

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: MARK EASTTY
TAKEN BY: Counsel for the Defendant
DATE: March 27, 2024
TIME: 2:24 p.m. - 2:48 p.m.
PLACE: ZOOM videoconference
REPORTED BY: Tamara M. Pacheco, RPR
Notary Public, State of FL

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ZOOM VIDEOCONFERENCE APPEARANCES

ELIZABETH CONSTANTINE, ESQUIRE

Assistant State Attorney

14250 49th Street North

Clearwater, Florida 34620

Attorney for the State of Florida

MARIA DELIBERATO, ESQUIRE

NICHOLE BLAQUIERE, ESQUIRE

Assistant Public Defenders

14250 49th Street North

Clearwater, Florida 34620

Attorneys for the Defendant

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EXHIBITS

(No exhibits were marked for identification.)

1 WHEREUPON,

2 MARK EASTTY

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

5 EXAMINATION

6 BY MS. DELIBERATO:

7 Q Good afternoon. If you could please state and
8 spell your name for the record.

9 A Mark Eastty, M-A-R-K, E-A-S-T-T-Y.

10 Q And how are you employed?

11 A I'm a sergeant with the Pinellas County
12 Sheriff's Office.

13 Q My name is Maria DeLiberato. I'm an assistant
14 public defender. Myself and Nichole Blaquiere represent
15 Juan Molina-Salles. It's your case number 22-305232.
16 Elizabeth Constantine is here for the State. We're here
17 for your deposition.

18 I have that you authored one supplement,
19 Supplement 89. Is that right?

20 A That is correct.

21 Q Are there any other supplements that you
22 authored?

23 A No.

24 Q Have you had a chance to review your supplement
25 before our deposition?

1 A Yes.

2 Q We've got a weird audio background.

3 A I'm in my office with the door closed. I don't
4 know why.

5 Q Very strange. It sounds like radio traffic
6 every time you talk. I don't know why. It may be your
7 speaker. We'll make it work.

8 You had just one supplement. Do you have it
9 there with you?

10 A I do.

11 Q Okay. If you need to refer to it at all,
12 perfectly fine. Just let me know that's what you're
13 doing.

14 A Yeah.

15 Q I just have some questions about the incident
16 and sort of your involvement on that evening. You're a
17 sergeant. What were -- were you on duty that evening,
18 September 22nd into the 23rd?

19 (Technical interruption.)

20 Q You're frozen. You froze for a second.

21 A I was on duty. Yeah, you froze too. Yeah, I
22 was on duty. I was the DUI sergeant at the time, and I
23 was at Central Breath Testing.

24 Q At Central Breath Testing?

25 A Yes.

1 Q Okay. And you heard the call go out?

2 A Yes, via the radio.

3 Q And what did you hear? What was the call?

4 A From what I can remember, it was kind of
5 chaotic. It was saying that there was a deputy involved
6 in a crash. When I went to go look to see that area, you
7 know, they said it was on 275, and I know that a lot of
8 construction is being done there in the area. They had
9 deputies working off-duty details, so I was trying to find
10 where they were in pointing where the call was coming
11 from. That's when I noticed that Deputy Hartwick's
12 cruiser was in that area.

13 Q And did you know Deputy Hartwick?

14 A Yeah. We were friends.

15 Q So you knew that that was his area in the area.
16 So did you try to call him on the radio or his cell phone?

17 A No. They were already trying to call him on the
18 radio. So I called his department cell from my department
19 cell, and I wasn't getting an answer. So then that's when
20 I started leaving my office and started heading that way.

21 Q Okay. And how long did it take you to get to
22 the scene?

23 A Probably ten minutes maybe.

24 Q And what did you observe when you got on scene?

25 A So, wasn't much. I just saw his cruiser there.

1 It was kind of chaotic. There was a firetruck there, and
2 then I noticed the yellow sheet. I went up to the one
3 sergeant on scene, which I believe was Sergeant McKnight.
4 I was like, Hey, is that Mike, and he didn't know. So
5 that's when I walked over and pulled the sheet up and
6 noticed that it was Mike.

7 Q Okay. Had you heard on the radio anything about
8 his condition? Had you heard the signal 7 call before you
9 got there?

10 A Yeah. So one of the guys in my unit, which was
11 Deputy Hirshman, when he initially got there, he said that
12 CPR was being done. And then I don't know how long after
13 is when FD or whoever the paramedics were declared him
14 deceased, and that got put out on the radio.

15 Q That was within the time that you heard the call
16 before you arrived on scene?

17 A Yeah. I was in route when I heard that, but at
18 that time, I still didn't know who it was.

19 Q Sure.

20 A Again, we have multiple deputies working those
21 details, but his -- again, his GPS on his cruiser put him
22 where they had mapped the call.

23 Q Okay. You -- obviously once you get on scene,
24 you confirm that it's Deputy Hartwick. What do you do
25 next?

1 A So since Sergeant Mcknight was there first, I
2 was like, Hey, what the heck happened? He thought it may
3 have been a hit-and-run crash. So I'm a crash
4 investigator, so I started looking to the north of his
5 position to try to find evidence of a pedestrian vehicle
6 collision, whether that be vehicle parts, actually parts
7 of his belt. Unfortunately, we had another incident a
8 little over a year before with another deputy that was
9 struck by a car and, like, all of his belt was just kind
10 of torn off.

11 Looking at him, trying to look at the scene, it
12 just wasn't matching up with a car traveling, especially
13 at the speed on 275, to be a hit-and-run, you know, of a
14 high speed or medium speed vehicle because there was just
15 no vehicle debris. There was no bio. So if he were to be
16 hit at even speeds of 50 and over, depending on the
17 profile of the vehicle, he would have been thrown. There
18 was no video -- no biological evidence to show that he was
19 thrown at all. Then I looked south. I'm like this is not
20 matching up.

21 Then right around that time, another officer
22 with Pinellas Park was working a different area of the
23 construction detail and said a car just came off an
24 unfinished overpass nearby. So in my head, I'm thinking,
25 well, if somebody did hit him, now they're probably

1 freaking out, and this guy just got on the wrong road. So
2 from there, I went to that scene to try to look for
3 evidence of that vehicle being involved in a pedestrian
4 strike. It was a little bit hard to tell because, you
5 know, the car comes off the overpass, the front end gets
6 damaged. The roof gets damaged. I can't really see the
7 roof to see if there's bio. You know, the typical damage
8 you would look for in a pedestrian strike is now caused by
9 it coming off on the roof -- coming off of the overpass.

10 So just a lot of things weren't matching up. It
11 still had both its side mirrors, so that kind of ruled out
12 -- I wouldn't say a side strike but what we call a fender
13 bolt. They kind of come off at an angle. They'll make
14 contact with the side mirrors. Those will either be
15 damaged or torn off, but they were intact. So, again, I
16 was just kind of clueless as to what happened.

17 Shortly after that, I got a phonecall from Major
18 Lazarus. They were able to get into Deputy Hartwick's
19 patrol car and pull his in-car camera.

20 Q And then did you go back to the scene to look at
21 that?

22 A Yes, I did.

23 Q And what did you notice there?

24 A So when they played it, from the time Mike gets
25 out of the car, he walks around the front. It looked like

1 he was eating something. I can't remember if he had
2 stopped for a little bit, but then you kind of see him
3 walk off screen, so you don't see him anymore.

4 Then all of a sudden you see a front loader
5 coming and then a truck, and then the truck stops kind of
6 very, very quickly. People get out, and then you just
7 kind of see the panic in people. Then a woman runs back.
8 It looks like she's on the phone. As far as seeing the
9 actual crash, it was all off camera, but you could tell
10 something happened right then and there.

11 Q Okay. And the way that Deputy Hartwick's
12 vehicle was facing, were his headlights and lights on?

13 A Everything was on. His headlights -- from what
14 I remember, his headlights were still on and his
15 red-and-blue lights were on.

16 Q Okay. And were they flashing and spinning?

17 A They don't spin. They're LEDs, so they kind of
18 flash.

19 Q Okay. And that would have been facing the
20 direction that the front loader was coming in, right?

21 A Correct.

22 Q Okay. Anything else based on sort of your
23 expertise in traffic crash investigations that you noticed
24 from the fleet camera that was significant to sort of
25 piecing together the accident?

1 A No. I mean, just the timeframe from when Mike
2 comes off of the screen where you don't see him to the
3 front loader passing by, to the truck stopping, and then
4 to the reaction of the people in the truck, you know,
5 stopping the truck, getting out and then just kind of the
6 frantic moment that you can just tell was going on there,
7 you know, something happened between Mike and that front
8 loader.

9 Q And was it pretty -- was there a lot of time
10 that elapsed from when he got out until that happened?

11 A I don't remember how much time lapsed unless I
12 watch the video. I know it wasn't long, so --

13 Q Okay. A couple of minutes? Does that sound
14 right?

15 A I don't know. I don't remember.

16 Q It's okay. I understand. I just didn't know if
17 you had a recollection of it being a shorter period.

18 A I only watched it the one time and it was that
19 night. That was almost two years ago.

20 Q I understand. What did you do next?

21 A I was informed that Homicide would be leading
22 the investigation, and they just had me assist Corporal
23 Syers with some of the interviews, which he did most of
24 the interviewing which was audio taped.

25 Q Yeah, I have the transcripts of the people that

1 he interviewed, but it looks like from the transcripts,
2 you were there more to assist and he was lead. Is that
3 right?

4 A That is correct.

5 Q Okay. And then did you learn -- how did you
6 learn, if you remember, how it was that it was Juan
7 Molina-Salles that was driving the front loader?

8 A From what I can remember, there were a lot of
9 issues with names, actual identities and names of people.
10 Because the names of most of the workers there that were
11 originally given to us by the actual workers in
12 interviewing them were not their actual identities. So it
13 kind of -- I don't want to say it confused things, but it
14 just made things more difficult because, you know, now we
15 had to go back and find out exactly who they were.

16 But just looking at my report real quick, I know
17 that the workers originally knew him, Juan, as Victor
18 Vasquez Real. Then it was later determined -- and I don't
19 know how -- they got his real name. And I think in one of
20 the interviews, one of the other workers identified him as
21 the driver. I don't remember specifically. It would be
22 on the audio transcripts.

23 Q And there was another surveillance video that
24 you viewed from some semi-trucks. Do you remember viewing
25 that video?

1 A Yeah. Again, very briefly. I only watched it
2 the one time. Again, you see him come off the front
3 loader, give his hat and vest to the other guy, and then
4 he walks off. So it was very short. I only watched it
5 the one time.

6 Q And then in addition to the interviews that you
7 sat in on and conducted with Corporal Syers, it also looks
8 like you participate in the transport of Mr. Molina-Salles
9 to the Sheriff's Administration Building?

10 A Not to the SAB here. I don't know who he was
11 transported by. But once all his arrest paperwork was
12 done, myself and Corporal Laney did the transport back.
13 He was in Corporal Laney's vehicle, and I followed behind
14 in my vehicle.

15 Q Okay. That was my question. So you were not in
16 the same car as Mr. Molina-Salles?

17 A No, I was not.

18 Q Did you speak to him at all?

19 A No, I didn't.

20 Q Were you close enough to kind of observe his
21 demeanor?

22 A When we were walking him into the jail, he was
23 just kind of nonchalant. I didn't really see any emotion
24 out of him.

25 Q Did he say anything?

1 A No.

2 Q Do either you or Corporal Laney speak Spanish?

3 A No, not fluently. I mean, I know a few words
4 here and there, but no.

5 Q Okay. And this would have been like -- it looks
6 like it was 1359 hours that you go. So this would have
7 been the next day kind of early afternoon, right?

8 A Yeah, and I would have been up probably since
9 noon the next day. So I think I was up for 36-plus hours
10 that day too.

11 Q Right. Okay. And I know that you didn't ask
12 him any questions or anything like that. So there was no
13 interaction between you and Mr. Molina-Salles, right?

14 A No. In fact, my interaction with him would have
15 been only a couple of minutes escorting him from Corporal
16 Laney's vehicle into booking, and then once booking took
17 care of the handcuffs, that was pretty much my -- the
18 extent of my contact with him. And again, he didn't -- I
19 don't remember him saying anything to me. I didn't say
20 anything to him. He didn't really have any emotion during
21 that small period I was in contact with him.

22 Q Okay. Do you know if Corporal Laney's car would
23 have had in-car camera or anything like that?

24 A Yeah, it did have in-car camera, and I'm pretty
25 sure I told him to take or record the transport. So there

1 should be a video of that.

2 Q Did you have a body-worn camera at the time?

3 A I did. There should be -- there should be at
4 least one video of my response to the scene. I don't know
5 if there are any other videos after that.

6 Q Okay. But if it was on, you would have uploaded
7 it right after the incident?

8 A That's correct. Yeah.

9 Q It just wasn't noted in the report. I have some
10 and not others, so I just want to make sure.

11 A Okay. Yeah. There should be at least one, my
12 response. Most of the other stuff was done by Homicide.
13 They have their own body-worn cameras. Since they were
14 the lead interviews, I know they either audio taped it or
15 body-worn. I just can't remember. I know they audiotape
16 it, but I can't remember if they did body-worn as well.

17 Q Yeah. You wouldn't have had your body-worn on
18 during the interviews because it wasn't your interview,
19 right?

20 A It depends. You know, if I'm sitting at a
21 certain angle, you know, somebody else may have you do it
22 because anybody -- I can look at other people's video.
23 It's just kind of a case-by-case basis.

24 Q Okay. But you don't think that happened in this
25 case, that you had it on during the interviews?

1 A I don't remember if I did or not.

2 Q If they did though, any body-worn camera footage
3 that exists you would have uploaded to the system?

4 A Yeah. It would be under this case number.

5 Q Okay. After that day, after that very long time
6 you were on the scene, did you participate in anything
7 else? Did you participate in any other interviews or
8 investigation or anything like that?

9 A No, I don't believe so. That's probably why I
10 only have one supplement.

11 Q Okay. Did you attend any meetings or briefings
12 in your department or at the State Attorney's office about
13 the case?

14 A None that I can remember of any meeting. If
15 anything, it might have been a meeting with the Sheriff
16 just to go over the case file. But again, it's Homicide's
17 case, so they're the ones kind of running the meeting. I
18 was just there. If I was at one of the meetings, it
19 probably would have only been one, but that's it.

20 Q And did you, like, follow the case at all, do
21 any research about my client or about his immigration
22 status or his arrest or anything like that?

23 A I wouldn't say I went out looking for it. I
24 just look at the online news every day and whatever
25 articles popped up, but I didn't go searching it out.

1 Q Anything about it, the coverage or anything that
2 you remember?

3 A You know, just the issue with the employees and
4 their identities and some I-9 issues just from the news.

5 Q Were you familiar -- I know you said you knew
6 the deputies were working the Archer Western detail. Had
7 you ever worked a construction detail for Archer Western?

8 A No, and I will not be working any of their
9 details. But I have not worked one even prior to that.

10 Q And you sort of say that in a strong way, and I
11 certainly understand. Why would you not work an Archer
12 Western detail?

13 A Just because of what I went through personally.
14 I mean, that was a best friend of mine, and, you know, he
15 would still be here today I believe if they went through
16 the proper channels.

17 Q And when you say "went through the proper
18 channels," do you mean like hiring process or safety
19 process or all of it?

20 A All of it really. I mean, you know, the I-9
21 forms, the safety issues associated with it as far as -- I
22 think there was some other OSHA issues that were brought
23 up in some of the other news stuff I've seen.

24 Q Did you have any, like, awareness of any
25 problems at Archer Western before this incident?

1 A No. The only thing I knew is that they were
2 behind, but that's with any typical construction project.
3 That's the only thing I ever knew of it. I mean, I didn't
4 know of anything before that.

5 Q Okay. I didn't know if you and Deputy Hartwick
6 had ever spoken about the work detail or anything about
7 the company or anything like that.

8 A No. I never really -- I mean, everyone said
9 it's a pretty easy detail. You know, originally, prior to
10 this, I thought about it would be --

11 Q You broke up for just a second.

12 A It's long hours. You know, I talked to some
13 people that worked it. They just said it was a pretty
14 easy detail to work, but they didn't talk about anything
15 that they saw that was concerning prior to that.

16 Q Okay. Anything -- any follow-up afterwards that
17 you participated in, other than I know you saw some things
18 on the news? Did you give any other statements or
19 depositions in a civil case or anything like that?

20 A No.

21 Q And were you made aware of any results of any
22 Department of Homeland Security or FBI investigation of
23 Archer Western?

24 A No. I haven't heard of any results of anything.

25 Q Okay. Were you aware that an investigation was

1 underway and taking place?

2 A I knew the Governor had asked for an
3 investigation. Again, that was just based off of looking
4 at online news, but that was the extent of it.

5 MS. DELIBERATO: Okay. I don't have any other
6 questions for you. Let me check with my co-counsel.

7 EXAMINATION

8 BY MS. BLAQUIERE:

9 Q Hi, Sergeant Eastty. Am I saying your last name
10 correctly?

11 A Yes, you are. One of the very few.

12 Q Tammy tipped me off.

13 The interview with Deputy Hirshman the next day,
14 were you there the whole time?

15 A Yeah, I believe I was.

16 Q There were a few abbreviations about what, you
17 know, some subunits are, and I just wanted to know what
18 some of the subunits were that Deputy Hirshman referenced.
19 I think one of them was CMT.

20 A Yes. So he is a member of what's called the
21 Crowd Management Team. That's what CMT stands for.

22 Q what does that do?

23 A You know, big crowds that are causing problems,
24 things like that. They also have a bike team assigned to
25 it. They'll work big functions and stuff like that.

1 That's what that's for. Kind of unruly crowds, things of
2 that nature.

3 Q Okay. And then there was another abbreviation,
4 the M-A-I-T.

5 A That is the Major Accident Investigation Team.
6 Basically the traffic homicide team.

7 Q And then I think there's one more, HVE.

8 A So HVE is not a unit. It's a grant. It's the
9 High Visibility Enforcement Unit. It's like a -- I
10 believe it's a state-funded grant through the Florida
11 Department of Transportation to do education and
12 enforcement for bicycle and pedestrian violations, whether
13 it be vehicle violations or pedestrian bicycle violations.

14 Q You got a chance to observe all of Lieutenant
15 Hirshman's interview. Is that right?

16 A Yeah, I believe I sat through all the interview.

17 Q How did he do? Was he tired? Was he -- I know
18 it was hard for him and you.

19 A It was pretty stressful. Even prior to his
20 interview, you know, I was looking for him -- because
21 obviously he's one of the first ones there -- just to see
22 how he was mentally. I mean, he was pretty shaken [sic]
23 up by it. He also knew Deputy Hartwick as well.

24 Q Did he have any difficulty recalling what
25 happened that evening when you --

1 A Not that I remember, no.

2 Q Okay. All right. I don't think I have --

3 MS. DELIBERATO: You don't have -- sorry. Go
4 ahead, Nichole.

5 Q (By Ms. Blaquiere) I know you said you're not
6 fluent in Spanish, and you know a few words. Do you
7 remember anything Juan might have uttered that night? Did
8 you see him at all? I think you said earlier you may have
9 briefly seen him or something.

10 A No. I don't remember him saying anything in the
11 short contact I had with him.

12 MS. BLAQUIERE: All right. I appreciate it.
13 Thank you so much.

14 MS. CONSTANTINE: No questions for me.

15 MS. DELIBERATO: Thank you so much for coming
16 in. I appreciate it.

17 (Deposition concludes at 2:48 p.m.)

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1 COUNTY OF PINELLAS)

2 STATE OF FLORIDA)

3 CERTIFICATE OF OATH

4

5 I, the undersigned authority, certify that MARK
6 EASTTY personally appeared before me by ZOOM
7 videoconference and was duly sworn.

8 witness my hand and official seal this 24th day
9 of September, 2024.

10

11

Tamara M. Pacheco

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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: MARK EASTTY
CASE NUMBER: 22-09348CFANO

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

PAGE	LINE	ERROR/AMENDMENT	REASON FOR CHANGE

Signature

Date

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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 MARK EASTTY; 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