detail for four or five hours.

21 Q Did Deputy Hartwick ever talk with you about the
22 traffic detail for Archer Western?

23 A As far as?

24 Q I don't know. I'm just asking if you guys ever
25 talked about the traffic detail.

1 A I knew he was working one that evening. I don't
2 know what more you're looking for.

3 Q Just what you know. That's all. I don't know
4 what you know. I'm not -- I don't know.

5 A Yeah. He told me he was working a detail that
6 night at Archer.

7 Q Okay. Do you know why Deputy Hartwick was
8 working the Archer western construction detail?

9 A I have no idea.

10 Q Did Deputy Hartwick wear a hearing aid?

11 A Yes.

12 Q Do you know if one was recovered that night?

13 A I don't.

14 Q Do you know if Deputy Hartwick wore eyeglasses?

15 A He did.

16 Q Okay. Were those for distance or to read?

17 A I have no idea.

18 Q Do you know if those were recovered that night?

19 A I don't.

20 Q Can you tell me what you first remember the
21 evening of Deputy Hartwick's death as it relates to your
22 involvement?

23 A I don't understand the question. What do you
24 mean what do I remember about it? I mean, arriving on
25 scene? Prior to arriving on scene? What are we talking

1 about?

2 Q what did you hear prior to arriving on scene?
3 How did you arrive on the scene?

4 A I heard a call for a deputy that was down in the
5 roadway or that there was a crash involving a deputy out
6 on -- on the bridge at the construction area. So I
7 responded to the area, and I found him there.

8 Q And was he deceased as soon as you saw him?

9 A Yes.

10 Q Did you talk with any of the construction
11 workers that evening?

12 A I don't -- I gave them some directions as far as
13 not coming onto the scene. That's all I remember.

14 Q Okay. Did -- do you speak any Spanish?

15 A No.

16 Q Did you hear the signal-7 call over the radio or
17 in person?

18 A I'm the one who gave that call.

19 Q Okay. Over your own radio?

20 A Yes.

21 Q How long after you got to the scene did you give
22 that call?

23 A I don't remember. I don't know how long it was.

24 Q Okay. Can you tell me about Deputy Hartwick's
25 vehicle and what you noticed about it when you first

1 arrived on scene?

2 A I don't know that I noticed it when I arrived on
3 scene.

4 Q Do you remember if the lights, the flashing
5 lights were on or spinning lights?

6 A I don't remember. We don't have spinning lights
7 anymore, but I don't recall.

8 Q Do you remember if his headlights were still on?

9 A I don't.

10 Q Your interview the next morning, that was with
11 Corporal John Syers and Sergeant Mark Eastty. Is that
12 correct?

13 A Sergeant Eastty was more -- he was my supervisor
14 at the time. He was just -- he wasn't really taking the
15 interview as far as I was concerned.

16 Q Okay. But he was present, as well as Corporal
17 John Syers, correct?

18 A Correct.

19 Q Did you understand all the questions they were
20 asking you?

21 A Yes.

22 Q Did you hear or understand any statements by the
23 Spanish speakers in case they said anything in English
24 that evening?

25 A No. No.

1 Q what was -- after the fire department came on
2 scene and assessed Deputy Hartwick, what was your
3 involvement after that?

4 A Help guard the scene for the front loader or the
5 forklift, whatever you want to call it, until forensics
6 got there. And then I assisted in transporting Deputy
7 Hartwick's body back to the medical examiner's office.

8 Q How did you assist?

9 A I drove my car from point A to point B.

10 Q Okay.

11 A From the scene to the medical examiner's office.

12 Q And what was Deputy Hartwick's body transported
13 in?

14 A An ambulance.

15 Q Anything else after you left the medical
16 examiner's office?

17 A No.

18 Q Did you ever see the person who was eventually
19 apprehended the morning of September 23rd?

20 A No.

21 MS. BLAQUIERE: Thank you very much for your
22 time, Deputy Hirshman. I don't know if
23 Mr. Vonderheide has any questions. Thank you.

24 MR. VONDERHEIDE: I don't have any questions.
25 Thank you for your time today, sir.

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THE DEPONENT: Thank you.
(Deposition concludes at 1:52 p.m.)

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COUNTY OF PINELLAS)

STATE OF FLORIDA)

CERTIFICATE OF OATH

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

witness my hand and official seal this 13th day
of OCTOBER, 2024.

Tamara M. Pacheco

Tamara M. Pacheco, RPR
COMMISSION # 474485
EXPIRES: March 30, 2028

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ERRATA SHEET

IN THE CASE OF: STATE OF FL v. JUAN MOLINA-SALLES

NAME OF DEPONENT: BRIAN HIRSHMAN

CASE NUMBER: 22-09348CFANO

 please read the transcript of your deposition.
 If you feel you need to make corrections, please note on
 this page. DO NOT mark on the transcript itself.
 Sign and date the transcript below.

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Signature

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)

COUNTY OF PINELLAS)

I, Tamara M. Pacheco, certify that I was authorized to and did stenographically report the Deposition of BRIAN HIRSHMAN; that a review of the transcript was requested; and that the transcript is a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

Tamara M. Pacheco

Tamara M. Pacheco, RPR