

**IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA  
CRIMINAL DIVISION**

**CASE NO.: 22-009348-CF  
SECTION: T  
JUDGE: Siracusa**

**STATE OF FLORIDA,**

**Vs.**

**JUAN ARIEL MOLINA-SALLES**

**MOTION FOR CHANGE OF VENUE**

Juan Ariel Molina-Salles, through counsel and pursuant to Fla. R. Crim. P. 3.240, moves this Honorable Court for a change of venue in this cause. In the alternative, Mr. Molina-Salles moves this Court to summons jurors from a different jurisdiction for the trial in this cause. As grounds for this motion, Mr. Molina-Salles states that a fair trial before an impartial jury cannot be had in Pinellas County, Florida, where this cause is pending, and in support of these grounds, Mr. Molina-Salles states:

1. On September 23, 2022, Mr. Molina-Salles was arrested for Leaving the Scene of an Accident Involving Death for the September 22, 2022, late night construction site accident where Deputy Michael Hartwick died after being struck with a front-loader construction vehicle.
2. On October 13, 2022, the State of Florida filed an Information charging Mr. Molina-Salles with Leaving the Scene of a Crash Involving Death, a first-degree felony punishable by up to 30 years in prison.
3. “The right to a jury trial guarantees the criminal accused a fair trial by a panel of impartial, indifferent jurors.” *Irvin v. Dowd*, 366 U.S. 717, 722 (1961). It is not required that the jurors be ignorant of the facts and issues involved. *Id.* A juror is qualified to serve if he can “lay aside his impression or opinion and render a verdict based on the evidence presented in court.” *Id.* at 723. “The adoption of such a rule, however, ‘cannot foreclose inquiry as to whether, in a given case, the application of that rule works a deprivation of the prisoner’s life or liberty without due process of law.’” *Id.* (citing *Lisenba v. People of State of California*, 314 U.S. 219, 236 (1941)). “The test is whether the nature and extent of the opinion formed are such as in law necessarily...raise the presumption of partiality.” *Irvin* at 723. The question is one of mixed law and fact and a court must determine whether the challenger to the juror has shown that a “positive and decided opinion has been formed.” *Id.*
4. Under Florida law, “a defendant may move for a change of venue on the ground that a fair and impartial trial cannot be had in the county where the case is pending for any reason other than the interest and prejudice of the trial judge.” Fla. R. Crim. P. 3.240.
5. “The test for determining whether to grant a change of venue is whether the inhabitants of a community are so infected by knowledge of the incident and accompanying prejudice, bias, and

preconceived opinions that jurors could not possibly put these matters out of their minds and try the case solely on the evidence presented in the courtroom. In exercising its discretion regarding a change of venue, a trial court must make a two-pronged analysis, evaluating:

- a. (1) the extent and nature of any pretrial publicity; and (2) the difficulty encountered in actually selecting a jury. However, it is well-established that pretrial publicity is normal and expected in certain kinds of cases, and that fact standing alone will not require a change of venue. There are several factors to consider when evaluating pretrial publicity, including:
  - b. (1) when the publicity occurred in relation to the time of the crime and the trial; (2) whether the publicity was made up of factual or inflammatory stories; (3) whether the publicity favored the prosecution's side of the story; (4) the size of the community exposed to the publicity; and (5) whether the defendant exhausted all of his peremptory challenges in seating the jury. *Ellerbee v. State*, 232 So. 3d 909, 919 (Fla. 2017)(internal quotations and citations omitted).
6. The media coverage in Mr. Molina-Salles case has been pervasive and constant, starting with his arrest and continuing to the present day. A sample of some of the news articles are attached to this Motion as Exhibit A.
7. Mr. Molina-Salles has attached two affidavits of residents of Pinellas County as Exhibits B and C. The affidavits demonstrate that a fair trial before an impartial jury cannot be had in Pinellas County.
8. The offense charged in this cause, the arrest of Mr. Molina-Salles, and the proceedings in this prosecution has been attended by extraordinary and pervasive publicity through both news media and word of mouth.
9. The pretrial publicity in this case has been and is so extensive that the community in Pinellas County has been exposed to circumstances of the offenses herein charged so pervasively that prejudice, bias and preconceived opinions are the natural result. This is especially true in light of both the tenor and tone of the coverage, which is of course feeding off of the local, state, and national tension on immigration issues.
10. There has been news media present for the majority of the pre-trial hearings, and this case was featured on the front page of the Tampa Bay Times just this morning, on February 18, 2025. The article, which is included in Exhibit A, notes that the trial is beginning on March 3, 2025. It is reasonable to expect that the daily coverage will continue to escalate and prejudice the jury pool.
11. The pretrial publicity and particular community reaction, especially right now, to Mr. Molina-Salles' case is so great that attempt to obtain impartial jurors in Pinellas County will be futile.
12. Mr. Molina-Salles faces up to thirty years in prison as a possible penalty in this cause and any reasonable question as to the need for a venue change should be resolved in his favor.
13. Failure to change the venue in this cause will result in Mr. Molina-Salles being deprived of his rights to a fair trial, to an impartial jury, to effective assistance of counsel, to due process of law, to equal

protection under the laws, and against cruel and unusual punishment as these rights are guaranteed to him by the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution, and by Article I, Sections Two, Nine, Sixteen and Seventeen of the Constitution of the State of Florida.

WHEREFORE, Mr. Molina-Salles respectfully requests that this Honorable Court enter an Order changing venue to a county of this State where pretrial publicity and community hostility concerning this case is slight enough as to allow the opportunity to obtain an impartial jury.

Respectfully submitted,

**s/Maria DeLiberato**  
MARIA DELIBERATO  
Fla. Bar Number: 664251

**s/Nichole Blaquiere**  
NICHOLE BLACQUIERE  
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**s/Jonathan Duncan**  
JONATHAN DUNCAN  
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**CERTIFICATE OF SERVICE**

I do certify that a copy hereof has been furnished by email/physical delivery to the State Attorney, County Justice Center, Clearwater, Florida, on February 18, 2025.

**s/Maria DeLiberato**  
MARIA DELIBERATO  
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**Certification of Juan Ariel Molina-Salles**

I hereby certify that I have read the foregoing Motion, had it translated to me from English to Spanish, and reviewed it with my counsel. I swear to the facts alleged in the motion.

JUAN MOLINA

Juan-Ariel Molina Salles

2/18/25

Date