

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CRIMINAL DIVISION
CASE NO.: 22-09348-CF-T

STATE OF FLORIDA,)
)
 Plaintiff,)
)
 vs.)
)
)
JUAN ARIEL MOLINA-SALLES,)
)
 Defendant.)
)
-----/

DEPOSITION

OF

DEPUTY ALBERTO ORTIZ, JR.

(Appearing via Zoom.)

TAKEN BY: Defendant

DATE: Wednesday, November 20, 2024

TIME: 3:39 p.m. - 3:48 p.m.

PLACE: Videoconference (Zoom)

Reported By: Gina M. Manning
Court Reporter, Notary Public
State of Florida at Large

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A P P E A R A N C E S

APPEARING VIA ZOOM ON BEHALF OF THE PLAINTIFF:

ELIZABETH CONSTANTINE, ESQUIRE
County Justice Center
Office of the State Attorney
14250 49th Street North
Clearwater, Florida 33762
Phone: 727-464-6221

APPEARING VIA ZOOM BEHALF OF THE DEFENDANT:

MARIA DELIBERATO, ESQUIRE
NICHOLE BLAQUIERE, ESQUIRE
County Justice Center
Office of the Public Defender
14250 49th Street North
Clearwater, Florida 33762
Phone: 727-464-6516

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E X H I B I T S

(No exhibits.)

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Thereupon,

DEPUTY ALBERTO ORTIZ, JR.

was called as a witness by the DEFENDANT and having first been duly sworn by the court reporter was examined and testified on his oath as follows:

DIRECT EXAMINATION

BY MS. DELIBERATO:

Q. Good afternoon. Could you please state and spell your name for the record.

A. Yeah. It's Deputy Alberto Ortiz, last name O-R-T-I-Z.

Q. And how are you employed?

A. I'm a deputy sheriff with the Pinellas County Sheriff Office, currently assigned to Indian Rocks Beach.

Q. My name is Maria DeLiberato. I'm an assistant public defender. Myself and Nichole Blaquiere represent Juan Molina-Salles. We're here for your deposition. Present for the State is Elizabeth Constantine. It's sheriff's office Case Number 22-305232.

I don't have that. You authored any supplements in this case. Is that correct?

A. That's correct.

Q. And is your involvement limited to you were part of the traffic detail for Archer Western that night?

1 A. Correct.

2 Q. Did you, then, stay on scene and assist with any
3 kind of traffic control as is it related to this particular
4 accident or not?

5 A. Correct. I just shut down northbound lanes on 275.

6 Q. Okay. And we'll get into a little bit more of your
7 specific involvement. I just wanted to make sure I had all
8 the right paperwork in front of me before we went forward.

9 Can you tell me a little bit about your law
10 enforcement background? How long have you been with PCSO?

11 A. I've been with PCSO since March of 2022. I've been
12 in law enforcement since July of 2011. I was currently
13 employed by -- previously employed by the Philadelphia
14 Police Department.

15 Q. So 2011 with the Philadelphia Police Department and
16 then PCSO in 2022?

17 A. Correct.

18 Q. And were you with Philadelphia from '11 to '22?

19 A. Yes, ma'am.

20 Q. Ever had any complaints sustained against you
21 either in Philadelphia or here at PCSO?

22 A. No, ma'am.

23 Q. So you joined in March of '22. So just a couple of
24 months before this particular incident.

25 A. Correct.

1 Q. Did you know Deputy Hartwick personally or
2 professionally?

3 A. No, ma'am.

4 Q. Had you worked this construction detail with
5 him before?

6 A. Not with him, but I've worked the detail before.

7 Q. How many times did you work the detail?

8 A. I'm not -- I can't give you an exact number, but
9 I've worked it before. I'm not sure.

10 Q. Have you worked it since the accident?

11 A. Yes.

12 Q. Okay.

13 Do you have any -- and this is just your knowledge
14 and your experience. Were you given any kind of safety
15 briefings or detail from any Archer Western employees about
16 this specific detail?

17 A. No. It was just location. And that was it.

18 Q. Did they tell you anything about if you have to
19 step out of your vehicle? Should you wear your traffic
20 safety vest? Anything like that?

21 A. No.

22 Q. Do you have a traffic safety vest issued to you as
23 part of your PCSO uniform?

24 A. Yes.

25 Q. Is that with you at all times in the car?

1 A. It's in the car, yes, ma'am.

2 Q. And having worked this detail before, if you step
3 out of your car, do you put your safety vest on?

4 A. Yes. If I'm conducting any traffic, yes.

5 Q. Okay.

6 You said you didn't know Deputy Hartwick personally
7 or professionally. Did you have any conversation with him
8 that particular night?

9 A. No.

10 Q. Did you guys arrive at the staging area at the
11 same time?

12 A. Yes. Normally all the cars meet up at the
13 gathering point and we get dispersed from there.

14 Q. Okay. And I think Kody Gardner was the foreman
15 that night. Does that sound right?

16 A. About right.

17 Q. Okay. Do you remember anything about him?

18 A. No, ma'am.

19 Q. Do you remember what he told you, if anything, that
20 night?

21 A. If anything, it was just the location of your
22 specific traffic post.

23 Q. Okay. Where did he tell you to go?

24 A. So I was on Roosevelt at the 275 on-ramp.

25 Q. You get in your car. What do you do when you get

1 to your post?

2 A. Just pretty much activates -- activate your lights
3 and just stay there until they come around and resume you
4 from duty.

5 Q. Did you have to get out of your car for any reason
6 that night?

7 A. No.

8 Q. And if you had, would you put on your traffic
9 safety vest?

10 A. Correct, yes.

11 Q. And why is that?

12 A. Just because it's dark out there.

13 Q. Okay. It's difficult to see?

14 A. Correct.

15 Q. And you have your lights flashing. Is it like the
16 blue and red swirly lights?

17 A. Yes.

18 Q. Okay.

19 When do you sort of first notice that anything
20 unusual has happened?

21 A. So, if I'm not mistaken, I think it came over
22 the radio or a CAD message, as far as deputy-involved
23 hit-and-run. It was a hit-and-run involving a deputy that,
24 I think, came over CAD.

25 At this point, I'm still at my post.

1 I think Deputy Hirschman was the first one to make
2 contact with Hartwick.

3 Q. And what do you remember hearing?

4 A. All I know -- I think he said that he was -- that
5 they were giving him CPR -- that he was giving him CPR,
6 that they were working on him, and then I think he said
7 that he had passed, over the radio.

8 Q. Do you remember, was it pretty quick from the time
9 that he came upon him, did the CPR and pronounced him?

10 A. I won't recall, but I don't think it took long.

11 Q. Okay. And what did you do? Did you stay at your
12 post or did you go somewhere?

13 A. So I stayed at my post until someone said to
14 shut down traffic, heading northbound on 275; and then
15 I shut down traffic.

16 Q. When you say "someone," do you know who that was?
17 Do you remember?

18 A. I do not.

19 Q. Okay. Did you ever actually get to the scene of
20 the accident where Deputy Hartwick was deceased?

21 A. I didn't.

22 Q. And did you ever get to, like, the secondary scene
23 where the front loader was parked?

24 A. No.

25 Q. Have you -- in your working that detail before, had

1 you had experience with those front loaders and, like,
2 seeing them drive by and things like that?

3 A. Yes. You see it moving around doing work.

4 Q. Were you still on the scene blocking traffic when
5 my client, Mr. Molina-Salles, was ultimately taken into
6 custody in the morning?

7 A. Correct, yes.

8 Q. Did you see him, lay eyes on him when he was taken
9 into custody?

10 A. No.

11 Q. Did you just hear it over the radio?

12 A. Correct.

13 Q. Have you ever sort of seen him when you -- did you,
14 like, at some point later see a picture of him or something
15 like that?

16 A. Just whatever I saw in the news, I think that
17 morning or that night.

18 Q. Was he familiar to you as a driver of the front
19 loader from any previous construction detail that you had
20 worked?

21 A. No. I've never come in contact with him.

22 Q. Okay. And you never spoke to him or anything
23 like that?

24 A. No.

25 Q. When were you relieved from the scene?

1 Do you know?

2 A. I do not. I'm not sure. I know it was early that
3 morning. Approximately 9, 10 o'clock. I'm not sure.

4 Q. Did you have any further involvement in this case?

5 A. No.

6 Q. And you said you've worked the detail since then.
7 Was anything different about the construction detail after
8 this accident?

9 A. No.

10 Q. Did they give you any different instructions or
11 anything like that? At least to you specifically.

12 A. No.

13 Q. Did you participate in or did you learn of any
14 investigations into Archer Western and their safety
15 practices or anything like that?

16 A. No.

17 Q. Did you follow this case at all in the news?
18 I think you said you saw the news report the next morning,
19 but did you continue to follow the case afterwards?

20 A. I did not.

21 Q. Do you have any knowledge of my client's background
22 or his immigration status or anything like that?

23 A. No.

24 Q. Anything else that is relevant that you did that
25 day that I haven't yet asked you about?

1 A. I don't think so, no.

2 Q. And you didn't attend any meetings or briefings in
3 your department or in the state Attorney's office about
4 this particular case?

5 A. No.

6 MS. DELIBERATO: I don't have any further
7 questions. I appreciate your time, and I
8 apologize for the delay.

9 THE DEPONENT: No problem.

10 MS. CONSTANTINE: No questions.

11 MS. BLAQUIERE: Nothing from me.

12 MS. DELIBERATO: Thank you.

13 (The deposition concluded at 3:48 p.m.)
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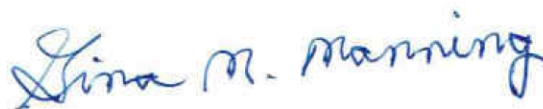
CERTIFICATE OF OATH

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STATE OF FLORIDA)
COUNTY OF PALM BEACH)

I, the undersigned authority, certify that
DEPUTY ALBERTO ORTIZ, JR. appeared before me via Zoom
teleconference and was duly sworn.

WITNESS my hand and official seal this 16th day of
December 2024.



GINA M. MANNING
Shorthand Reporter
Notary Public - State of Florida
My Commission Number: HH261227
Expires: September 5, 2026



GINA M. MANNING
Commission # HH 261227
Expires September 5, 2026

REPORTER'S DEPOSITION CERTIFICATE

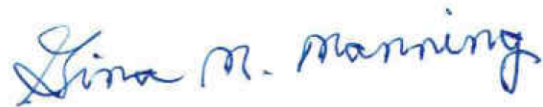
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STATE OF FLORIDA)
COUNTY OF PALM BEACH)

I, GINA M. MANNING, Shorthand Reporter and Notary Public, certify that I was authorized to and did stenographically report the teleconference deposition of DEPUTY ALBERTO ORTIZ, JR. and that the foregoing transcript is a true and accurate 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.

Dated this 16th day of December 2024.



GINA M. MANNING
Shorthand Reporter
Notary Public - State of Florida
My Commission Number: HH261227
Expires: September 5, 2026

1 IN RE: DEPOSITION OF: DEPUTY ALBERTO ORTIZ, JR.

2 DATE TAKEN: Wednesday, November 20, 2024

3 IN THE CASE OF: STATE OF FLORIDA, Plaintiff, vs.
4 JUAN ARIEL MOLINA-SALLES, Defendant.

5 ERRATA SHEET

6 DO NOT WRITE ON TRANSCRIPT - ENTER CHANGES

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

23

24

25	_____	_____
	DATE	DEPUTY ALBERTO ORTIZ, JR.