

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:

CLYDE DAVY ROGERS

TAKEN BY:

Counsel for the Defendant

DATE:

November 21, 2024

TIME:

9:50 a.m. - 10:01 a.m.

PLACE:

ZOOM Videoconference

REPORTED BY:

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

Pages 1 - 14

JTP REPORTING (727)422-8287

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 Defender

14250 49th Street North

Clearwater, Florida 34620

Attorney for the Defendant

INDEX

| CLYDE DAVY ROGERS | PAGE: |
|-----------------------------------|-------|
| Examination by Ms. Blaquiere..... | 4 |
| Certificate of Oath..... | 12 |
| Certificate of Reporter..... | 13 |
| Errata/Signature Page..... | 14 |

EXHIBITS

(No exhibits were marked for identification.)

1 WHEREUPON,

2 CLYDE DAVY ROGERS

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

5 EXAMINATION

6 BY MS. BLAQUIERE:

7 Q Hi, Mr. Rogers. Will you state your full name
8 for the record, please.

9 A Clyde Davy Rogers.

10 Q Okay. Mr. Rogers, myself, Nichole Blaquiere,
11 along with Ms. Maria DeLiberato represent Juan
12 Molina-Salles, and Ms. Elizabeth Constantine and Nathan
13 Vonderheide represent the State. We just asked you to
14 come in today to answer a few questions about all the
15 things you know about this case. Okay?

16 A Okay.

17 Q Have you ever done a deposition before?

18 A Yes.

19 Q Okay. So you know to wait until I finish my
20 question before you answer it, even though you probably
21 will know the answer halfway through, and to please use
22 yes and no instead of uh-huh or whatever is the
23 appropriate response. Okay?

24 A Okay.

25 Q Great. Can you tell me, where do you currently

1 work?

2 A Ring Power Corporation.

3 Q And how long have you worked for them?

4 A Over thirty years.

5 Q Okay. And what do you do for Ring Power?

6 A I'm a technical communicator.

7 Q What does that mean?

8 A I'm the person that goes between the technicians
9 and the factory when they cannot solve a problem with a
10 piece of equipment to get additional support.

11 Q Okay. Are you like the software guy?

12 A No.

13 Q No. So how do you provide support for the --
14 between the technicians and did you say manufacturer?

15 A Yes. If they're trying to repair something with
16 any problem with that machine and normal channels don't
17 get you the results desired, I will then get involved with
18 the engineers at the factory to see if we can solve the
19 problem. There may be some new problem we don't know
20 about, stuff like that.

21 Q Okay. What's your education background as well,
22 Mr. Rogers?

23 A I attended Caterpillar trainings over the past
24 thirty-plus years.

25 Q Okay. Any college degrees? Any engineering

1 focus?

2 A No. (Shakes head.)

3 Q Okay. And I believe that the Sheriff's
4 department contacted you about this case. Do you have any
5 independent memory of when -- of that happening and what
6 your responses were? Anything like that?

7 A They came to our place of employment, asked for
8 information on this piece of equipment, and we provided
9 them what we knew remotely. And then we informed them
10 there's a system called Product Status Reports. It is an
11 actual download of the on-board computer, and I said we'd
12 have to drive to the piece of equipment, connect our
13 computer and what we all our COM adapter to download the
14 data. I did that. They arranged me to meet the officer
15 and the piece of equipment, and then I downloaded the
16 Product Status Report, what we know as a PSR, and I
17 provided it to the officer via e-mail.

18 Q Okay. When it gets downloaded from that
19 machine, from the Caterpillar machine, do you organize the
20 data? Do you have the opportunity to alter the data
21 before giving it to the Sheriff's department for added
22 clarity or some other reason?

23 A No. Download is what's called raw data, and
24 exactly what comes down is exactly what you get. As soon
25 as my computer connects back to the internet, it sends a

1 copy to the Caterpillar server immediately. The only
2 modification that you can make is in the comment section
3 because you can type comments, but you can't change the
4 other data.

5 Q Okay. Good to know. And was all that
6 information that you sent to the Sheriff's office, was
7 that all in a pdf?

8 A I believe so. I don't -- it may have been in a
9 word document, but I'm not positive on that.

10 Q Okay. What were some -- what was some of the
11 data that the Sheriff's office was able to see because of
12 the download, because of the Product Status Report?

13 A I don't know what they looked at. They didn't
14 tell me. I just -- I just provided this report, and they
15 did what they wanted to do with it.

16 Q What are some of the things that a Product
17 Status Report can tell anyone, not just the Sheriff?

18 A It will give you the machine serial number. It
19 will give you the electronic ECM serials numbers. It will
20 give you the diagnostic codes if it has a problem. It
21 will give you the hours. It will give you the settings.
22 It will give you mostly settings.

23 It will give you history of the engine's
24 performance, like if it's overheated, stuff of that
25 nature. It will give you any -- like, this engine

1 overheated. When this report was pulled, it had 6,000
2 hours -- 6,009 hours, and some time around 4562 the engine
3 overheated. This tells you that it overheated, and you
4 need to address it. That information is sent
5 electronically to the customer and/or our support team,
6 and then they may just go out to it. I don't know. I
7 don't get involved in that part.

8 It will follow up all the temperatures. When I
9 say temperatures, idle temperature, how fast the engine
10 was running over the lifetime of the machine. It will
11 tell you if somebody ran the engine out of fuel, stuff of
12 that nature. It's basically the heartbeat of the piece of
13 equipment.

14 Q Okay. Does it tell someone what the speed of
15 the machine was at any given time?

16 A This does not.

17 Q What about does it tell someone if there was a
18 lightbulb that was out or dim?

19 A This machine did not have that -- I don't think
20 it tells if it's got a lightbulb out. I don't think -- I
21 don't think this one does that.

22 Q Can you double check for me?

23 A Yeah. Codes were on the engine overheating. I
24 told you about that. It has the current totals. It
25 monitors engine speed, temperature of the intake,

1 temperature of the coolant, temperature of exhaust, water
2 in the fuel, hydraulic load temperature, hot intake
3 temperature, and low engine oil pressure. That's the only
4 thing it monitors.

5 Q Okay.

6 A That is all I see. It only monitors what I told
7 you.

8 Q Say that last sentence.

9 A I said that's all it monitors is what I told
10 you. Do you have a copy of this report?

11 Q Maybe in the 5,000 documents I have. You're
12 welcome to e-mail it to Ms. Constantine again.

13 A It's in a section called "Monitoring System" is
14 what I read to you the equipment operates on.

15 Q Okay. Monitoring system. I will look for it
16 under that. Thank you so much. That is helpful.

17 was there anything else remarkable about the
18 front-loader in question in the software or in the
19 reports?

20 A No.

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

23 A I did not do anything on his -- on the person
24 involved. I saw the news article on YouTube like a month
25 after this happened.

1 Q okay. what did it tell you?

2 A I just watched it. I couldn't remember. That
3 was several years ago. I know it was involved with a
4 loader, and it was involved on the road project that was
5 in Pinellas County. I really don't -- I really didn't
6 record that information.

7 Q I understand. Anything else in your involvement
8 in this case? was there anything else the Sheriff's
9 office asked or that you did?

10 A No. I've been to the courthouse twice now for
11 subpoenas, but they always tell us we're not going to use
12 you today or see you today and we leave.

13 Q well, we appreciate your patience, Mr. Rogers.
14 we did reset the case for trial to the week of March 3rd.
15 I don't know if we will need you to come that week. Feel
16 free to check with them a couple of days before because we
17 might be able to stipulate to any documents that they may
18 want you to introduce. I don't know yet. That's why I'm
19 saying check with them. All right?

20 A Yeah.

21 Q Have you understood all my questions?

22 A Yes.

23 Q And have you been able to answer them completely
24 and accurately?

25 A Yes.

1 MS. BLAQUIERE: Okay. Great. Ms. DeLiberato
2 may have some questions for you. She's shaking her
3 head no.

4 MS. DELIBERATO: No.

5 MS. BLAQUIERE: And then Ms. Constantine with
6 the State, I'm sure she would jump in if she had any
7 questions. I think she's still in court. We'll go
8 ahead and end your depo today. Okay, Mr. Rogers?

9 THE DEPONENT: Okay.

10 MS. BLAQUIERE: Thank you so much for your time
11 today.

12 THE DEPONENT: Thank you.

13 (Deposition concludes at 10:01 a.m.)
14
15
16
17
18
19
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 CLYDE
6 ROGERS personally appeared before me and was duly sworn.

7 witness my hand and official seal this 4th day
8 of February, 2025.

9
10 Tamara M. Pacheco

11 Tamara M. Pacheco, RPR
12 COMMISSION # 474485
13 EXPIRES: March 30, 2028
14
15
16
17
18
19
20
21
22
23
24
25

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 CLYDE ROGERS; 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
17
18
19
20
21
22
23
24
25

ERRATA SHEET

IN THE CASE OF: STATE OF FL v. JUAN MOLINA-SALLES

NAME OF DEPONENT: CLYDE ROGERS

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