

ZOOM VIDEOCONFERENCE APPEARANCES

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EXHIBITS

(No exhibits were marked for identification.)

1 WHEREUPON,

2 CHERYL GIMENEZ

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

5 EXAMINATION

6 BY MS. DELIBERATO:

7 Q. Good morning. Could you please state and spell
8 your name for the record.

9 A Cheryl Gimenez. It's G-I-M-E-N-E-Z.

10 Q And how are you employed?

11 A I'm going to take this off. Sorry. I am a
12 deputy with the Pinellas County Sheriff's Office currently
13 serving as a corporal detective in the Crimes Against
14 Children Unit.

15 Q Okay. My name is Maria DeLiberato. I'm an
16 assistant public defender. Myself and Nichole Blaquiére
17 represent Juan Molina-Salles. Present for the State are
18 Nathan Vonderheide and Elizabeth Constantine.

19 we're here for your deposition today. It's
20 Sheriff's case number 22-305232. I note that you
21 authored, I think, three supplements, 39, 46, and 47.
22 Does that sound right?

23 A Correct.

24 Q Any others that I've missed?

25 A No.

1 Q Did you have a chance to review those
2 supplements before your deposition today?

3 A I did.

4 Q Okay. If you have them in front of you and you
5 need to refer to them at all, you're more than welcome to
6 do so. Please just tell me that's what you're doing.

7 A Sure thing.

8 Q Before we get into some of the specifics, can
9 you walk me through your law enforcement career
10 background. How long have you been with PCSO?

11 A So I've been with PCSO since 2018. Prior to
12 that I was with the county as a dispatcher for 9-1-1 and
13 law enforcement calls for the Sheriff's office. So I
14 started with the Pinellas County Sheriff's Office as a
15 patrol deputy. I served in that capacity for about two
16 years. Then I transferred to the Mental Health Unit right
17 around 2020 and served as a deputy in the Mental Health
18 unit with a civilian licensed mental health counselor
19 responding to active calls. And in 2023, early, I
20 transferred to the Crimes Against Children Unit.

21 Q And what -- so were you in the Mental Health
22 unit for this incident September 22nd, 2022?

23 A. Correct. Yeah.

24 Q And you happened to be on duty then? I know
25 kind of everybody got called out to the scene, but how was

1 it you got called out to the scene?

2 A Yes. So at the time I was with my mental health
3 counselor or civilian rider. I was on my normal tour of
4 duty for that shift, which happened to be in around that
5 area. We call it the Squad 2 area where the incident
6 happened on 275. At that time, I was also part of our
7 Major Accident Investigation Team, which I'm still on as
8 well. It's a side unit, if you will.

9 Q Okay. And so kind of it sounds like -- tell me
10 how when you got onto the scene what was happening.

11 A So I heard the call come out over the radio.
12 Everything was done via radio communication. I heard that
13 there was possibly a hit-and-run incident and that
14 somebody had identified a Pinellas County marked cruiser
15 as being involved. So I started proceeding to the scene,
16 and prior to getting on scene was when I heard verbal
17 communication of another deputy, Deputy Hirshman arriving
18 on scene and identifying a fellow deputy being involved
19 and laying on the road and that he was starting CPR.

20 So just from the capacity of the Major Accident
21 Investigation Team, I started to go lights and siren
22 emergency mode, and when I arrived on scene, there was
23 already numerous law enforcement and first responders.
24 Like, St. Petersburg Fire Rescue, they were on scene. And
25 prior to me arriving on scene, they had also called out

1 that Deputy Hartwick who was involved was pronounced
2 deceased.

3 Q Did you know Deputy Hartwick personally or
4 professionally?

5 A Both.

6 Q How long had you known him? Since you started
7 in 2018?

8 A Correct. He was my squad partner when I came
9 off of FTO. He was working north county when I started in
10 north county.

11 Q when is the last time you spoke to him before
12 the accident?

13 A I honestly couldn't tell you. It was -- the
14 last time I spoke with him was just seeing him on duty.
15 It wasn't anything personal. It was on duty while he was
16 at a wawa in north county, but I couldn't tell you exactly
17 when. It was several months prior.

18 Q Did he ever talk to you about the Archer-Western
19 construction detail or any details about it?

20 A No.

21 Q Did you know anything about that detail
22 yourself?

23 A Yes. I worked that detail several times.

24 Q Okay. Before the accident?

25 A Correct.

1 Q Did you have any concerns with Archer-Western or
2 how they ran things or ran their construction site?

3 A No. I didn't talk to any of the employees.

4 Q Okay. Did you have any safety concerns yourself
5 about doing the construction detail?

6 A I mean, there's always a risk of safety when
7 you're doing any kind of traffic post, but personally, no.

8 Q And were there any instructions for you as a
9 deputy doing the detail regarding like how to put your
10 lights on, where, safety vest, things like that?

11 A So the instructions were relayed to us -- to
12 myself when I would take on these details usually from
13 some sort of foreman or supervisor who would instruct me
14 on where to park my vehicle specifically, if it needed to
15 be angled, and to have my lights on.

16 Q Okay. Anything -- do you remember anything
17 about a safety vest if you're out of the car or anything
18 like that?

19 A No, ma'am.

20 Q Is that something that you have with you in the
21 car at all times, sort of the traffic construction safety
22 vest?

23 A I personally had one in my vehicle at all times.

24 Q Okay. So it sounds like by the time you kind of
25 were able to make your way to the scene, there was lots of

1 personnel on scene. I think it's signal 7 is how they say
2 it, right, that had been called. And so what do you do
3 next?

4 A So at that point, it's a pretty major scene. I
5 arrived at the same time as honestly a lot of supervisors,
6 so I'm awaiting instruction from supervisors. In this
7 case, Deputy Laney happened to be my supervisor over my
8 particular Major Accident Investigation Team that I was
9 on, which consists of three different units or teams. So
10 he arrived on scene with me, and at that point, we just
11 began observing the scene, making note of what the scene
12 looked like at the time, what vehicles were present.

13 Q That --

14 A There was a lot of -- sorry, go ahead.

15 Q No, I didn't mean to interrupt. That's pretty
16 much -- that's what's detailed really in Supplement 39.
17 You kind of walk through the scene and what you observed
18 and all that. Is that fair to say, that encompasses that
19 supplement?

20 A Correct.

21 Q Okay. And then you I think talked to Lieutenant
22 Deschryver. That was something -- were you tasked to
23 interview him?

24 A Yes.

25 Q Okay. And what do you remember about that

1 interview?

2 A So he was the lieutenant on the engine. Pretty
3 typical for engine companies. He was on scene. He gave
4 me his observations of his recollection of the scene, if
5 there were any other vehicles of who may have been
6 present, but he didn't talk to anybody else on scene, such
7 as the Archer-Western employees that were there.

8 He just focused primarily on the patient, which
9 was Hartwick. His members had attempted to place an AED
10 on Hartwick after cutting off his shirt and his vest to
11 try some sort of lifesaving measures, and they weren't
12 able to obtain any electrical reading. So an AED was not
13 successful, and it was his team that pronounced Hartwick
14 deceased.

15 Q Okay. Did he sort of relay to you that it was
16 pretty apparent when they came on scene that the injuries
17 that he sustained were not compatible with life?

18 A He did not relay that the injuries were
19 incompatible. He did relay that there was a visible
20 injury to his head but that they checked and noticed that
21 he wasn't breathing.

22 Q Okay. And so the impact didn't really -- they
23 weren't able to even conduct any lifesaving measures
24 because there was no heartbeat?

25 A. Yeah. The AED -- nothing. Uh-huh.

1 Q And I'm sorry, I know this is difficult. I
2 don't mean any disrespect by any of this.

3 A It's okay. No, I understand. It's the nature
4 of the beast.

5 Q It is. So how was Lieutenant Deschryver? What
6 was his demeanor like? I mean, I assume that this is
7 something that he sees often, and also, when it's a fellow
8 officer, I imagine emotions are a little higher. How was
9 his emotional state when you spoke to him?

10 A I honestly can't recall. It wasn't anything
11 notable. I'm typically pretty good about noting if
12 something stood out to me. But he was very professional.
13 He answered the questions that I gave him.

14 Q Do you wear a body-worn camera?

15 A I do.

16 Q Did you have it activated, if you remember?

17 A I believe so.

18 Q Okay. There's so many hours of footage, and
19 I've looked at some and not others. If we have it, we
20 have it. I just didn't know if you recalled having that
21 while you were interviewing him.

22 A Yeah, I believe I had mine on.

23 Q Okay. And what else -- so you talked to
24 Lieutenant Deschryver, and I think that is supplement --
25 that is notated in Supplement 46. Is that right?

1 A Correct. Yes.

2 Q And then the last supplement, 47, it's evidence
3 markers. It looks like you actually were tasked with
4 putting markers down?

5 A I was tasked with documenting what the forensic
6 specialists was placing markers on. It's the list.

7 Q That was Corporal Laney that had asked you to do
8 that?

9 A Yes.

10 Q So the things that Corporal Laney asked you to
11 do was the scene observation, interview Lieutenant
12 Deschryver, and do the evidence markers?

13 A Uh-huh. Yes, ma'am.

14 Q Did you do anything else?

15 A No, ma'am.

16 Q Did you talk to any of the civilian witnesses?

17 A Not to my recollection. They -- the people that
18 were there from Archer-western spoke very little English.
19 I know the detectives were attempting to get, you know,
20 Spanish-speaking interpreters for them. So I didn't have
21 much contact at all.

22 Q Okay. Do you remember, like, hearing anything
23 or overhearing conversations of what they might have said
24 or what happened or anything like that?

25 A I do not recall, no.

1 Q Do you -- were you on scene still when my
2 client, Mr. Molina-Salles was ultimately located?

3 A No, ma'am. That was several hours later.

4 Q Okay. When did you leave the scene?

5 A I am not sure off the top of my head because I
6 did end up escorting him with the medical examiner back to
7 the medical examiner's office. I can't recall if I
8 documented that or not. I just notated that was my final
9 involvement. But it was several hours later into the
10 early morning of the 23rd.

11 Q Okay. And then did you do anything else after
12 that? Any other follow-up investigation? Anything like
13 that?

14 A No, ma'am.

15 Q Did you attend any meetings or briefings either
16 in your department or with the State Attorney's office
17 about this particular case?

18 A No, ma'am.

19 Q Did you do any kind of research into my client's
20 either background or what he was ultimately charged with
21 or anything like that that you're aware of?

22 A No, ma'am.

23 Q And have you kind followed the case as it's
24 wound its way through the criminal justice system in terms
25 of where we are, trial, and things like that, or you just

1 when you get your subpoena --

2 A No, ma'am. Just getting my subpoena.

3 Q Okay. Is there anything else that you did that
4 I have not asked you about yet today?

5 A Not to my recollection, no.

6 Q And briefly -- I think I forgot to do it. I've
7 been doing these for two days now. Ever had any
8 disciplinary complaints sustained against you for any
9 reason?

10 A. No. Ma'am.

11 MS. DELIBERATO: I don't have any further
12 questions. I don't know if my co-counsel does. It
13 looks like Nichole might.

14 EXAMINATION

15 BY MS. BLAQUIERE:

16 Q I wanted to just verify in your report that you
17 indicated -- and I apologize, is it detective now?

18 A Yes. It's okay.

19 Q You indicated in your report that you know that
20 Deputy Hartwick needed a hearing aid and had prescription
21 glasses at the time of this accident?

22 A Correct, yes.

23 Q Okay. And did you work any Archer-Western
24 details after the accident?

25 A I may have worked one or two. It's been a long

1 time since I've worked them quite frankly.

2 Q Yes. And if you -- if you want to take a second
3 and think about it, were there any updated Archer-Western
4 safety meetings after Deputy Hartwick's passing?

5 A None that involved me. Everything was very much
6 the same as when I worked them prior to.

7 Q Okay. Did Deputy Hartwick at all in the months
8 leading up to his passing, did he ever indicate that he
9 needed to get new glasses or get hearing aids tweaked?
10 Did he ever mention any of that stuff to you?

11 A. No, ma'am.

12 MS. BLAQUIERE: I don't think I have anymore
13 questions. I don't know if that gave Maria anymore.

14 MS. DELIBERATO: I don't have any follow-up.
15 Nathan.

16 MR. VONDERHEIDE: No questions.

17 MS. CONSTANTINE: I have no questions.

18 MS. DELIBERATO: Thank you so much. Appreciate
19 your time.

20 (Deposition concludes at 10:20 a.m.)

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25

1 COUNTY OF PINELLAS)

2 STATE OF FLORIDA)

3 CERTIFICATE OF OATH

4

5 I, the undersigned authority, certify that
6 CHERYL GIMENEZ personally appeared before me and was duly
7 sworn.

8 witness my hand and official seal this 18TH day
9 of JANUARY, 2025.

10

11

Tamara M. Pacheco

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

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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 CHERYL GIMENEZ; 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

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ERRATA SHEET

IN THE CASE OF: STATE OF FL V. JUAN MOLINA-SALLES
NAME OF DEPONENT: CHERYL GIMENEZ
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