

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:	MATTHEW AITKEN
TAKEN BY:	Counsel for the Defendant
DATE:	March 26, 2024
TIME:	1:04 p.m. - 1:25 p.m.
PLACE:	ZOOM videoconference
REPORTED BY:	Tamara M. Pacheco, RPR Notary Public, State of FL

Pages 1 - 24

JTP REPORTING (727) 422-8287

ZOOM VIDEOCONFERENCE APPEARANCES

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## EXHIBITS

(No exhibits were marked for identification.)

1 WHEREUPON,

2 MATTHEW AITKEN

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 Sure. My name is Corporal Matthew Aitken.  
10 Matthew is with two T's. My last name Aitken, A-I-T, as  
11 in Tom, K-E-N.

12 Q And how are you employed?

13 A I'm assigned to the Training Unit. I'm employed  
14 with the Pinellas County Sheriff's Office.

15 Q My name is a Maria DeLiberato. I'm an assistant  
16 public defender. Myself and Nichole Blaquiere represent  
17 Juan Molina-Salles. It's your case number SO22-305232.  
18 Present for the state is Nathan Vonderheide and Elizabeth  
19 Constantine, and we're here for your deposition today.

20 I have that you authored just one supplement,  
21 Supplement 2. Is that correct?

22 A Yes, ma'am.

23 Q And I know your name is sort of on some others  
24 as approvals, but the only one you authored is Supplement  
25 2?

1 A That's correct.

2 Q Did you review that before our deposition today?

3 A Yeah. It was couple of weeks ago, but I'm  
4 pretty familiar with the case.

5 Q Sure. If you need to refer to it at any time, I  
6 have it up here, so I can always screen-share. I just  
7 have a few questions.

8 A All right. Yes, ma'am.

9 Q How long have you been with PCSO?

10 A Just finished 18 years.

11 Q And are you a corporal? Is that your rank right  
12 now?

13 A Yes.

14 Q And at the time of this, which was September of  
15 2022, what were you assigned to? Were you a corporal in a  
16 specific division? I think you said you were in training  
17 now.

18 A Yeah. I was assigned to the K-9 Unit. I worked  
19 K-9 for thirteen years, and I was a corporal in the K-9  
20 Unit at the time of this case.

21 Q Okay. Any prior law enforcement experience  
22 before PCSO?

23 A No.

24 Q During your time at PCSO, ever had any  
25 complaints sustained against you for any reason?

1           A     No.

2           Q     So directing your attention to the night of  
3     September 22nd, 2022 -- I guess the 21st into the 22nd --  
4     you were on duty. Did you get called out to the scene?  
5     How was it that you arrived?

6           A     I was assigned to the north end of the county.  
7     As a corporal, I had several deputies that work under me  
8     in the K-9 Unit. So I was on the north end. This call  
9     happened on the south end of the county.

10                once I heard the call come out -- I believe the  
11     deputy called out that a deputy is down or learned that a  
12     deputy was struck on the highway. There was very little  
13     information at the time that we knew. We all assumed that  
14     it was -- I assumed I should say that it was a vehicle  
15     involved, like a car. So initially, our priority was to  
16     shut down entrances and exits of 275 so we could create a  
17     crime scene.

18                Being in a K-9 capacity, I quickly asked to  
19     be -- someone come take my position. I initially set up  
20     and closed off the entrance on 275 at the Roosevelt  
21     entrance but asked for relief pretty quickly because if a  
22     vehicle or the car involved -- we didn't know a lot of  
23     information at the time, but if that car was located and  
24     it was abandoned, it would turn into a K-9 exercise. So I  
25     asked for someone from patrol to relieve me so I could

1 head down to the area of the call.

2 Q Did you --

3 A Once I got down in the area --

4 Q Sorry, go ahead. You had your dog in the car  
5 with you already?

6 A Yes.

7 Q Okay. Go ahead.

8 A So we drove down there. It kind of just felt  
9 like there wasn't a whole lot of information going to the  
10 scene. It didn't seem like it was the right thing to do  
11 because it was a hit-and-run, so there's nothing at the  
12 scene for us at the time. So I was driving around trying  
13 to find any sign of a wreckage or any sign of an abandoned  
14 vehicle. Really just being on the lookout for anything  
15 that might be our suspect vehicle. At some point after,  
16 it seemed to not be productive. We decided at the time,  
17 until we get more information, as K-9 we would stand by  
18 and assist patrol until we got some reliable information.

19 There was a vehicle that was involved in a crash  
20 that came off one of the ramps that wasn't finished. We  
21 believed that car might have been involved, and that car  
22 obviously was not involved. The driver was still in the  
23 vehicle and sustained some serious injuries. We went back  
24 to our normal job until we got more information.

25 Q And when you say back to your "normal job," did

1 you go back to like a perimeter spot to secure the highway  
2 or --

3 A The highway had already been secured, so I went  
4 back up north and resumed my job as K-9 up north until we  
5 could get more information. It didn't seem like it was  
6 going to be a K-9 call anymore because so much time had  
7 passed by. We had very little information.

8 Q And so did you ever actually get to the scene  
9 where Officer Hartwick had been struck?

10 A Yes.

11 Q Like had you gone to the scene?

12 A I did. At that time -- at that time, I did not  
13 go down to the actual scene. At this time, we were being  
14 a lookout for a suspect vehicle or being ready to move in  
15 case information came in. I responded back to the scene  
16 approximately four hours later, once we had information  
17 that the vehicle involved was a front-end loader and the  
18 suspect was a construction worker.

19 Q Okay. Do you know why the time lag, why it took  
20 so long for it to be determined that it was a construction  
21 vehicle that hit him?

22 A I can't speak exactly why. I believe there was  
23 a pretty significant language barrier, and there was a  
24 lack of witnesses wanting to come forward and speak to  
25 what had happened. Some of them more closely involved in

1 the command post and more closely involved in the actual  
2 testimony of those witnesses and suspects would probably  
3 be better able to answer that question, but that would be  
4 my -- the suspect reason why.

5 Q So for you, it was about four or so hours until  
6 you learned that the suspect had fled on foot from the  
7 scene. Is that right?

8 A Correct.

9 Q Okay. So by the time you got back to the scene,  
10 had Deputy Hartwick already been removed from the scene?

11 A I'm not positive. When I responded -- we  
12 responded to the area where the front-end loader was  
13 parked, and that's where we began our search.

14 Q So you never had an opportunity to observe  
15 Deputy Hartwick or his injuries?

16 A I did not, no.

17 Q And when you got back to the scene, do you bring  
18 your whole K-9 unit with you, or is it just you?

19 A Every K-9 that was working that night came down,  
20 and we also called some from home.

21 Q And what were you told when you got back on  
22 scene?

23 A When I got back on scene, Deputy Lorusso,  
24 L-O-R-U-S-S-O, Anthony Lorusso, he had gotten his dog out.  
25 I believe he was working Logan at the time. His dog

1 Logan, they started to work the east side of 275 and  
2 called out that he had located a traffic vest and traffic  
3 helmet that was in the woods on the other side of a  
4 six-foot fence that borders 275. So that kind of gave us  
5 a roundabout area in our search for the dogs.

6 Q And what kind of dog did you have?

7 A I have a Belgian Malinois. His name is Taco.  
8 At the time, he was five-years-old I believe.

9 Q Okay. And I notice some of the people have --  
10 there was somebody that came on with a bloodhound and then  
11 other dogs. Is there a reason to use one dog versus  
12 another?

13 A Yeah.

14 Q And could you explain that?

15 A Sure. So I ended up making the recommendation  
16 to the Sheriff to call for a bloodhound. At the time,  
17 Pinellas County Sheriff's Office did not have any  
18 bloodhounds. So the difference between the bloodhound and  
19 the shepherds, with the Malinois, our dogs are trained to  
20 be pretty -- pretty productive anywhere from two- to  
21 four-hours of a time lapse depending on the environment.  
22 The environment can change, and we really rely on the  
23 temperature of the ground, temperature of the air. Most  
24 of our calls are anywhere from a ten-minute time lapse to  
25 half-hour time lapse. Pushing that out beyond two- to

1 four-hours is very rare for our dogs to deploy on those.  
2 The bloodhounds, their certification is up to 24 hours.  
3 They're known for being able to track on a very old time  
4 lapse, and they're especially known for scent description.

5           The bloodhounds and the shepherds, the way that  
6 they track is the last known location that suspect was  
7 known, that's where the dog is going to search, and you're  
8 really relying on witness information or law enforcement  
9 information, the last place they saw the suspect go. When  
10 that information is not available, bloodhounds, what they  
11 can do -- they can do both. Bloodhounds can also detect  
12 the last place the person was seen, but what bloodhounds  
13 can also do, they can do what we call article  
14 discrimination. So an article of clothing that person was  
15 wearing or last seen wearing, the dog can specifically  
16 smell that odor. So that dog will ignore all other odors  
17 except for that one odor. The shepherds and mals are not  
18 trained that way. The bloodhounds are trained that way.  
19 So there's quite a few differences between the two.

20           Q     So it was kind of your decision to ask for a  
21 bloodhound given the length of time that had passed?

22           A     Yeah. By the time that I made that  
23 recommendation, it had been close to eight hours. Because  
24 we had searched the area with our dogs, and there was some  
25 information that came through involving a phone ping, and

1 that information wasn't reliable or didn't pan out. We  
2 were checking apartments off of 275. We had saturated  
3 this entire area relying on a phone ping that came from  
4 the command post. That phone ping is, I believe, 1600  
5 meters. Generally, that's what most of the phone pings  
6 are, which is a mile.

7 So without really any information of where  
8 exactly the suspect went and, you know, putting the dogs,  
9 we're really just guessing and putting the dogs in areas  
10 hoping to get some kind of odor. At that time, it's  
11 continuing to rapidly evolve. We're also fighting against  
12 the time because we know our dogs are not going to be  
13 great as the time lapse continues.

14 Myself and Sergeant Killian, who was the K-9  
15 sergeant, we went back to the command post after this  
16 extended period of time of searching and kind of feeling  
17 like this is no longer going to be a K-9 call because  
18 we're so far behind the eight-ball. We went back to the  
19 command post just to be a resource that included our K-9s  
20 or any information that came out that we could use our  
21 dogs on.

22 And then there was a conversation between the  
23 Sheriff and Assistant Chief Deputy Danzig, they had  
24 information the suspect was last seen going north from the  
25 front-end loader, and they had credible information that

1 he was on that path. So I suggested at the time we call a  
2 bloodhound. I explained to the Sheriff that the  
3 bloodhounds can track up to 24 hours. That's their  
4 certification. Maybe our dogs can do it if we get them in  
5 the area that you're talking about, but the bloodhounds  
6 have a much better shot. I had taught several schools,  
7 and one of the bloodhound handlers up in Pasco, so I made  
8 a phonecall to that Pasco handler.

9 Q And so the Pasco handler comes with the  
10 bloodhound. The dog is, I think, Shelby, right? Is that  
11 Deputy Bingham?

12 A Yeah.

13 Q You use the articles of clothing, the vest and  
14 the helmet that were located in the tree?

15 A I believe so. I believe they used those, yes.

16 Q And then did you actually follow along? Like,  
17 it sounds -- it looked like from your report, you actually  
18 followed the track that they were taking, and you had your  
19 dog with you as well?

20 A No, I did not. So Rob Wilkins, Robert Wilkins,  
21 he was the corporal. I called him, and they brought -- PJ  
22 Bingham brought Shelby down, and Rob came down with his  
23 Belgian Malinois. But no Mals were brought out on the  
24 search. We were relying solely on the bloodhound.

25 Q So you when you say I ran back up, it was just

1 you, not you and your dog?

2 A Correct. I ran backup for communication. Pasco  
3 does not have our channels. So any information they  
4 relayed to me I relayed to the command post.

5 Q And so what happened? As you're running backup,  
6 you actually -- the dog located Mr. Molina-Salles, right?

7 A Correct. Yeah.

8 Q How far in and where?

9 A I would guess it was -- and I have to guess. I  
10 think I may have put it in my report. You can correct me  
11 if I'm wrong. I believe it was about a half-mile north,  
12 very tall grass, kind of swampy area. Everything was very  
13 wet and saturated from the morning dew. There was a lake  
14 right off the area that we kind of had to go along the  
15 edge of in order to get to him.

16 But as the dog was going on -- the bloodhounds  
17 are not trained -- they're not trained to bite the dogs  
18 like the mals and shepherds are [sic]. Excuse me.  
19 They're not trained to bite the suspect like the mals and  
20 shepherds are. But at some point, Shelby came to a stop.  
21 And I had given Deputy Bingham and Corporal Wilkins some  
22 pretty good distance, allow them to work the dogs. I  
23 don't know Shelby very well, so I don't want to impede on  
24 the process of a dog.

25 So I stayed back while these two worked

1 together, and then at some point, Deputy Bingham called  
2 out that he found the suspect. And when I approached  
3 them, I saw the defendant was facedown in kind of like a  
4 swampy-type area, very tall grass, and Deputy Bingham and  
5 Corporal wilkins were standing by until I walked up and  
6 placed him in handcuffs.

7 Q Okay. As you guys are kind of walking through  
8 and the dog, how far apart would you say you -- how far  
9 ahead of them did you let them get?

10 A I believe Deputy Bingham works on a 20- or maybe  
11 a 30-foot leash. Deputy Bingham was about 30 feet ahead.  
12 Rob wilkins is -- I'm staying pretty close to wilkins. My  
13 body camera I believe was on. Actually, I can't recall.  
14 I don't know if we had body cameras yet.

15 Q Some of you did. I don't know that I have your  
16 body-worn camera.

17 A I may not have. That was the time that we were  
18 starting to get them, and I don't think I had one yet. I  
19 can't speak for Deputy Bingham or Corporal wilkins. I  
20 don't know if their body camera was on.

21 Q It's about half-and-half.

22 A So that might give you a better idea of the  
23 distance. It's been so long. I'm not positive.

24 Q Were you -- like, were you guys going -- how  
25 were you going through? Are you going through quietly?

1 Are you yelling? How does that go?

2 A Yeah. So there's no real challenges. Really,  
3 from the safety aspect, you're not really identifying  
4 yourself as you're going through. I guess that's just  
5 part of K-9. You're trying to remain quiet, which is  
6 almost impossible because the dog is loud breathing.

7 There's stuff in your vest bouncing around. It's  
8 difficult to remain quiet while you're working your dog.

9 But as far as challenges as we're going along  
10 tracking, calling out Sheriff's office, come out, none of  
11 that happens. That's not happening. Yeah.

12 Q Yeah, that was my question. You weren't yelling  
13 surrender or show yourself? Anything like that?

14 A No. No, ma'am.

15 Q Okay. And when you got up to where they located  
16 Mr. Molina-Salles, you said he was facedown, like laying  
17 on the ground?

18 A Yes.

19 Q Was that at the deputy's direction, or that's  
20 how he was, or do you know?

21 A That's how he was when I walked up. So I don't  
22 know if -- I don't know. That would be a good question  
23 for Deputy Bingham. I'm not positive.

24 Q I got it. Okay. But he wasn't in handcuffs or  
25 anything at that point?

1           A     No. I placed him in handcuffs.

2           Q     Okay. And what, if anything, do you remember  
3 about his demeanor?

4           A     He didn't say anything. He didn't say anything.  
5 It was a pretty long walk. I walked him back up the hill  
6 to I believe the Ulmerton overpass. But I gave him  
7 commands as we were trying to get him up, and there wasn't  
8 any response. I don't know how much English he has, but I  
9 assume he didn't speak much English.

10          Q     Okay. That was my question. You were  
11 commanding him in English, yes?

12          A     Yes. Yeah.

13          Q     Did either Corporal Wilkins or Deputy Bingham  
14 speak Spanish to your knowledge?

15          A     No. They're both rednecks. No.

16          Q     And Mr. Molina-Salles is kind of a big guy,  
17 right?

18          A     Yeah. He's very large. I would guess over 300,  
19 yeah.

20          Q     Do you remember anything about, like, his facial  
21 expression? Did he seem -- was he tearful? Did he  
22 display any emotion on his face?

23          A     I don't remember. If it was, it wasn't anything  
24 that sticks in my mind. I think we were just so grateful  
25 for it to be over, for us to be able to find him.

1           Q     would you agree that he wasn't combative or  
2 fighting or anything like that?

3           A     Oh, no. Not at all, no.

4           Q     Cooperative?

5           A     Yes, ma'am.

6           Q     And you said you walked him kind of back up  
7 towards the scene, and that took -- you said it was kind  
8 of a long walk. That same track, that same half-a-mile  
9 approximately or a different way?

10          A     Actually going the same way that we were  
11 tracking. It was closer rather than going through because  
12 it was tough to navigate through that very tall grass. It  
13 was very wet. Most of the K-9 handlers, including myself,  
14 have waterproof boots, and, like, we're completely soaked.  
15 Everything was soaked.

16                 So I walked him continuing northbound towards  
17 the Ulmerton overpass where there was a perimeter car and  
18 secured him in that car. Then we walked back on 275 back  
19 to the command post, myself and Corporal Wilkins and  
20 Deputy Bingham with Shelby.

21          Q     Okay. And then it looks like you found a wallet  
22 on the ground after the fact. So after he was secured,  
23 you went back and looked for the wallet?

24          A     I believe so, yeah. That's pretty common after  
25 a suspect is located to go back into the hide and make

1 sure we didn't miss anything. The only time in K-9, we  
2 found guns and stuff that we didn't see before. So we  
3 always go back, general practice. I found a wallet. I  
4 don't believe I went through it, but I called forensics to  
5 come and collect that, photograph it, document that.

6 Q Any other items of evidence that you located  
7 where he had been -- where he was located?

8 A Not that I recall. I don't think I noted  
9 anything else in my report.

10 Q And when you're, like, putting -- securing him  
11 in handcuffs, I assume you patted him down for weapons and  
12 things like that, right?

13 A I'm sure I did at the scene before we moved him.  
14 As a general practice, I have the transporting deputy or  
15 whatever deputy puts him in a car, they do a secondary  
16 search as well. So I patted him down. That might be on  
17 video, on one of their body cams I patted him down at the  
18 scene.

19 Q Okay. If you had found anything, any sort of  
20 weapons, contraband, illegal drugs, anything like that, I  
21 assume you would have noted such in your report?

22 A Yes, ma'am, for sure.

23 Q After you secure and you get the wallet, do you  
24 do anything else that evening or early morning at this  
25 point?

1           A     I don't believe so. I believe there was a  
2     debrief at the command post just with the Sheriff's office  
3     members kind of going over the whole thing, but that was  
4     it. As far as anything involving the defendant, that was  
5     the end of my involvement.

6           Q     Okay. And that was sort of my next question.  
7     After the initial debrief, did you attend any other  
8     briefings either in your department or with the State  
9     Attorney's office about this case?

10          A     No, I have not.

11          Q     And have you sort of followed along on the case  
12     any of the circumstances or anything else about my client  
13     that you've learned either through your own investigation  
14     or just sort of hearing through the grapevine?

15          A     No. No. It's been a while for this to come  
16     through. So I haven't -- I was kind of surprised when I  
17     got the depo because I wasn't sure what was going on with  
18     the case. I haven't really read too much of what's going  
19     on with the case.

20          Q     There was, like, a civil lawsuit at some point.  
21     You weren't involved in that or questioned or deposed or  
22     anything?

23          A     No, absolutely not. No.

24                 MS. DELIBERATO: I don't have any further  
25     questions. My co-counsel, Nichole, do you have any

1 questions?

2 EXAMINATION

3 BY MS. BLAQUIERE:

4 Q Did you speak to any of the other lay witnesses  
5 involved that were on scene that day?

6 A No, I did not.

7 MS. BLAQUIERE: Okay. I don't have anything  
8 else.

9 MS. DELIBERATO: Nathan or Liz?

10 MS. CONSTANTINE: No questions from me.

11 MR. VONDERHEIDE: No questions.

12 MS. DELIBERATO: Great. Thank you so much. I  
13 really appreciate your time.

14 (Deposition concludes at 1:25 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 MATTHEW AITKEN personally appeared before me by ZOOM  
7 videoconference and was duly sworn.

8 witness my hand and official seal this 24th day  
9 of September, 2024.

10  
11 Tamara M. Pacheco

12 Tamara M. Pacheco, RPR  
13 COMMISSION # 474485  
14 EXPIRES: March 30, 2028  
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IN THE CASE OF: STATE OF FL v. JUAN MOLINA-SALLES

NAME OF DEPONENT: MATTHEW AITKEN

CASE NUMBER: 22-09348CFANO

PAGE	LINE	ERROR/AMENDMENT	REASON FOR CHANGE
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This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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 MATTHEW AITKEN; 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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