

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:

STUART KELLMAN

TAKEN BY:

Counsel for the Defendant

DATE:

November 20, 2024

TIME:

10:11 a.m. - 10:19 a.m.

PLACE:

ZOOM Videoconference

REPORTED BY:

Tamara M. Pacheco, RPR  
Notary Public, State of FL

Pages 1 - 13

JTP REPORTING (727)422-8287

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## EXHIBITS

(No exhibits were marked for identification.)

1 WHEREUPON,

2 STUART KELLMAN

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

5 EXAMINATION

6 BY MS. BLAQUIERE:

7 Q Good morning. Is it Deputy Kellman?

8 A Corporal Kellman.

9 Q Corporal Kellman. My apologies. Before we get  
10 started, I just want to verify, you did not write a report  
11 in this case?

12 A Correct.

13 Q You've done a deposition before?

14 A Once I believe, twice.

15 Q So just make sure you don't say uh-huh. Say yes  
16 or no or whatever the response is for clarity of the  
17 record. Use coherent words, unlike me.

18 And please wait until I finish asking my  
19 question before you answer to make it easier for Tammy to  
20 later transcribe it, if we ask her to transcribe this  
21 deposition. Okay?

22 A Yes.

23 Q And if you don't know a question, just indicate  
24 that. If you think you know a question but are  
25 speculating, let us know that that's what you're doing.

1     okay?

2           A     Yes.

3           Q     All right. Ten out of ten so far.

4           A     Excuse me?

5           Q     You're doing great so far. I reviewed Deputy  
6     Zisto's (phonetic) supplement, and it looks like you were  
7     working the Archer Western detail that evening on  
8     September 22nd, 2022. Is that right?

9           A     Correct.

10          Q     Can you tell me what you remember about that  
11     evening?

12          A     I was working Archer Western. I was positioned  
13     at Roosevelt Boulevard to the southbound onramp to 275.

14          Q     So you were positioned north of Deputy  
15     Hartwick's vehicle?

16          A     I was -- I guess I was south.

17          Q     South. How often did you work Archer Western  
18     before that day?

19          A     Maybe twice a month maybe.

20          Q     And how often did you work it after Deputy  
21     Hartwick's passing?

22          A     The same.

23          Q     Okay. Tell me what went -- did you deal  
24     directly with Kody Gardner?

25          A     I know the name.

1 Q The traffic supervisor for Archer Western.

2 A Correct. Right.

3 Q Okay. Did he go over safety procedures with you  
4 before every shift that you worked the Archer Western  
5 detail?

6 A No.

7 Q What do you remember about that day after being  
8 posted on the -- at your traffic detail spot for Archer  
9 Western? Tell me the rest of the day or evening.

10 A Like I said, that night I was on Roosevelt  
11 Boulevard at the onramp to 275 South. I actually got a  
12 call from Communications/Dispatch stating that -- they  
13 were calling me asking me if I was involved in an  
14 accident, and I was like no. She's like -- then I'm like,  
15 where is it mapping to? She's like, Out on 275. I'm  
16 like, well, who do you show out on 275? And she's like,  
17 Deputy Hartwick. I'm like, well, have you checked on him?  
18 And that's when they did -- they called him. He didn't  
19 respond.

20 Q Okay. And then did you stay positioned where  
21 you were? Did you move?

22 A I was there until I believe maybe 11 o'clock in  
23 the morning. I was there for like a long time.

24 Q Okay. So you stayed at your original detail  
25 spot at Roosevelt and southbound 275?

1 A Correct.

2 Q And you didn't ever go to the scene where Deputy  
3 Hartwick's death occurred?

4 A That's correct. Never left.

5 Q Okay. Any other involvement besides sitting and  
6 continuing your traffic detail?

7 A None. Well, the traffic detail ended I guess  
8 around two or three in the morning, and then I swapped  
9 over to -- you know, I stayed there, but it went from  
10 Archer Western to the Sheriff's office working.

11 Q Okay. What -- did Kody Gardner ever instruct  
12 you on proper safety procedures at the beginning of your  
13 traffic detail shifts for Archer Western?

14 A No.

15 Q So he never said if you ever get out of your  
16 vehicle, wear your safety vest?

17 A No.

18 Q Did you ever get out of your vehicle when you  
19 were working the Archer Western Gateway Expressway  
20 project?

21 A I did.

22 Q Did you wear your safety vest?

23 A Yes and no.

24 Q No? When?

25 A Depending where I was.

1 Q where would you be when you didn't wear your  
2 traffic vest?

3 A Say it again.

4 Q what were the locations like where you did not  
5 use your traffic vest?

6 A On a local road.

7 Q Not on the highway?

8 A Yeah, exactly.

9 Q But if you ever got out of your vehicle on the  
10 highway, you wore your safety vest?

11 A Yes.

12 Q Okay. Did Archer Western give you any safety  
13 meetings after Deputy Hartwick's passing?

14 A No.

15 Q They did not recommend -- they did not try to  
16 reinforce or recommend that everyone wear their safety  
17 vest if they ever get outside of their vehicle after  
18 Deputy Hartwick's passing?

19 A Not to me, no.

20 Q Okay. Did you know Deputy Hartwick either  
21 professionally or off duty?

22 A I believe he was my supervisor back in 2014, '15  
23 for a little while. I didn't know him like that.

24 Q Okay. Did you have personal knowledge that he  
25 needed to wear a hearing aid?



1 A No.

2 Q Or did you have any personal knowledge that he  
3 needed prescription glasses?

4 A No. Like I said, I didn't know him like that.

5 Q Okay. I understand. I'm just double checking.  
6 You're doing great. I thank you for reiterating that.

7 When was the last time you did talk to Deputy  
8 Hartwick before his death?

9 A Years.

10 Q Okay. So you guys never talked about the  
11 Gateway Expressway project?

12 A No. I haven't seen him in years.

13 Q Okay. Did you have your body camera turned on  
14 at any point during your tangential involvement in this  
15 case?

16 A I don't believe so. It might have activated  
17 when I first initially turned my emergency equipment on  
18 the night of. It comes on automatically when you turn the  
19 lights on, and then you turn it off.

20 Q Okay. Have you done any research about this  
21 case or my client, Juan Molina-Salles?

22 A No.

23 Q Have you been involved in any briefings with  
24 either the Sheriff's office or the State Attorney's office  
25 after Deputy Hartwick's death?

1 A No.

2 Q Anything else about your involvement that we  
3 haven't discussed in our brief time together?

4 A No, ma'am.

5 Q Have you understood all of my questions?

6 A Yeah. Yes.

7 Q And have you been able to answer them completely  
8 and accurately?

9 A Yes, ma'am.

10 MS. BLAQUIERE: Okay. I don't have anymore  
11 questions. I don't think Ms. DeLiberato does.

12 MS. DELIBERATO: No questions.

13 MS. BLAQUIERE: And I don't know if the State  
14 does either.

15 MS. CONSTANTINE: No questions.

16 MS. BLAQUIERE: Thank you, Corporal. Have a  
17 good day.

18 (Deposition concludes at 10:19 a.m.)  
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20  
21  
22  
23  
24  
25

1 COUNTY OF PINELLAS )

2 STATE OF FLORIDA )

3 CERTIFICATE OF OATH

4  
5 I, the undersigned authority, certify that  
6 STUART KELLMAN personally appeared before me and was duly  
7 sworn.

8 witness my hand and official seal this 30TH day  
9 of JANUARY, 2025.

10  
11 Tamara M. Pacheco

12 Tamara M. Pacheco, RPR  
13 COMMISSION # 474485  
14 EXPIRES: March 30, 2028  
15  
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## 1 CERTIFICATE OF REPORTER

2 STATE OF FLORIDA )

3 COUNTY OF PINELLAS )  
4

5 I, Tamara M. Pacheco, certify that I was  
6 authorized to and did stenographically report the  
7 Deposition of STUART KELLMAN; that a review of the  
8 transcript was requested; and that the transcript is a  
9 true and complete record of my stenographic notes.

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

15 Tamara M. Pacheco16 Tamara M. Pacheco, RPR  
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IN THE CASE OF: STATE OF FL V. JUAN MOLINA-SALLES

NAME OF DEPONENT: STUART KELLMAN

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 |
|------|------|-----------------|-------------------|
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[illegible]

Signature

Date