

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

Case Number: 22-09348CFANO-T

STATE OF FLORIDA,

Plaintiff,

VS.

JUAN ARIEL MOLINA-SALLES,

Defendant.

| | |
|----------------|--|
| DEPOSITION OF: | SHANE GILL |
| TAKEN BY: | Counsel for the Defendant |
| DATE: | November 19, 2024 |
| TIME: | 9:53 a.m. - 10:05 a.m. |
| PLACE: | ZOOM Videoconference |
| REPORTED BY: | Tamara M. Pacheco, RPR Notary Public, State of FL |

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ZOOM VIDEOCONFERENCE APPEARANCES

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EXHIBITS

(No exhibits were marked for identification.)

1 WHEREUPON,

2 SHANE GILL

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

5 EXAMINATION

6 BY MS. DELIBERATO:

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

9 A Yes. Shane Gill, S-H-A-N-E, G-I-L-L.

10 Q And have you ever given a deposition before?

11 A A long time ago, yeah.

12 Q Okay. So most importantly is answer out loud.
13 No uh-huhs or huh-uhs. Yes and no. And try not to answer
14 before I'm done talking. I know you may anticipate some
15 of my questions, but our court reporter is typing
16 everything down.

17 I tend to talk really fast, so I will do my best
18 to go slow. If you don't understand a question that I
19 ask, please ask me to rephrase or repeat. If you don't
20 know something, it's perfectly fine to say you don't know.
21 I don't need you to guess. If you are guessing or
22 estimating, that's perfectly fine. Just let us know
23 that's what you're doing. Okay?

24 A All right.

25 Q My name is Maria DeLiberato. I'm an assistant

1 public defender. Myself and Nichole Blaquiere represent
2 Juan Molina-Salles. You're here for your deposition today
3 in that case, and present for the State is Nathan
4 Vonderheide and Elizabeth Constantine.

5 You were listed as a witness because I guess in
6 your work, you provided like a product status report and
7 things like that in your working for Ring Power
8 Corporation. So that's why you're here. That's why
9 you're listed. You may not have a ton of information and
10 that's okay, but did you get anything to review before
11 today's deposition?

12 A No.

13 Q Okay. Did you like -- I didn't know if you
14 reached out to the state attorney and said, like, why am I
15 called or anything like that.

16 A No. I called and asked if they still wanted me
17 to appear yesterday, and they said yes. I showed up, and
18 they sent me home. That's the only conversations I've
19 had.

20 Q Okay. Yeah. So we were originally supposed to
21 go to trial this week, but because we still had these
22 depositions to do, we ended up just setting everybody for
23 deposition. We're able to do it on Zoom, which is more
24 convenient. I'm sorry that you didn't get the notice
25 before you came to court.

1 So let me kind of get a little bit of background
2 about you. Can you tell me where you work?

3 A Yeah. I work at Ring Power. I've been there
4 for -- January, this January will be 30 years. I started
5 around January 30th, 1995, and I was in charge of the
6 condition monitoring team, the technical communicator
7 team, and the oil lab at the time of the incident.

8 Q Okay. Can anyone hear me? That was me that
9 froze. My internet just went wacky.

10 A Did you hear me?

11 Q I heard you say 30 years. I think you said 30,
12 3-0?

13 A Yeah. Almost 30, yeah.

14 Q Okay. And what is Ring Power Corporation?

15 A It is the local CAT dealership. We cover
16 Central Florida through North Florida. Our territory is
17 Tallahassee, Jacksonville down to Palm Bay, Sarasota.
18 Kind of that rectangular/square space.

19 Q Okay. And you said the CAT. That's like the
20 caterpillar equipment?

21 A Yes. Correct, yeah.

22 Q Okay. And this is a question I ask of
23 everybody. It's not meant to embarrass you at all. Have
24 you ever been arrested for anything?

25 A No.

1 Q Okay. So tell me a little bit about what is
2 your duty and role at the Ring Power Corporation.

3 A So at the time, I was managing the three
4 different departments. The condition monitoring, they do
5 all the data logging and the code. It's basically like
6 OnStar for Chevrolet. I'm not sure if you're familiar
7 with that. We have reports for the customers, the guide
8 form to help with their equipment. I was in charge of the
9 oil lab, which they all tie together. The oil lab helps
10 build those reports because we can take an ounce of the
11 fluid and tell them -- again, an ounce of the oil provides
12 them with everything else. And the TCs are the technical
13 communicators. They are the guides that help troubleshoot
14 equipment whenever it's broken. So they're like the
15 middleman between the technician and the CAT engineers.

16 Q Okay. And so how was it that you got involved
17 in this case? Who contacted you? What was the first
18 thing you learned about it?

19 A It's been a minute. I don't remember who the
20 first contact was. There was a sergeant or lieutenant
21 with the police force that asked for anything that we had
22 on that machine. So I sent him all -- basically the GPS
23 of that machine. That's what we call product link on it,
24 and we're telling them the locations and the timeframes.
25 That was the biggest bit of information he asked for was

1 just where was the machine was at and at what time.

2 Q And did he ask you for a specific day and time?

3 A He did, yeah. I have the printout that I sent
4 him, but I can barely see them because they print very
5 small. But, yeah, he did.

6 Q Okay. And did he tell you why they were looking
7 into this or anything like that?

8 A I don't think he told me the why. I know
9 that -- I knew there was a fatality because it was all
10 over the news, so I'm a little familiar with the case
11 because of that. And also, one of the guys that worked
12 for me, Clyde Rogers, he was -- he doesn't work directly
13 for me or he didn't then, but he reported to my team
14 because he's in a different division. He worked for the
15 CAT rental store. I worked for heavy equipment. He did
16 the Incident Report.

17 Anytime a caterpillar or piece of equipment is
18 involved in an incident, whether it be a rollover, fire,
19 injury, no injury, it doesn't matter, we have to do a
20 report on the machine. So Clyde was dispatched to do the
21 report on the machine. That's how I knew more about it
22 pretty much, that and the news.

23 Q And so where are you located? Where do you
24 live?

25 A Well, about three weeks ago I moved back to

1 Tampa, but I was living in Brooksville at the time.

2 Q Okay. So at the time, you kind of heard of it
3 on the news even up in Brooksville, that this had happened
4 and it was a fatality?

5 A It was everywhere. Everybody was talking about
6 it. Yeah.

7 Q What do you remember about it? Like, what do
8 you remember hearing? What do you remember was the
9 dominant theme in the news?

10 A So I heard that -- pretty much what I heard --
11 and it's all hearsay. I don't know what's real or not
12 real.

13 Q Understood.

14 A Yeah. I just heard that there was a local
15 sheriff that got out of his vehicle and got struck by the
16 930.

17 Q Okay. Did you hear anything else?

18 A No. I -- well, yeah, I did. I heard that the
19 gentleman driving the 930 fled the scene. That's what I
20 heard on the news.

21 Q Okay. Anything else about him or his background
22 or Archer-Western or an investigation into them?

23 A Yeah. Yeah. They talked about that on the
24 news, about him being an illegal alien, and that's pretty
25 much all I recall.

1 Q Do you remember if you kind of knew all that by
2 the time the sergeant reached out to you and asked you for
3 this printout?

4 A Yeah. I think I would have heard it by then
5 because, yeah, the news was live. I don't remember the
6 timeframe when he reached out to me. I would have to dig
7 through my e-mails. It was after.

8 Q The officer's report says October 28th, 2022.
9 So that was about a month later that you got the e-mail.
10 Does that sound right?

11 A Probably right, yeah.

12 Q And so what is it -- do you have to actually,
13 like, generate something, or do you sort of press a
14 button? Can you tell me how the report gets generated?

15 A So I have a whole team that's working for me.
16 At the time, there was six of them on the condition
17 monitoring side. I reached out to the person that
18 monitors Archer-Western's equipment, and I asked her to
19 get me whatever information. I just basically forward
20 that e-mail to her, and she provided me with the report to
21 the best of our ability. I think they wanted more than
22 what we have. We have limited information. You know, I
23 certainly gave them what we got.

24 Q And so you don't have to like input anything
25 specific. You basically -- well, I don't want to put

1 words in your mouth. You had a timeframe. The officer
2 says give me the date and time for this range. You enter
3 that in, and the report spits out. Is that kind of how it
4 works?

5 A It's a little more complicated than that, but
6 yeah, that's pretty much the basics.

7 Q I guess what I'm trying to get at, is there
8 opportunity for sort of user error on your part -- does
9 that make sense -- if you have to like put in something
10 specific?

11 A I mean, it's live GPS. So I've got the
12 timestamps of where the piece of equipment was as it was
13 moving in traffic. So I don't really -- I mean, if they
14 put in the wrong serial number or something like that, but
15 on the report, it all jives.

16 Q Does it tell you the speed of the machine?

17 A I don't think the report tells the speed of the
18 machine, no.

19 Q Okay. And is there any way to --

20 A Maybe the status report, the product status
21 report, but I don't think it will tell you the speed.
22 It's logging -- it's logging data. But I don't know if we
23 can push it to Clyde later, if he has the speed on his
24 report. I don't have it on mine.

25 Q Did you have any other conversation with the

1 sergeant about this other than, hey, I need this
2 information and you gave it to him?

3 A He came in just to introduce himself one time
4 and told me what he wanted and gave me the paperwork.
5 That's all I recall. I don't think there was any sidebar
6 conversation. He was very short and told me what he
7 needed.

8 Q And did you -- there's sort of no right or wrong
9 answer to this question. I'm just sort of curious. Did
10 you have kind of any personal opinion about the accident
11 or the driver or anything like that? Like, when you hear
12 about these things on the news, does that sort of strike
13 any cords with you?

14 A No, not really. I mean, no.

15 Q Did you follow the case at all after that to see
16 what my client ended up being charged with?

17 A You know, I'm so busy. I had so much going on
18 that there wasn't -- it was like, okay, next, next, next.
19 It wasn't like I was obsessed with the case or anything
20 like that. You know, everybody would come and ask me more
21 about the case, and I was like, I don't know. Basically
22 just what I told you, this is all I know. Yeah. I wasn't
23 that -- it wasn't that much of a passion for me.

24 Q And when you say everyone was asking you, kind
25 of other people in your company?

1 A Yeah. Yeah. You know, when people hear about
2 it from the news, of course they want to know what
3 happened. It's like I don't know any more than you,
4 whatever you heard from the news.

5 Q Were you involved in the -- there was a civil
6 lawsuit afterwards. The family sued Archer-Western. Were
7 you involved in any of that? Would you have to provide
8 any records for that?

9 A I didn't even know about that until just now.

10 Q Okay. So that wasn't -- your company wasn't a
11 party to that or served with anything related to that?

12 A No.

13 Q Have you had any other conversations other than
14 this sort of e-mail and the conversation you had with the
15 state attorney yesterday showing up for court? Any other
16 conversations with anybody about this particular case?

17 A No.

18 Q Okay. Is there anything that I haven't asked
19 you today that you're like, oh, she should have asked me
20 this, and I would have given her a broke the case wide
21 open answer?

22 A No. No, unfortunately not.

23 MS. DELIBERATO: I really appreciate your time.
24 I don't have any further questions for you. I don't
25 think my co-counsel does, but if she does -- she's

1 shaking her head no. The state attorney is shaking
2 his head no.

3 MR. VONDERHEIDE: No questions.

4 (Deposition concludes at 10:05 a.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 SHANE
6 GILL personally appeared before me and was duly sworn.

7 witness my hand and official seal this 13th day
8 of January, 2025.

9

10

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 SHANE GILL; 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

