

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:

STEVEN THOMAS

TAKEN BY:

Counsel for the Defendant

DATE:

November 21, 2024

TIME:

1:33 p.m. - 2:02 p.m.

PLACE:

ZOOM Videoconference

REPORTED BY:

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

Pages 1 - 27

JTP REPORTING (727)422-8287

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ALSO PRESENT:

A. LEE BENTLEY, III

BRADLEY

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Attorney for Archer Western

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EXHIBITS

(No exhibits were marked for identification.)

1 WHEREUPON,

2 STEVEN THOMAS

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. If you could please state and
8 spell your name for the record.

9 A Steven E. Thomas, S-T-E-V-E-N, E as in Edward,
10 Thomas, T-H-O-M-A-S.

11 Q And, Mr. Thomas, my name is Maria DeLiberato.
12 I'm an assistant public defender. Myself and my
13 colleague, Nichole Blaquiere represent Juan Molina-Salles,
14 and present for the State are Elizabeth Traverso and
15 Nathan Vonderheide.

16 we're here for your deposition today. You've
17 been listed as a witness by the State after the accident
18 involving Deputy Hartwick. Have you ever given a
19 deposition before?

20 A Yes, ma'am.

21 Q Okay. So most important, as you know, is to
22 answer my questions out loud, yes, no. No uh-huh, huh-uh.
23 And just try to wait for me to finish asking the question
24 before you answer. Sometimes you'll be able to anticipate
25 my question, but please, so the court reporter can get it

1 down, just wait.

2 A Okay.

3 Q And if I ask you a question and you don't
4 understand the question or you need me to repeat it,
5 please do so.

6 A Okay.

7 Q Did you review anything before your deposition
8 today?

9 A Very little.

10 Q Okay. What did you review?

11 A I think I looked back at the -- at what
12 information we had in our files and a video that the
13 Pinellas County Sheriffs had asked me to produce at the
14 accident scene.

15 Q Okay. What kind of things are in your files
16 about the case?

17 A We got photos of the area, I guess. I'm trying
18 to recall.

19 Q I guess let me ask it this way. Everything that
20 you have in your files, was that previously turned over to
21 the Sheriff's office, or is it a separate kind of
22 investigation that Archer Western did?

23 A We did an investigation under the direction of
24 our counsel.

25 Q Okay. And so there are documents and

1 photographs and things as part of that investigation?

2 A And I -- yes, but I could not answer to what was
3 turned over to the Sheriff's department. I wasn't
4 involved in that.

5 Q I understand. Yeah. I just was trying to make
6 sure so that I know if I need to request it in a different
7 way, then I will. Did you speak to anybody before your
8 deposition today?

9 A I spoke to our counsel, Lee, who I thought was
10 going to be on here today.

11 Q Oh, yeah, I thought he was too, but he's not.
12 We're a little early for you. I wonder -- were you set
13 for 1:35 or 1:45?

14 A 1:35.

15 Q Okay. It's just 1:35.

16 MS. DELIBERATO: No Lee, Tammy?

17 THE REPORTER: No.

18 Q Well, if he jumps on, he is welcome to. Are you
19 comfortable going forward without him on the deposition?

20 A I'd like to give him a minute or two at least.

21 Q Okay. My apologies. I knew there was one
22 other. He sat in on one yesterday, but he was on time
23 last time. I'm happy to give it a minute or two. We're
24 just on a pretty tight timeframe. We'll just pause for
25 about three to five minutes.

1 (Pause in deposition. Mr. Bentley joins at
2 1:38 p.m. and the following resumed:)

3 MS. DELIBERATO: Mr. Bentley, can you hear us
4 okay?

5 MR. BENTLEY: I can. I'm very sorry. I'm not
6 too technically proficient. I've had problems both
7 days with this. I'm really sorry.

8 MS. DELIBERATO: It's okay. We just scheduled
9 these on such a tight timeframe. But all we did so
10 far with Mr. Thomas is just get his background
11 information, and he reminded me he had counsel. I
12 couldn't recall which other one you were joining us
13 on. We haven't gotten into anything substantive.

14 MR. BENTLEY: Thank you, Maria. I appreciate
15 it.

16 BY MS. DELIBERATO:

17 Q Okay. So we'll resume. So, Mr. Thomas,
18 before -- and I'm not getting into -- I don't want to get
19 into the substance of any conversation that you had with
20 Mr. Bentley, but you talked to Mr. Bentley prior to this
21 deposition. You reviewed Archer Western's file, and you
22 reviewed the video that you turned over to the Sheriff's
23 office in this case?

24 A Yes, ma'am.

25 Q Anything else that you did in preparation for

1 the depo that we haven't talked about?

2 A No.

3 Q Okay. Do you have kind of an independent
4 recollection of this particular incident?

5 A After the incident when I arrived on scene.

6 Q Okay. When I say the incident, I kind of mean
7 the whole thing, that this thing happened and you had to
8 give these documents over and answer some questions.

9 A Yes, ma'am.

10 Q Can you just tell me a little bit about what
11 your job is at Archer Western?

12 A So I'm the regional safety director for our
13 transportation group. So I've got responsibility for the
14 state of Florida, Archer Western's transportation projects
15 throughout the state of Florida. With that, I oversee the
16 safety program as a whole. I also have, I think, nine
17 currently direct reports that are safety managers on the
18 project sites. Verify and keep up with the key
19 performance indicators for the company. Make sure we're
20 following the company's safety guidelines. Track training
21 and track our metrics as far as safety performance goes.
22 Help manage injuries and incidents more from I guess a
23 higher level. I don't typically do incident reports or
24 handle the investigations personally. Does that help?

25 Q Yes. And how long have you been with Archer

1 Western.

2 A I've been with the Walsh Group for 15 years, a
3 little over 15 years. I've been here at Archer Western in
4 Florida since 2016.

5 Q And it's my understanding you weren't actually
6 on the construction site when the accident happened. Is
7 that right?

8 A No, ma'am.

9 Q Did you actually end up reporting out to the
10 scene at some point?

11 A Yes. Our safety manager who actually wasn't
12 there that night either -- I guess he got called to come
13 out -- Francisco Castro, he called me. There were two
14 separate incidents that evening. As he explained it to me
15 when he called me, one was a police officer had been hit
16 by a driver. At that point, we thought it was somebody on
17 the traveling public roadway. And another incident where
18 a vehicle had went off the end of a bridge.

19 He was on his way there. I directed him to go
20 to the incident with the Sheriff, and I went to the other
21 incident to help out, just gather information on the car
22 that had driven off the end of the bridge.

23 Q So did you ever get to the Deputy Hartwick
24 scene?

25 A I did. He called me at some point that

1 evening -- it was a pretty long evening -- and asked if I
2 had access to our video system. Because we had a
3 tractor-trailer that had a load of barrier wall on it that
4 was I guess to the north of the scene facing that
5 direction. So I was able to pull the video off our
6 system, the dash cam video from that vehicle and share
7 that with the police officers with the Sheriff's
8 department that night.

9 Q And how was it that you -- did you personally
10 download that video yourself?

11 A Yeah. I had to -- well, actually, I can't
12 download it. I had to go to -- it's a website web-based
13 program. I was able to go to the website and show the --
14 again, it's been a long time ago. The gentleman that I
15 was working with is an employee of the Sheriff's
16 department, but he was kind of their video/IT guy, I
17 guess. So I was showing that to him, and he brought me
18 down to the scene to take my computer and pull the video
19 down when we got there to their operations center. At
20 that point, I still was under the impression this was a
21 driver that had come through the area and hit the police
22 officer.

23 Q And when did you learn that it was a
24 construction worker that was alleged to have hit the
25 deputy?

1 A I became aware that they were investigating that
2 scenario when I was in the operations center. I'd been in
3 there a half-hour or so.

4 Q Okay. And did that change like Archer Western's
5 role in any way?

6 A well, I immediately called our legal team and
7 our operations manager here in Tampa -- and this is middle
8 of the night at this point -- and told them we may be
9 involved in this and needed to get some people out of bed
10 because we needed more direction from our legal team at
11 that point.

12 Q who did you contact?

13 A I contacted Greg Fullington, who is our program
14 manager. Operations manager I think he was at that time.
15 I was -- I tried to contact a few different people. I was
16 having a hard time getting ahold of people that time of
17 the morning. I remember Greg actually tried to come out.
18 He couldn't get down to the scene, but I do know he
19 responded. I'm pretty sure he called our legal, internal
20 legal rep, Erin DuBose. I spoke to Erin at some point
21 through the night as well.

22 Q And what about the other scene of the car that
23 had driven off the unfinished bridge? Did you also
24 contact legal and sort of above supervisors as well?

25 A I told them about it in the same time as

1 reporting the other.

2 Q Okay. So were those kind of two separate
3 investigations that Archer Western then would have
4 undertaken into those two different events?

5 A Yes. We -- I don't recall exactly at this time,
6 but I think we lumped the night together just because they
7 were two bizarre events in one. We found out later that
8 the closing of the traffic resulted in the person
9 reversing their direction and driving off the bridge, the
10 closing of the traffic due to the officer's injury or
11 incident.

12 Q Okay. And that was the conclusion that Archer
13 Western made about the sort of causation of that secondary
14 accident?

15 A Yeah. I mean, there was no reason for the
16 traffic to go in that direction if we hadn't closed the
17 interstate or if the Pinellas County Sheriff hadn't closed
18 the interstate.

19 Q Okay.

20 A Not the Florida Highway -- whoever closed the
21 interstate at that point.

22 Q Understood. So I think you said that you're the
23 regional safety manager. Is that the title? I apologize
24 if I misheard.

25 A I'm the Director of HSE -- health, safety, and

1 environmental -- is my title.

2 Q Was Kody Gardner one of your direct reports or
3 no?

4 A No.

5 Q Okay. What do you know about the safety
6 instructions given to officers who are working an off-duty
7 construction detail?

8 A I don't -- I don't know much. I guess my
9 assumption would be they're directed where to go, where to
10 park. They don't have a lot as far as any responsibility,
11 other than being there as a presence for lights. Their
12 purpose is to slow traffic down just by being there. They
13 don't have any other responsibility.

14 Q Okay. So you're not aware of any directives
15 from Archer Western to the police department as far as
16 what they're supposed to do or not do on the detail?

17 A I mean, I'm pretty sure they're told by the MOT
18 advisers or supervisors where to go, where to park, where
19 to set up. Beyond that, I can't imagine what they would
20 be instructed for.

21 Q Okay. As part of your role at Archer Western,
22 are you at all involved in any hiring of any workers?

23 A Beyond safety professionals, no.

24 Q So like the workers that are driving the
25 front-loaders that are working the actual construction

1 site, do you have any role in their hiring?

2 A No, ma'am.

3 Q Do you have any knowledge of the recruiting
4 practices of Archer Western for the construction workers,
5 meaning the workers who drive the front-loaders, that sort
6 of thing?

7 A Of the recruiting?

8 Q Uh-huh.

9 A I mean, I know we post ads. I know it's
10 word-of-mouth. But, no, I'm not involved in recruiting of
11 that.

12 Q Do you know where the ads are posted?

13 A I've seen them posted on our Twitter -- I think
14 it's Twitter page. I've seen them posted on social media.
15 I've seen them posted on LinkedIn. I'm sure they go out
16 into -- well, I don't know. I would assume they go out
17 into normal job boards.

18 Q Have you ever seen them actually physically
19 posted, like signs in the community and things like that?

20 A We have put banners up on project sites. I've
21 seen that, now hiring, yes.

22 Q Where are you physically located? In Tampa?

23 A Yes, ma'am.

24 Q Okay. Did you know any of the Archer Western
25 employees that were present on the scene that night that

1 had either witnessed the accident or the immediate
2 aftermath?

3 A No. I'm trying to think who was there.

4 Q Laura Caudill for example.

5 A I don't know her, no.

6 Q When you got on the scene, were there still some
7 Archer Western employees I assume still there waiting to
8 talk to the police or having had spoken to the police?

9 A Yes, ma'am.

10 Q Did you recognize any of them?

11 A I wouldn't. I rarely get out at night on the
12 job sites, so no.

13 Q Okay. And do you have any knowledge of my
14 client, Juan Molina-Salles whatsoever?

15 A Only what occurred after the incident.

16 Q What's that mean?

17 A I know he fled after the incident, and I know he
18 was arrested for fleeing the scene. I never -- we
19 never -- I never interviewed Juan after the incident.

20 Q Did you ever speak to him before the incident?

21 A Not that I'm aware of.

22 Q What about any of the individuals that were in
23 the pickup truck following the front-loader, Doug
24 Valladaras, Christina or Cinthia Gomez?

25 A I think there were three individuals in the

1 truck. we did -- I didn't speak with them. I think they
2 were all Spanish-speaking. Through Francisco Castro, we
3 interviewed them after the fact.

4 Q And where did that interview take place?

5 A At our office in Tampa at 43 -- was it 43? It's
6 our old office, Anchor Plaza Parkway.

7 Q And were those interviews transcribed?

8 A I think there were statements written by the
9 employees, and those were part of the package that was
10 turned over to our legal team.

11 Q Okay. But you're not sure if that package was
12 turned over to the Sheriff's office?

13 A I don't know.

14 Q Okay. You only know specifically the video that
15 you participated in turning over to Sheriff's office?

16 A Well, I showed it to them. I don't know if they
17 ever got a copy. There wasn't much to see.

18 Q Okay. There's a police report that says that
19 you gave them the laptop, and they were able to download
20 it. So assume that --

21 A Okay. Yeah. He had it. I couldn't -- I wasn't
22 able to download it. I'm not sure how he got ahold of it.
23 I wasn't able to pull the file down.

24 Q Okay. But you have a recollection of giving the
25 deputy your laptop --

1 A Yes, ma'am.

2 Q -- and giving him access to do that?

3 A Yes, ma'am.

4 Q Did Archer Western conduct any other interviews
5 of employees about this incident? We talked about the
6 three individuals in the truck. Anyone else?

7 A Russell goes by Taz. I'm trying to remember his
8 real name. He was the senior superintendent on the
9 project site. He's been gone for a while. He was
10 involved in that discussion/interview that morning. And
11 I'm trying to remember the name of the other person that
12 was there. I can't recall.

13 Q Do you know what the conclusion from the Archer
14 Western investigation was regarding Deputy Hartwick's
15 incident as far as any safety violations?

16 A I don't think that we determined there was a
17 safety violation in the incident itself.

18 Q And when I said -- when you say no safety
19 violation, I assume you mean -- and I don't want to put
20 words in your mouth -- on the part of Archer Western?

21 A Correct.

22 Q Okay. So, again, I don't know how these
23 investigations work, but I assume Archer Western sort of
24 looks at the whole scenario, takes interviews, does
25 things, makes a determination if they -- any of their

1 actions caused the accident itself -- any of their
2 employees' actions?

3 A No. I mean, I think it was a really unfortunate
4 set of circumstances that kind of fell into place.
5 There's a lot of things that -- and we don't know for
6 certain because I wasn't there. We didn't determine that
7 any of our employees did anything wrong that caused the
8 incident.

9 Q And when you say an unfortunate set of
10 circumstances, what are you referring to?

11 A I just think the timing of where the officer was
12 standing. Again, a lot of the lights from the police
13 vehicle glaring off the windshield. We had -- I know
14 driving around that night, it made it difficult with the
15 windows as far as, just even my own pickup truck, keeping
16 it clear because of the dew and the moisture on the
17 windshield. It wasn't raining, but sometimes at night
18 that's an issue. So the glare from the equipment, the
19 glare from the lights of the police vehicle, I certainly
20 could see where he would have a hard time seeing the
21 officer standing there.

22 Q When you say "he," you mean the driver of the
23 front-loader?

24 A Yes, ma'am.

25 Q And is it your understanding that the officer

1 was not wearing a safety vest?

2 A That was my understanding, yes.

3 Q And is that considered a policy or procedure if
4 they're out of their vehicle, if you know, that they
5 should be wearing their safety vest?

6 A So I -- obviously, any of our folks, we do
7 mandate they wear a safety vest, especially at night on
8 the roadway. We don't have any expectation that the
9 police officers would be out of their vehicle. As I said,
10 their purpose is to be there for their lights to help
11 traffic slow down. They can't -- they're off-duty. They
12 can't chase speeders or issue tickets. There's no other
13 reason for them to be there other than they're there to
14 help slow down traffic. So, no, it never really was an
15 issue. I mean, I've been out at night on different jobs,
16 and I've never really noticed police officers getting out
17 of their vehicles.

18 Q Okay. Kind of after -- I think you said sort of
19 this was a very long night -- did you do any or were asked
20 to do any follow-up with the Sheriff's office after kind
21 of being out on scene and the video that we talked about
22 and things like that?

23 A I didn't. I think we talked to our project team
24 about requesting that they not get out of their vehicles
25 or if they do that they do have the proper gear on as far

1 as high viz apparel. Again, the expectation is that
2 they're not out of the vehicle.

3 Q Okay. So kind of after this incident, you tried
4 to reiterate that safety requirement to your foreman so
5 that they would then relay it to the officers?

6 A Well, I reiterated that to our safety manager
7 and our project manager.

8 Q Okay. And then I guess your intention and hope
9 was that they would then pass that along and ultimately
10 get passed on to the officers?

11 A Yes, ma'am.

12 Q Do you know if anybody followed up with the
13 foreman to see if that was being re-relayed?

14 A I don't.

15 Q Did you personally conduct the interviews of the
16 witnesses that you described earlier, the ones in the
17 pickup truck at Archer Western?

18 A I was there. If I remember right, none of them
19 spoke English. My Spanish is limited to ordering food.

20 Q But like were you asking the questions and then
21 they were being translated, or was somebody else asking
22 the questions?

23 A I think we were just trying to collect
24 information. I'm sure it was a group collaboration of
25 what we needed to gather.

1 Q Okay. Do you remember if you interviewed them
2 together or separately?

3 A I believe they were all in the room.

4 Q Were you involved in the civil case in this
5 matter? Did you get deposed in the civil case is my real
6 question?

7 A No, ma'am.

8 Q Okay. Did you ever get a notice for a
9 deposition or anything like that?

10 A No.

11 Q Were you ever asked to like provide any
12 documents or answer any interrogatories into the civil
13 suit?

14 A I don't think so. I don't recall that with this
15 case.

16 Q Okay. Did you do any research kind of into this
17 case on your own, like any Google searches about the
18 charges or my client or his background or anything like
19 that?

20 A I mean, I'm sure I looked into what the charges
21 were and obviously what was being said in the press about
22 us and about the incident as a whole. It was pretty big
23 news here in the Tampa area.

24 Q And I know, but I want to make sure the record
25 is clear. What was being said in the press about Archer

1 Western in this incident?

2 A There was a lot of negative comments being made
3 about the hiring of illegals.

4 Q And did that make you feel any kind of way about
5 Archer Western?

6 A I don't know what you're asking. Did I feel any
7 kind of way?

8 Q Like defensive of the company or angry at the
9 media for reporting that or anything like that.

10 A I mean, it's frustrating for sure with the
11 media. We follow our procedures. We follow procedures
12 that are mandated to us by contracts. It's kind of an
13 unfortunate situation.

14 Q And I think you said that you're not involved in
15 sort of any of the HR hiring practices yourself. Is that
16 right?

17 A Correct.

18 Q So you don't know what kind of background checks
19 would or would not have been done on these particular
20 employees?

21 A I know that we're required by contract to do
22 E-Verify background or checks on all employees.

23 Q Okay. And what's the E-Verify background?

24 A As I understood it, we have to send -- and I
25 don't know exactly what information we have to send. We

1 have to send their information to -- it's a system managed
2 by the -- I think it's Border and Homeland Security that
3 checks into the validity of workers' information.

4 Q Did you have any part -- were you interviewed at
5 all in any investigation from Department of Homeland
6 Security or any other federal agency into Archer Western's
7 hiring practices?

8 A I was not.

9 Q You were never called in for an interview for
10 any of that --

11 A No.

12 Q -- or asked to provide any records relating to
13 that?

14 A No, ma'am.

15 Q Is there anything that you did with respect to
16 this case, interviews, evidence that you turned over that
17 I haven't already asked you about?

18 A I don't believe so.

19 Q Okay. Have you understood all of the questions
20 that I've asked you today?

21 A I think so.

22 Q Okay. Have you answered them all to the best of
23 your ability?

24 A Yes, ma'am.

25 MS. DELIBERATO: I don't have any further

1 questions. I don't know -- I don't believe my
2 co-counsel does.

3 MS. BLAQUIERE: (Shakes head.)

4 MS. DELIBERATO: She does not have any
5 questions, and I don't know if the State has any
6 questions.

7 MR. VONDERHEIDE: No questions.

8 MS. DELIBERATO: Thanks so much. I appreciate
9 it.

10 (Deposition concludes at 2:02 p.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
6 STEVEN THOMAS personally appeared before me by ZOOM
7 videoconference and was 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 STEVEN THOMAS; 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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ERRATA SHEET

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

NAME OF DEPONENT: STEVEN THOMAS

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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Signature

Date