

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:

DAMON BRETON

TAKEN BY:

Counsel for the Defendant

DATE:

October 31, 2024

TIME:

1:15 p.m. - 1:30 p.m.

PLACE:

Distr. Six Medical Examiner
10900 Ulmerton Road
Largo, FL

REPORTED BY:

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

Pages 1 - 23

JTP REPORTING (727) 422-8287

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EXHIBITS

(No exhibits were marked for identification.)

1 WHEREUPON,

2 DAMON BRETON

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

9 A It's Lamont Damon Breton. Last name is
10 B-R-E-T-O-N.

11 Q And how are you employed?

12 A I'm the chief investigator with the District Six
13 Medical Examiner.

14 Q And how long have you been so employed?

15 A I've been here since 2001, and I've been the
16 chief probably since '03 or '04.

17 Q And we've met before, but can you walk me just
18 through a little bit of your career prior to getting here.

19 A For medical examiner work, I started in 1990 in
20 Jacksonville, and I was there about four or five years.
21 Then I went to West Palm. I was there another four years.
22 Then I went to Leesburg. I was chief investigator there,
23 and then I came over here with Thogmartin. I had worked
24 for Thogmartin before over in Palm Beach before that.

25 Q Any other investigative, law enforcement type

1 style experience other than through the medical examiner's
2 office?

3 A I have a bachelor's in criminal justice from
4 West Chester University in Pennsylvania.

5 Q Any work though in law enforcement other than
6 that?

7 A No. No. Before I did medical examiner stuff, I
8 was in contract guard security services.

9 Q Okay. So I want to sort of talk to you, what is
10 your role as chief investigator here?

11 A I'm a working investigator, and I help others
12 with questions on what they need to do if they have
13 complex cases.

14 Q And how do you guys do it? Is there a rotation
15 where you're on call?

16 A Yeah. There's a schedule to where we have
17 investigators in Pasco and Pinellas, and the Pinellas
18 investigators basically rotate nights and weekends, and I
19 usually do one or two days a week.

20 Q Okay. And how many investigators do you
21 supervise?

22 A I think there's five in Pinellas and two in
23 Pasco.

24 Q Okay. So I'm going to draw your attention to
25 the case that we're here on. It's District Six Medical

1 Examiner. I have your case number M22-0220. Is that
2 right?

3 A Correct.

4 Q And what did you review before our deposition
5 today?

6 A I looked at the photographs, and I reviewed my
7 report.

8 Q Do you have an independent recollection of this
9 particular case?

10 A Limited, but yeah, kind of.

11 Q Okay. Tell me what you -- tell me sort of what
12 you remember about it, and then I'll ask you some specific
13 questions.

14 A I mean, I know a deputy was struck and killed,
15 and I was there and saw him, and he was -- had a lot of
16 injuries. They collected everything and I left, took
17 pictures.

18 Q So were you on call that night, or did you go
19 out because you're the chief investigator?

20 A I was on call.

21 Q Okay. So it wasn't -- they didn't say
22 specifically, hey, chief investigator, you have to go out
23 because this is a high-profile case?

24 A Correct.

25 Q Okay. So when did you arrive at the scene?

1 A I think it was about four. Let me see here.
2 4 o'clock in the morning on the 23rd is what I have.

3 Q Do you know when you first got the call?

4 A I got a page at about 3:44 in the morning.

5 Q Okay. And you kind of learned that the accident
6 happened just a little bit before midnight?

7 A Yeah.

8 Q Okay. And what information do you recall
9 getting before you arrived at the scene?

10 A I don't remember. I mean, it was a deputy. It
11 was a deputy that was struck and killed, and it was down
12 off of 95 -- or down off of 275.

13 Q And were you familiar with that area at all or
14 the construction project that was ongoing or anything like
15 that?

16 A Just driving by.

17 Q Okay. Is that a way you take to get to work
18 or --

19 A No. I mean, I'm all over both counties, so I
20 drive around all the time. There's always construction
21 around.

22 Q Okay. There was a construction death around the
23 same time. I don't have the person's name, but I don't
24 know if you know. Had you ever responded to that
25 particular scene or that construction site for a death

1 previously?

2 A Out near this one?

3 Q Yeah.

4 A No.

5 Q Okay.

6 A No. I mean, we have construction deaths that
7 happen where people are hit by trucks or whatever.

8 Q Sure. Nothing that you can recall like, oh,
9 this is the same company or anything like that?

10 A No. I think there was one in Clearwater when
11 you're talking about that timeframe.

12 Q Okay. So you get out to the scene. What's your
13 role?

14 A My role is to document for the medical examiner.
15 Basically, I'm like the gopher so the medical examiner
16 isn't driving there. It's to give them the information so
17 before they do the autopsy, they know the brief
18 circumstances, and they have photographs to look at.

19 Q Are there circumstances where the medical
20 examiner himself or herself will come to the scene?

21 A Yeah. They may respond on certain scenes, yeah.

22 Q And do you know why or when or who makes that
23 decision?

24 A The general parameters are if there's a cause of
25 death or a time of death issue and it's requested. They

1 will respond to high-profile cases, police shootings,
2 stuff like that if there has been a request and a need for
3 that.

4 Q Do you know if Dr. Koopmeiners came to this
5 scene?

6 A I did not call him, so he didn't come.

7 Q And is there any particular reason why not?

8 A Didn't think that I needed him to respond.

9 Q And is that because it was -- I don't want to
10 put words in your mouth, so tell me why you didn't feel it
11 was necessary.

12 A It didn't seem to be a time of death, a cause of
13 death issue. It didn't seem like the circumstances were
14 unknown. So I didn't feel to call him up and then have
15 the delay from him then responding versus me who lived
16 down near there. So it was more or less that type of
17 issue.

18 Q Okay. Can you describe sort of as you're coming
19 up to the scene itself, I imagine with a deputy-involved
20 decedent, there's lots of people responding, trucks,
21 traffic blocked off. Can you give me some --

22 A It was confusing.

23 Q Okay. Do you know like where traffic was
24 blocked and things like that? Did you have a hard time
25 getting there?

1 A I barely even got there. I remember coming up
2 trying to go north. I couldn't get north, so I went south
3 and then came up that way.

4 Q And were there like helicopters and stuff going
5 as well?

6 A There were helicopters when I was out at the
7 scene.

8 Q Okay. Do you have access to their like radio
9 channel or anything like that, the police radio channel?

10 A No.

11 Q So you're not listening to what's going on or
12 anything?

13 A Correct.

14 Q Okay. Do you know when you got on scene, was
15 there conversation that you heard about any potential
16 suspect or anything like that?

17 A Yeah. They said that they were looking for two
18 guys, I think. Either one or two.

19 Q Any other details that you remember hearing?

20 A They were running the dogs.

21 Q Anything you remember about them saying that you
22 overheard about the suspects or anything like that?

23 A No. I was mainly concerned about the dogs.

24 Q why?

25 A I don't want to get bit by a dog. I don't like

1 big German shepherds running after me. They said they
2 were running the dogs, and they were looking for somebody.
3 So my main concern then was I don't want to be like going
4 in the woods doing anything where there's going to be a
5 dog.

6 Q Okay. So you're eventually able to make your
7 way to the scene, and what do you observe?

8 A He's laying on the roadway.

9 Q And is he on his front or his back?

10 A He's on his back.

11 Q And do you know whether he had been moved prior
12 to your arrival?

13 A I imagine he was probably at least manipulated.
14 I don't know if he was moved.

15 Q Okay. Was there any evidence of any paramedic
16 intervention or anything like that?

17 A Yeah, he had pads on. He had -- his armor was
18 away from the front.

19 Q So what do you do when you get on scene? You
20 start taking photographs?

21 A Yeah, I took pictures.

22 Q Okay. And then what?

23 A I did a brief examination of him, which wasn't a
24 lot, and then they wanted to do a lot of stuff on their
25 end as far as the transport. They didn't want us to do

1 the transport. They wanted Sunstar to do it. You know,
2 they wanted to collect his badge and do all the things
3 they normally do. So I left them there with the body.

4 Q Okay. So usually in a -- I'll call it a
5 non-high-profile, if this had just been another
6 construction worker or not a deputy, would you have taken
7 the body with you?

8 A I would have transport do it. It's our staff,
9 our employees.

10 Q Transport from the medical examiner?

11 A That's correct, yeah. I would have helped them
12 lift the body up and put the body in the van and then all
13 of that.

14 Q And that is not what happened here at the
15 request of the Sheriff?

16 A That's correct. They wanted Sunstar to do it
17 because they wanted to have an escort and all that.

18 Q Okay. Is that your experience with deaths of
19 law enforcement officers?

20 A Yeah. With Pinellas, yeah.

21 Q Were you involved at all in the death
22 investigation of Deputy Magli a couple of years ago? Are
23 you familiar with that, a DUI?

24 A Which one was that?

25 Q It was a DUI, fleeing. He had deployed stop

1 sticks.

2 A Is that with the sticks?

3 Q Yeah.

4 A Yeah. Not directly.

5 Q Okay. You didn't go to that scene?

6 A I don't remember.

7 Q I was just wondering if there was similar
8 procedures followed.

9 A Yeah. I think Chuck had that case.

10 Q So in any event, you take pictures. You said
11 you did the examination of the body. What does that
12 entail?

13 A They were still collecting everything. So I
14 basically pushed on his chest, and it was like crunchy.

15 Q So very apparent that the injuries were severe?

16 A Yeah, it was obvious.

17 Q Any other obvious -- I mean, you said you
18 pressed on his chest. Any other manipulation of the body
19 that you recall?

20 A I think I rolled him onto a sheet for them, and
21 that was about it.

22 Q Okay. And then you leave them with the body
23 because they're going to transport. What do you do next?

24 A I go home, and I put stuff in the computer,
25 name, date of birth, general information, case number.

1 Q Okay.

2 A Generate a case.

3 Q And so the sort of death investigation report
4 that has the narrative, this is basically all according to
5 information that you got from the Sheriff, right?
6 Everything that we see here, reportedly performing traffic
7 duties, had been using a marked vehicle, was in uniform,
8 all that is information that you learned from the
9 deputies, right?

10 A Correct.

11 Q Okay. Did you interview anybody in specific?
12 Like, can you attribute those facts to any specific deputy
13 or just generally?

14 A No. No. There was so many of them out there.

15 Q Okay. You didn't do any individual interviews
16 with anybody yourself?

17 A No.

18 Q Do you do the notification of next of kin, or
19 did the Sheriff's office do that?

20 A Usually law enforcement does the notification.
21 They did in this case.

22 Q Okay. So did you have any contact with Deputy
23 Hartwick's family or next of kin or anything like that?

24 A I don't remember. I don't think a lot. If I
25 did -- I think even the funeral home was chosen by the

1 sheriff in coordination with the family. So I think the
2 sheriff pretty much took care of all that.

3 Q Okay. And then do you -- did you talk to
4 Dr. Koopmeiners? Do you talk to him before the autopsy?
5 Do you kind of give him your information? How does that
6 work?

7 A There's a summary in the computer and then the
8 photographs. So he has that before he starts the autopsy.
9 I don't remember what conversations I had with him. He
10 would have been aware of the nature of the case and the
11 circumstances.

12 Q And do you attend the autopsy?

13 A I don't remember if I did or not. I mean, I do
14 all the time, so . . .

15 Q Would it be noted anywhere if you did?

16 A No. No, because I go back and forth.

17 Q And you don't have a recollection of whether you
18 did or not in this case?

19 A I do not.

20 Q Okay. Would you have taken -- the photographs
21 that are taken during the autopsy, are they taken by you,
22 or are they taken by a technician?

23 A No. They have technician staff that does the
24 autopsy.

25 Q Okay. So the only photographs that you took are

1 the scene photographs?

2 A That's correct.

3 Q You don't wear like a body cam or anything like
4 that, right?

5 A No.

6 Q And no like audio recording in your car or
7 anything like that or as you're walking up?

8 A No.

9 Q Did you have any other involvement in this case?

10 A Like doing a death certificate. Clerical type
11 stuff.

12 Q Do you -- were there any, like, briefings or
13 meetings with the Sheriff's office and the ME or the State
14 Attorney's office that you were a part of?

15 A I don't think so.

16 Q Okay. Do you remember following the case at all
17 to see like who was arrested or the circumstances or
18 anything like that?

19 A No. I'm not really big on that.

20 Q So you don't know anything about my client or
21 his circumstances or anything like that?

22 A I saw some newspaper articles.

23 Q Okay. What do you remember seeing?

24 A I remember seeing a newspaper article that there
25 was an arrest with the guy's name and everything.

1 Q Okay. When these kinds of cases come in of a
2 homicide or traffic death, right -- you may not be able to
3 answer this question. It maybe Dr. Koopmeiners. How is
4 it determined whether it's like an accident or a homicide?
5 Like, who makes that determination in terms of the
6 autopsy? Is that just the doctor?

7 A The pathologist does that, yeah.

8 Q Okay. And do you gather any information? Like,
9 if there had been information in this case that there was
10 alcohol involved or reckless driving or something like
11 that, is that something you would have collected and noted
12 or not?

13 A Yeah, if it pertained to the actual death.
14 You're talking about manner issues.

15 Q Yeah.

16 A So that's a weird subject.

17 Q Well, because you write criminal charges are
18 involved but nothing else. So I'm just wondering like --

19 A Criminal charges are leaving the scene and that.
20 So they're saying -- so criminal charges, they're saying
21 there's criminal charges. It's a catch phrase that we use
22 for evidentiary purposes.

23 Q But I guess I'm trying to wonder if it's really
24 a manner of death question is for the pathologist. Is
25 that what you're saying?

1 A That's correct.

2 Q Okay. So that's not something -- you may
3 collect facts that help support his ultimate decision one
4 way or the other, but you're not making a decision on the
5 manner of death?

6 A That's correct. But traffic accidents by
7 convention are accidents.

8 Q Okay. Unless there is alcohol involved?

9 A No.

10 Q That is not -- okay.

11 A Well, it depends on where you're at.

12 Q No. I mean, there's an autopsy from this office
13 in a traffic homicide -- in a traffic death that says
14 homicide, and it was a traffic death.

15 A There are ones where like let's say I'm
16 fleeing -- I mean, I don't know if you guys want to -- if
17 I should even get into this because it's not really my
18 purview. But so if I'm a guy and let's say I steal from
19 somebody, and I jump on the car to try to stop the person
20 from leaving. They're driving off, and they throw me off
21 and knowingly are trying to -- they know they could hurt
22 me and kill me. That's a different matter than I'm just
23 driving down and just hit somebody.

24 Q Sure.

25 A So those can be homicide. If I have a group of

1 five people surrounding me and I say screw you, I'm
2 leaving and I ding somebody --

3 Q Yes. That's what I'm getting at.

4 A -- that could be a homicide.

5 Q And you might collect those facts. It still
6 could be a traffic death, but you would collect those
7 facts and put that in, and then the pathologist might call
8 it a homicide?

9 A Yeah. They would make the decision on what they
10 want to do.

11 Q Okay. That's what I thought. I just wanted to
12 clarify. So no other involvement. No other meetings,
13 briefings, follow-up, anything that you attended about
14 this case since then?

15 A No.

16 Q This is kind of the first time somebody sat down
17 with you and asked you questions?

18 A Yes.

19 MR. DELIBERATO: Okay. I don't have any further
20 questions. Do you have any questions?

21 EXAMINATION

22 BY MS. BLAQUIERE:

23 Q Can you elaborate when you said that you felt on
24 Deputy Hartwick's chest and it was crunchy?

25 A What's the medical term? I'm old. Decrepit. I

1 think it's the ribs broken.

2 Q Is that what that means when you had a crunchy
3 feel, like broken bones?

4 A You can feel it when you touch somebody and
5 there's like -- it's like a chip bag.

6 Q From broken bones?

7 A Yeah.

8 Q Okay. What's this neat thing you have on your
9 left wrist?

10 A It's a flashlight.

11 MS. BLAQUIERE: Oh, okay. That's it. Thank
12 you.

13 THE DEPONENT: It's not a recording device.

14 MS. BLAQUIERE: No, it looks like a camera a
15 little bit. It's neat.

16 MR. DELIBERATO: I don't have anything else. Do
17 you guys have any questions?

18 MR. VONDERHEIDE: No questions.

19

20 (Deposition concludes at 1:30 p.m.)

21

22

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24

25

1 COUNTY OF PINELLAS)

2 STATE OF FLORIDA)

3 CERTIFICATE OF OATH

4
5 I, the undersigned authority, certify that DAMON
6 BRETON personally appeared before me and was duly sworn.

7 witness my hand and official seal this 15th day
8 of November, 2024.

9
10 Tamara M. Pacheco

11 Tamara M. Pacheco, RPR
12 COMMISSION # 474485
13 EXPIRES: March 30, 2028
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ERRATA SHEET

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

NAME OF DEPONENT: DAMON BRETON

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

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 DAMON BRETON; 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. Pacheco*16 Tamara M. Pacheco, RPR
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