

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:

ALLAN GOMEZ ZELAYA

TAKEN BY:

Counsel for the Defendant

DATE:

September 24, 2024

TIME:

1:34 p.m. - 2:15 p.m.

PLACE:

Pinellas County Jail
Attorney Visitation
Clearwater, Florida

REPORTED BY:

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

Pages 1 - 28

JTP REPORTING (727) 422-8287

ZOOM VIDEOCONFERENCE APPEARANCES

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ALSO PRESENT:

ERICK ALIN, Spanish Interpreter

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EXHIBITS

(No exhibits were marked for identification.)

1 WHEREUPON,

2 ERICK ALIN

3 (the Interpreter herein, was first duly sworn to translate
4 the proceedings from English to Spanish and Spanish to
5 English as follows:)

6 whereupon,

7 ALLAN GOMEZ ZELAYA

8 (the Deponent herein, being first duly sworn through the
9 Spanish interpreter, was examined and testified as
10 follows:)

11 (All answers through the Interpreter unless indicated in
12 colloquy.)

13 EXAMINATION

14 BY MS. DELIBERATO:

15 Q Good afternoon. Could you state your name,
16 please.

17 A Allan Oseas Gomez Zelaya.

18 Q And do you prefer to be addressed as Mr. Zelaya
19 or Mr. Gomez-Zelaya?

20 A Gomez.

21 Q Mr. Gomez, my name is Maria DeLiberato. I'm an
22 assistant public defender. And this is Nichole Blaquiére.
23 She's also an assistant public defender. And I represent
24 Juan Molina-Salles. And Mr. Vonderheide is present for
25 the State Attorney's office. He's the one that's

1 prosecuting Mr. Molina-Salles. And your lawyer, Hunter
2 Chamberlin is here representing you.

3 Have you ever given a deposition before?

4 A With the state attorney, we had a meeting.

5 Q And I think in the civil case, did you also give
6 a deposition?

7 A Yes.

8 Q Okay. So just like there, the most important
9 thing is for you to answer my questions out loud, yes and
10 no and not shaking your head, things like that.

11 A Uh-huh.

12 Q So that's a good example. So, uh-huh, can you
13 say yes or no?

14 A Okay.

15 Q And if you have any questions or you don't
16 understand my question, please let me know, and I'll
17 repeat them.

18 A That's good.

19 Q And if at any point you want to talk privately
20 to your lawyer, just let us know, and we can step out of
21 the room.

22 A That's good.

23 Q So I'm going to ask you some questions about the
24 night of the accident. Before I do that, I want to get
25 some information just about you. Okay?

1 A That's good.

2 Q what is your date of birth?

3 A August 15, 1980.

4 Q And where were you born?

5 A Honduras.

6 Q where in Honduras?

7 A Danli Paraiso.

8 Q when did you come to the United States?

9 A I've come two times. The first time was in
10 2003, and I came back in 2013.

11 Q How long were you here in 2003? From when until
12 when?

13 A In 2003 I came in, and in 2007, they sent me to
14 Honduras.

15 Q when you say "they sent me," did you get
16 deported?

17 A Yes.

18 Q And when you came back, what year was that?

19 A 2013.

20 Q And how did you come back?

21 A Through the border.

22 Q Okay. In a legal way or illegal way?

23 A Illegal.

24 Q where did you come in the United States? I'm
25 talking about the second time in 2013.

1 A Hollywood, Florida.

2 Q When did you come to the Tampa Bay/St. Pete
3 area?

4 A 2018.

5 Q Who did you live with?

6 A In 2018, I rented a room in a house from some
7 friends.

8 Q Do you have any other family that lives in the
9 United States?

10 A Yes.

11 Q Who is that?

12 A My wife and my children.

13 Q And is one of your children named Nicole?

14 A That's the name, but that's not her real name.

15 Q Her name is Cinthia Gomez?

16 THE DEPONENT: Cinthia Gomez.

17 Q And she was with you in the truck on this night?

18 A Yes.

19 Q Okay. So can you tell me when you started
20 working for Archer Western?

21 A I think it was in October of 2018.

22 Q How did you learn about Archer Western?

23 A Because they had a sign out of their office
24 saying that they needed personnel.

25 Q Where was their office?

1 A On Ulmerton.

2 Q Did you know anybody else who worked there?

3 A No. Later on, we met people that were already
4 working there.

5 Q Okay. But you didn't get referred from somebody
6 else, hey, come work at Archer Western? You just saw the
7 sign?

8 A Yeah, I just saw the sign.

9 Q And what kinds of questions did they ask you
10 when you applied for the job?

11 A That if I had experience in what I was applying
12 for.

13 Q And did they ask you any questions about your
14 status or your immigration status in this country?

15 A No.

16 Q Did they tell you whether you had to be a
17 citizen or documented or anything like that?

18 A No.

19 Q Did you start working there before your daughter
20 started working there?

21 A Yes.

22 Q How long before?

23 A Like three years.

24 Q Okay. What was your job at Archer Western?

25 A At the end, when the accident occurred, I was

1 working in a group that worked in the heavy machinery,
2 like excavation, things like that.

3 Q Did you drive the heavy machinery or not?

4 A I also drove, yes.

5 Q Did you get training in how to do that?

6 A Yes.

7 Q From Archer Western did you get training?

8 A At Archer Western.

9 Q Did you have that similar experience in
10 Honduras?

11 A No.

12 Q Okay. When did you first meet who you knew as
13 Victor Vazquez?

14 A It hadn't been a long time. Maybe two, three
15 months, I think.

16 Q When you say it hadn't been a long time, you
17 mean before the accident it hadn't been a long time?

18 A Before the accident, yes.

19 Q Okay. How did you first meet him?

20 A He worked in another group. I met him at work.

21 Q And did you work at the same crew, or how was it
22 that you met?

23 A They sent him over from another group to my
24 group because I needed somebody to help me with the
25 machinery. They told me that he had a lot of experience

1 and that he had been working a long time with heavy
2 equipment machinery.

3 Q And that was something you needed on your crew?

4 A Yes.

5 Q And when you started working with him, did he in
6 fact have that experience? Was he a good operator of the
7 machinery?

8 A Yes. He knew very well.

9 Q And can you kind of give me sort of a typical
10 what he would be doing and how you would supervise him?

11 A He would work a loader and the excavator. When
12 they sent him over to me, I had him loading up the trucks
13 with dirt and he worked. And then since my boss was the
14 one that recommended me to him, I realized that he was a
15 good worker.

16 Q And how many -- how often did you work with him?
17 Every day?

18 A Every day.

19 Q And who is your direct supervisor? Who was your
20 direct supervisor?

21 A It's an American. His name is Jay Thomas.

22 Q And how is Laura Caudill -- where is she in
23 terms of the supervisory role?

24 A She was like an assistant and my interpreter.

25 Q She spoke Spanish and English, right?

1 A Yes, correct.

2 Q Okay. So I want to sort of talk about the night
3 of the accident. Okay?

4 A Yes.

5 Q What time did you go to work that day?

6 A Six in the afternoon.

7 Q And what do you do when you come to work? Do
8 you have a particular assignment that day?

9 A Every day I would get together with my
10 supervisor, and he would indicate the work plan of the day
11 that we had to perform. So he would explain to me, and
12 then he would show me the place where we were going to
13 work.

14 Q And what were you supposed to be doing that
15 night?

16 A When we started, we started grading some land
17 that they were going to lay asphalt. That was early. And
18 then at nighttime, around 10:30, they gave us another job
19 duty to lay some rock on the highway, on 275.

20 At that time, at nighttime, the company sends a
21 group to start shutting down the road at that time. When
22 they go and shut down the road, after they shut it down,
23 they call us and they say, Hey, look, you're ready. You
24 can go work now. The road is shut down.

25 Q When you say they send a group, who does the

1 shutting down of the road? who are the people?

2 A It's a group that they call MOT. It's a crew
3 that all they do is dedicate themselves to shutting down
4 roads and putting up cones.

5 Q And do they use police officers to help them?

6 A Yes.

7 Q And you've seen this happen before I assume
8 based on all the years you've been there, right?

9 A Yes, yes.

10 Q And when the police officers are shutting down
11 the road, are they supposed to stay in their cars?

12 A Exactly.

13 Q And if they leave their car, are they supposed
14 to wear some type of vest or reflection or something?

15 A Yes.

16 Q why is that?

17 A For security because it's dark out, and at
18 nighttime, you can't see anything. If you're in a uniform
19 without the vest, you can't see the person. with the
20 reflection with the lights, you can actually see the
21 person being reflected. That's why the company allows the
22 police officers to use that type of reflective equipment
23 when they're working like that.

24 Q So this night, about 10, 10:30, they're shutting
25 down the roads so you can lay the asphalt. Is that right?

1 A They were closing the road down so we can place
2 the rocks. That's all.

3 Q Okay. So when you find that the road is closed,
4 what happens?

5 A The people that closed down the road notify us.
6 They call us and they say it's ready, you can come work.

7 Q So did you do that? You went to work after they
8 called?

9 A Yes. We were working two groups at the time.
10 Laura was working with one group, and I was working with
11 the other one. Laura called me, and it's ready. Because
12 in Laura's group, that guy was loading up the trucks with
13 the barricades with those things. When they called her,
14 she went with the trucks filled with the barricades. When
15 she got there, she called me and said everything was
16 ready, so I went with Victor. We were working with the
17 loader. So I told him let's go take it over there so we
18 can unload the rocks and lay them.

19 Q Okay. And so you're following Victor. He's
20 driving the loader?

21 A Yes. I'm driving the company truck.

22 Q Okay. And who's in the truck with you?

23 A My daughter.

24 Q Cinthia?

25 A Cinthia and the other guy.

1 Q Douglas?

2 A Douglas.

3 Q And he's behind you -- sitting behind you,
4 right?

5 A Yes.

6 Q And Nicole is in the front seat, Cinthia?

7 A That's the way it is.

8 Q And how far behind Victor, who is Juan, are you?

9 A I'm close, like 50, 60 feet.

10 Q And do you have your lights on?

11 A Yes.

12 Q And does the front loader have lights on?

13 A Also, yes.

14 Q Was there anything unusual about Victor that
15 night? Was he driving recklessly? Did he seem out of the
16 ordinary or anything like that before the accident?

17 A No, normal. I saw him normal.

18 Q So when you're starting to approach to where
19 ultimately is the accident, can you see the deputy's car?

20 A Yes.

21 Q And does it have its lights on?

22 A Yeah. It has the red and the blue lights.

23 Q And very bright, right?

24 A It's bright, but it's a dark area.

25 Q So if the lights are shining, can you see

1 outside the police car at all?

2 A Huh?

3 Q Let me ask it better. So the lights are
4 swirling you said, right?

5 A Yes, yes.

6 Q And around the car is dark?

7 A Yes.

8 Q Can you see anything? Anybody standing or any
9 other objects other than the flashing lights?

10 A You can see with lights and you're in your car
11 going, but also, there's a lot of focus with the police
12 lights.

13 Q Okay. Are they distracting as you're driving
14 towards them?

15 A That's the way it is.

16 Q Did you ever see the deputy outside of his
17 police car standing up?

18 A No.

19 Q When did you first know that something was
20 wrong?

21 A Since I'm behind the machinery, the machine
22 passed. I just saw a bulky -- dark bulkiness on the
23 floor. And when I saw him, the machine didn't stop. It
24 kept going. When I saw the object, I stopped because the
25 lights were focusing on it and I stopped. I looked very

1 well, and I noticed it was a person. That's when I got
2 out of the truck, and I saw the person there. They
3 weren't moving, so I called Laura because she was down
4 there where the other trucks were to call 9-1-1 because
5 there was an accident.

6 Q If you hadn't stopped your truck, would you have
7 also rolled over the person, or were they off to the side?

8 A I would have been able to pass on one side
9 because the officer was on one side.

10 Q Okay. When you -- how close did you get to the
11 officer when you noticed the object? You got out of the
12 car. How close were you?

13 A Like 60, 70 feet.

14 Q Did you notice -- you said he wasn't moving at
15 all?

16 A I didn't touch him. I just went to look at him.
17 He was laying facedown. I saw that he wasn't moving, and
18 I said call 9-1-1.

19 Q Did you notice any -- we would call it signs of
20 life. Any kind of breathing or any movement at all?

21 A He did not move. Nothing.

22 Q You called Laura on the phone and told her to
23 call 9-1-1?

24 A Yes.

25 Q Did you call anybody else?

1 A Juan Molina.

2 Q You called him, and what did you say?

3 A I said if he saw a police officer because I
4 think I just saw a police officer dead on the road. I
5 think he -- what do you call it -- went into shock because
6 he started crying as soon as I told him that.

7 Q Okay. What else do you remember him saying?

8 A I don't remember. It's been two years ago.

9 Q I know. I understand. And I know it's
10 difficult. So what did you do next? You called Laura,
11 and then what did you do?

12 A No, nothing.

13 Q You just waited there in the truck?

14 A Yes.

15 Q Did Laura come and approach where the deputy
16 was?

17 A Yes.

18 Q What about somebody named Kenny Rogers? Do you
19 know who that is?

20 A He was a supervisor, but he was in front of the
21 patrol car. While we were going, the supervisor was on
22 the road. The supervisor is the one that gave Juan
23 permission to go with the loader because he was at that
24 spot where we had to go through. So we pass. He went to
25 one side and we cross. He was close, like maybe 120,

1 140 feet, his truck from the patrol officer's car.

2 Q when you talked to Juan on the phone and he was
3 crying, how long was that conversation?

4 A It wasn't long. I don't remember, but it wasn't
5 long.

6 Q Did you talk --

7 A I told him that I wasn't going to move from
8 there because we needed to stay there to give a statement
9 as to what we saw.

10 Q Okay. And you said he was crying?

11 A Yes.

12 Q And you said shock?

13 A He went into, like, shock.

14 Q What makes you say that?

15 A It was right when I told him that the police
16 officer was dead.

17 Q Did you talk to him any more after that?

18 A I never saw him again.

19 Q So the police eventually come, and you talk to
20 the police?

21 A Yes.

22 Q Do you talk to anybody at Archer Western about
23 what happened?

24 A No.

25 Q And do you -- do you go back to work the next

1 day, or are you off for a couple of days?

2 A They didn't give me anymore work.

3 Q Did they fire you after that?

4 A Yes.

5 Q That same night?

6 A The supervisor called me or sent me a message.
7 I don't remember. He said to present myself possibly on
8 Sunday to work. Then he called me on Sunday and said that
9 there was not any work. Then on Monday, he wrote to me,
10 and they told me that at the office, they're requiring a
11 copy of my social security to make sure it was mine -- to
12 make sure that the documents were mine. If we presented
13 all of our documentation, we can return to work, and if we
14 did not present that stuff, then we did not have
15 employment.

16 Q And they never asked you for that documentation
17 when you first applied?

18 A No.

19 Q So you never went back to work there and Cinthia
20 didn't either, right?

21 A Neither, no. Nobody.

22 Q And at some point, you get arrested and
23 charged -- we're not going to talk too much about it, but
24 at some point you get arrested and charged in relation to
25 the documentation, right?

1 A Yes.

2 Q When was that?

3 A The feds called me on the telephone. They told
4 me that they needed a statement from me in Tampa. That
5 was in February of 2023 that I got the appointment with
6 the federal's to do the statement about the accident and
7 they asked me about the documents, and they arrested me on
8 September 15th of 2023. They went to arrest me at my
9 house.

10 Q And it's my understanding that you have already
11 sort of pled guilty to those charges, and you're awaiting
12 sentencing. Is that right?

13 A Yes. That's the way it is.

14 Q And has anyone from the State Attorney's office
15 here, either Mr. Vonderheide or anybody else promised you
16 anything about your sentence in that case?

17 A No.

18 Q Have they said if you testify a certain way,
19 we'll say good things about you or anything like that?

20 A No.

21 Q Or we'll try to help you get a lesser sentence
22 or something like that?

23 A No.

24 Q Have they offered you anything else to help with
25 your immigration or to help with your daughter's

1 immigration status or anything like that?

2 A With regards to immigration, my daughter came in
3 through the border with my wife when she was a minor, and
4 they are under asylum, and now they have a work permit. I
5 had applied also. I also looked for asylum. I know that
6 the situation in this country to be working illegal like I
7 was is not good.

8 In 2022, I applied for asylum. In May of 2022,
9 I solicited my asylum, and in November, they told me to go
10 get fingerprinted at immigration. I went to get
11 fingerprinted, and since I had been arrested in 2006 and
12 immigration realized I was arrested in 2006, immigration
13 insisted that I provide all of the documentation for that.

14 I sent it to immigration. When immigration
15 received it, they sent me my work permit and my social
16 security. I got it in August of 2023. I started working
17 at a company under my name and my social security number.
18 I had been working two weeks with my own name and my own
19 social security number when I was arrested.

20 Q Okay. Any other arrest -- the arrest in 2006,
21 what was that for?

22 A I was driving a truck with plates that didn't
23 belong to the truck.

24 Q So was that a traffic offense or a misdemeanor
25 offense?

1 A It was traffic.

2 Q Any other arrests in the United States?

3 A No, never.

4 Q Any other arrests in Honduras?

5 A Neither.

6 Q Did you know Juan in Honduras at all?

7 A No.

8 Q You only met him at the job about three months
9 before this?

10 A That's the way it is.

11 Q Did you socialize with him ever?

12 A He went to my house maybe two or three times.

13 Q Did you know anything about his family or what
14 he was doing or anything like that?

15 A No, nothing.

16 Q So maybe just a handful of times socially but
17 nothing much?

18 A Nothing more.

19 Q Have you understood all the questions that I
20 asked you today?

21 A Yes.

22 Q Are there anything -- anything that you want to
23 add or change to anything that you said today?

24 A No.

25 Q And I assume you don't have -- haven't had any

1 contact with Juan after that night, correct?

2 A At church I saw him one or two times.

3 Q Here in the jail?

4 A Yes.

5 Q Have you guys ever talked about the case or your
6 testimony or anything like that?

7 A Yes, but all he told me at that time is that he
8 did not have a court date. That's all.

9 Q When you were talking to Juan on the phone about
10 the police officer, were you also upset?

11 A Huh? What did you say?

12 Q When you were talking to Juan on the phone after
13 this happened, you said he was crying. Were you also
14 upset?

15 A No.

16 Q Was this like a shocking event or anything for
17 you as well?

18 A Oh, yes. At the incident, yes. When I called
19 him, yes. When I told him about the officer, yeah, there,
20 yes.

21 Q You were upset also?

22 THE INTERPRETER: There might be a slight change
23 in terminology. Upset could be like mad, so like --

24 Q Sad or scared?

25 A Scared, yes. Yes.

1 Q Okay. And did Juan also sound scared?

2 A Scared, uh-huh.

3 Q Did you see where Juan went after the phonecall
4 that you had with him?

5 A No.

6 Q Did you ever see him again after he was
7 arrested, like at the scene?

8 A No. We stayed where the police officer was, and
9 he stayed -- he was where the rocks were being unloaded,
10 and that was 3- or 400-feet far away. I really couldn't
11 see him.

12 Q When the police arrested him, when they found
13 him a little bit later, did they say to you, hey, is this
14 the same guy?

15 A Yes. Yes, they asked me.

16 Q And did you say that's the person?

17 A I said that's him.

18 Q And what did Juan look like then? What was his
19 appearance?

20 A The day of his arrest?

21 Q Yes.

22 A Because they arrested him around eight or nine
23 in the morning. I don't remember. He was wet and mud in
24 his face. But I couldn't see him close by like we are
25 here. I saw him from like 250-feet away.

1 Q So you couldn't see his mental -- like his
2 mental state or his expression on his face?

3 A No. He had his head down like this.
4 (Indicating.)

5 Q Was he wearing the same clothes as the night
6 before?

7 A Yes.

8 Q Do you know how far away he was when he was
9 found, how far away from the accident?

10 A Supposedly he was close. Not even half-a-mile.

11 Q Do you know what Juan's nickname at work was?

12 A They called him "the gordito" because he's a
13 little heavy.

14 Q And Panda, does that sound familiar? Did
15 anybody call him Panda?

16 A Panda, Laura gave him the nickname of Panda from
17 that little bear that comes out.

18 MS. DELIBERATO: I don't have any other
19 questions. Do you have any other questions? Do you
20 have any questions?

21 MR. VONDERHEIDE: I have no questions.

22 MS. DELIBERATO: Thank you very, very much for
23 your time today. I really appreciate it.

24 (Deposition concludes at 2:15 p.m.)
25

1 COUNTY OF PINELLAS)

2 STATE OF FLORIDA)

3 CERTIFICATE OF OATH

4
5 I, the undersigned authority, certify that ALLAN
6 GOMEZ ZELAYA 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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ERRATA SHEET

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

NAME OF DEPONENT: ALLAN GOMEZ ZELAYA

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 ALLAN GOMEZ ZELAYA; 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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