

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:

FRANCISCO ZAPATA

TAKEN BY:

Counsel for the Defendant

DATE:

November 21, 2024

TIME:

3:24 p.m. - 3:34 p.m.

PLACE:

ZOOM Videoconference

REPORTED BY:

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

Pages 1 - 15

JTP REPORTING (727)422-8287

ZOOM VIDEOCONFERENCE APPEARANCES

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INDEX

FRANCISCO ZAPATA	PAGE:
Examination by Ms. DeLiberato.....	4
Certificate of Oath.....	13
Certificate of Reporter.....	14
Errata/Signature Page.....	15

EXHIBITS

(No exhibits were marked for identification.)

1 WHEREUPON,

2 FRANCISCO ZAPATA

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

5 EXAMINATION

6 BY MS. DELIBERATO:

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

9 A Deputy Francisco E. Zapata. Francisco is
10 F-R-A-N-C-I-S-C-O. Zapata is Z-A-P-A-T-A.

11 Q And how are you employed?

12 A I'm employed by the Pinellas County Sheriff's
13 office.

14 Q And how long have you been so employed?

15 A I've been employed with the Pinellas County
16 Sheriff's Office for four-and-a-half years now.

17 Q Okay. I think we have not the best connection.
18 You're kind of delayed.

19 A I don't think the connection is very great.

20 Q Is there a different place you can go?

21 A Not currently. I'm at my daughter's dance
22 studio, so it's -- I don't really have anywhere else to
23 go.

24 Q We'll do our best. Actually, if you want to
25 turn your camera off, sometimes that will help. Now that

1 we've seen you, if you turn the video off, that might make
2 the audio quality better.

3 A Okay.

4 Q So we're here for your deposition. My name is
5 Maria DeLiberato. Myself and Nichole Blaquiére represent
6 Juan Molina-Salles. Nathan Vonderheide is here for the
7 State.

8 It's Sheriff's office case number 22-305232. I
9 don't have that you authored any supplements. Is that
10 right?

11 A Correct. I was told by homicide I didn't need
12 to do any supplements or anything like that.

13 Q And you said you've been with PCSO for
14 four-and-a-half years. Any prior law enforcement
15 experience other than that?

16 A Yes, ma'am. I was with Metropolitan Police
17 Department, Washington, DC for three years before that.

18 Q Okay. Anything else?

19 A I was in the military before that.

20 Q Any disciplinary complaints sustained against
21 you for any reason either in the military, with the police
22 in DC or here?

23 A Not that I know of.

24 Q Okay. So how was it that you became involved in
25 this particular case?

1 A It was a received call for service, and I
2 arrived second on scene.

3 Q Okay. Second to Deputy Hirshman?

4 A Yes, ma'am.

5 Q What did you view when you got on scene?

6 A When I got on scene, I saw -- I think EMS was
7 working on Deputy Hartwick's body at the time. Just
8 prior -- I think it was right when I had walked onto the
9 scene they called that he was deceased at that time.

10 Q Okay. Did you speak to Deputy Hirshman at all?

11 A Yeah. I -- you know, I grabbed him a little
12 bit, and then we just began to work after that.

13 Q Okay. Was he pretty upset?

14 A Yes, ma'am.

15 Q He knew Deputy Hartwick personally. Is that
16 right?

17 A Yes, ma'am. We all did.

18 Q You knew him personally as well?

19 A Yes, ma'am.

20 Q How long had you known him?

21 A I'd met him in passing a few times, you know,
22 being in FTO and then working north county.

23 Q Okay. Did you ever talk to him about that
24 construction detail?

25 A Who, Deputy Hartwick?

1 Q Deputy Hartwick, yeah.

2 A No, ma'am.

3 Q Did you ever work that construction detail?

4 A Not before then, no.

5 Q Did you work it after the accident?

6 A Yes, ma'am.

7 Q Okay. How many times?

8 A Twice, I believe.

9 Q Okay. Do you remember the last time you had a
10 conversation with Deputy Hartwick before the accident?

11 A I couldn't tell you, ma'am.

12 Q Okay. Did you -- I know that EMS was working on
13 the deputy. Did you actually touch Deputy Hartwick's body
14 at all?

15 A Did I what?

16 Q Did you touch Deputy Hartwick's body at all?

17 A I don't believe so. I think Hirshman was the
18 one that put his weapon -- his service weapon back in his
19 holster. After that, I was just kind of asking for
20 additional resources and setting up a crime scene.

21 Q Okay. When you say asking for additional
22 resources, what did you do?

23 A I asked just for additional units, supervisors
24 to come out because I know it's kind of -- I don't think
25 anybody knew at the time that that's what was going on,

1 that we had a deputy down. So I was trying to make sure
2 everybody knew what was going on.

3 Q Okay. Did you do any investigative steps on
4 your own? Did you interview any witnesses or anything
5 like that?

6 A All I did was translate from Spanish to English
7 several times until I believe it was Detective DeLeon got
8 on scene.

9 Q And who were you translating for? which
10 witnesses?

11 A I couldn't tell you to be honest. I think one
12 of them was the driver to a pickup that was behind the
13 front-loader, and then I couldn't tell you who else. I
14 know I translated for a few people that didn't speak any
15 English.

16 Q Do you remember the substance of those
17 conversations?

18 A Honestly, I can't tell you, ma'am. I'd have to
19 watch body-camera.

20 Q So you were wearing a body-cam the whole time?

21 A Yes, ma'am.

22 Q But you said you were told not to write a
23 report. Do you know who told you that?

24 A Somebody with more stripes than I have.

25 Q Okay. These interviews that you translated for,

1 were they the formal interviews, sort of sitting down
2 transcribed, or were you just kind of gathering
3 information along the construction site?

4 A For my portion of it, I think it was mostly just
5 preliminary information to just kind of figure out what
6 was going on and what happened.

7 Q Okay. Because I know at some point they sat
8 down and the interviews were transcribed. I didn't see
9 your name on those interviews, so I wanted to be sure you
10 didn't sit in and translate for those.

11 A Correct. No, I did not.

12 Q When you were talking to them kind of at the
13 construction site there and translating, were they all
14 together, or were they separate, the witnesses?

15 A I think the first interview, like the first kind
16 of like, hey, what happened type interview when Sheriff
17 Bob Gualtieri was coming up and all that, I think those
18 first interviews were just kind of like everybody was kind
19 of together, and then they separated them. Honestly, I
20 couldn't tell you if I was involved in any of the ones
21 where they were separated. Once the command bus and all
22 that stuff got there, I was just crime scene management at
23 that point.

24 Q Okay. What does that mean, crime scene
25 management?

1 A I was just standing in a corner of the crime
2 scene and basically recording everybody that came in and
3 out of the crime scene. That's it.

4 Q Okay. How long did you stay on scene?

5 A I couldn't tell you the amount of hours. I
6 think I left at 10 a.m. or so. Somewhere around there.

7 Q Were you on scene when my client,
8 Mr. Molina-Salles was taken into custody?

9 A Yes, ma'am.

10 Q Did you observe that?

11 A I did not. I gave Deputy Dunning and another
12 deputy the keys to my cruiser because it was the furthest
13 one up so they could go and make contact with the other
14 deputies that had him in custody. That was the extent of
15 my involvement on that.

16 Q Did you ever actually lay eyes on my client when
17 he was brought back to the accident scene?

18 A I do believe so when they were searching him,
19 but I didn't ask him any questions or anything like that.

20 Q Okay. Do you remember anything about his
21 demeanor?

22 A I don't, ma'am. I don't.

23 Q Okay. Anything about his physical appearance?

24 A I remember he was dirty, like he had been kind
25 of in dirt almost, but that's about as much as I remember.

1 I honestly can't remember much of that.

2 Q Did you have any other involvement?

3 A No, not that I know of. I don't think so.

4 Q Did you attend any meetings or briefings in your
5 department or in the Sheriff's office or State Attorney's
6 office after this?

7 A No, ma'am. This is the first -- anything I've
8 done with the case since.

9 Q And did you kind of -- have you done any kind of
10 research into my client or his background or what he's
11 charge with or anything like that?

12 A Just what I've seen on like our news releases
13 and what they told us. Nothing -- I think I looked him up
14 in our report writing system because I couldn't remember
15 the name. I didn't recognize the name at first.

16 Q Okay.

17 A That's about it.

18 Q Anything that you remember seeing on the news or
19 in your news briefings about him?

20 A No, not really. Not that I can think of.

21 Q Were you aware of any investigations into Archer
22 Western, into their construction practices or anything
23 like that?

24 A No, ma'am.

25 Q You said you worked the detail after a couple of

1 times. Was there anything talked about from Archer
2 Western about this incident of any additional safety
3 precautions that need to be taken or anything like that?

4 A No, not that I can think.

5 Q What instructions are you given when you do the
6 construction detail?

7 A Honestly, I can't remember. I think the last
8 one I worked was probably a year-and-a-half ago. I think
9 they just tell us that we can go in our Class B uniforms,
10 which is our polos with our cargoes, and we have to have
11 some type of marked cruiser, which means lights and sirens
12 installed. I honestly couldn't tell you what else is on
13 the -- I would have to look.

14 Q Okay. Nothing that stands out to you of
15 instructions you were given?

16 A Not that I can think of.

17 MS. DELIBERATO: Okay. I don't believe I have
18 any further questions. Does my co-counsel have any
19 questions?

20 MS. BLAQUIERE: No.

21 MS. DELIBERATO: State.

22 MR. VONDERHEIDE: None from me.

23 MS. DELIBERATO: Thank you so much. I
24 appreciate you logging on.

25 (Deposition concludes at 3:34 p.m.)

1 COUNTY OF PINELLAS)

2 STATE OF FLORIDA)

3 CERTIFICATE OF OATH

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

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

10
11 Tamara M. Pacheco

12 Tamara M. Pacheco, RPR
13 COMMISSION # 474485
14 EXPIRES: March 30, 2028
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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 FRANCISCO ZAPATA; 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: FRANCISCO ZAPATA
CASE NUMBER: 22-09348CFANO

PAGE	LINE	ERROR/AMENDMENT	REASON FOR CHANGE
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Date