

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, PINELLAS COUNTY

STATE OF FLORIDA,

Plaintiff,

Case No. 22-09348-CF

vs.

JUAN ARIEL MOLINA-SALLES,

Defendant.

PROCEEDINGS: Change of Plea

DATE: February 21, 2025

BEFORE: The Honorable Pat Siracusa
Circuit Court Judge

PLACE: Pinellas County Justice Center
14250 49th Street North
Clearwater, Florida 33762

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E X H I B I T S

EXHIBITS FOR THE STATE:

None

EXHIBITS FOR THE DEFENSE:

None

P R O C E E D I N G S

1
2 THE COURT: Good morning, everybody. We're
3 here in the State of Florida versus Juan Molina-
4 Salles. This is case number 22-9348-CF. Leaving
5 the scene of a crash involving death. This is
6 charged as a first-degree felony. There is a
7 possibility of a resolution this morning by change
8 of plea. If the case were to be resolved this
9 morning, sentencing would be set for March 4th, to
10 begin at 9:00 a.m. Currently the case is set for
11 trial March 3rd, and I have reserved quite a few
12 jurors to come in on that day.

13 Prior to the Court allowing a change of plea,
14 I was going to give the State an opportunity to
15 persuade me as to why I should not set a 20 year
16 prison cap on the sentence. Mr. Molina-Salles has
17 indicated that he wishes to enter a change of plea
18 at this time, but he is requesting that I cap the
19 sentence so that he doesn't face the full exposure
20 of 0 years.

21 After this was brought to my attention, and
22 having previously said no to entering a plea to a
23 lesser cap, I reviewed the entirety of the case
24 file that was made available to the Court. There
25 is a lot in here. As I reviewed it and based on

1 18 years of having been a Judge and having handled
2 many leaving the scene of a crash involving death
3 cases, I found it difficult to visualize how I
4 would wind up giving him more than 20 years prison
5 as a first-time offender in a case where it's
6 leaving the scene of an accident involving death.

7 I've given the State an opportunity in the
8 past to explain to the Court why they would be
9 seeking potentially more than 20 years in prison,
10 and it's certainly within their rights to seek up
11 to 30 years in prison. However, it would not
12 necessitate a five or six day jury trial if that's
13 not a sentence that's not truly in play. If there
14 is something the Court should be shown by the
15 State prior to me accepting this plea involving a
16 cap, today is the day to show it to me. It does
17 not prevent the State from arguing for 20 years in
18 prison on March 4th at sentencing anymore than it
19 prevents the defense from arguing for a lesser
20 sentence, which would have to be somewhere between
21 four and twenty years in prison. It would also
22 have to include a lifetime driver's license
23 revocation. And as I will explain to Mr. Molinas-
24 Salles, there is a deportation consequence. He
25 has already got an ICE hold, so whatever we do

1 here today, a likely outcome is deportation no
2 matter what.

3 All of that being said, State, I had you
4 inform the victim's next of kin to be present if
5 they wished to make any statement if they wish
6 today, or if they wish they may reserve their
7 statement to Tuesday if we do the sentencing on
8 Tuesday. And of course, they're entitled to make
9 a statement on both days if they wish. None of
10 this will be related directly to guilt or
11 innocence, which if he is entering a plea, is not
12 an issue. If he is entering a plea, the entire
13 sentencing hearing, so that the victim's family
14 understands, would be focused exclusively on what
15 the appropriate sentence would be.

16 Now, State, I will also let you show me any
17 exhibits that are not contained within the paper
18 files that I would not have had access to. You
19 indicated previously, when we were trying to get
20 things set up for the morning, that there might be
21 a video. Do you still intend to play the video?

22 MS. CONSTANTINE: Yes, Your Honor.

23 THE COURT: Would you like me to hear your
24 argument, from the victim's family or the video
25 first? What order would you like to proceed in as

1 you object to this cap?

2 MS. CONSTANTINE: Yes, Your Honor. I would
3 like to start first by putting a factual basis on
4 the record. The State would like to then put on
5 their argument. I'm going to go ahead and play
6 the video, and then I would ask the Court to hear
7 from the next of kin.

8 THE COURT: Okay. Is the factual basis
9 effectively the arrest affidavit that appears
10 sworn to in the court file that the Court's
11 already reviewed?

12 MS. CONSTANTINE: No, Your Honor.

13 THE COURT: Okay. Then you may proceed.

14 MS. CONSTANTINE: So, this offense happened
15 back on September 22nd of 2022, around 10:46 p.m.,
16 on the southbound lanes of I-275 near Exit 30.
17 Deputy Michael Hartwick at the time was working an
18 off-duty detail there in full uniform. He had
19 parked his marked police cruiser there in the
20 southbound lanes of I-275, just north of Exit 30.
21 He was blocking the two right lanes in the
22 roadway, providing safety as well as visibility
23 for the workers that were there doing construction
24 on the roadway.

25 Video evidence shows around 10:43 that night,

1 he exits his vehicle, he crosses in front of his
2 cruiser to the side of the road. As he gets over
3 there, he's in the shoulder of the roadway. And
4 around 10:46 p.m., per the video evidence, a front
5 end loader is seen traveling along the shoulder of
6 I-275 towards Deputy Hartwick.

7 Shortly after he is then struck by that front
8 end loader, causing fatal injuries which
9 ultimately results in his death. The operator of
10 that front end loader, who is later identified as
11 the defendant in this case, obviously flees the
12 scene.

13 We were able to obtain call data records from
14 this defendant, subsequent to that day, which
15 shows around 10:55 p.m. on the day this crash
16 happens to 7:36 a.m. going into the next day,
17 there's approximately 18 outgoing calls. And he
18 receives approximately 34 incoming calls. None of
19 which are to 911 to get help or assistance for the
20 deputy.

21 Meanwhile, as this defendant is off hiding in
22 the brush area off of 275, there's a manhunt that
23 ends up taking place. Now, this manhunt includes
24 multiple law enforcement agencies, not only the
25 Pinellas County Sheriff's Office, Pasco County

1 Sheriff's Office, helicopters as well as dogs.

2 This manhunt goes on for approximately nine hours
3 and 34 minutes as all of these individuals are
4 looking for the defendant, who is on the run.

5 After he is arrested, and actually I should
6 back up a little bit. A collateral consequence of
7 all this occurs, that due to the defendant's
8 action during this manhunt, we were actually
9 actively working on an arrest warrant that had to
10 be authored for the defendant. And because this
11 defendant was in the country at the time
12 illegally, that arrest warrant had to be authored
13 underneath the name of the person whose identity
14 he had assumed, which was Victor Vasquez
15 (phonetic). And so particular case and obviously
16 cautionary measures ended up having to be taken at
17 that point in time because we wanted to assure
18 that the real Victor Vasquez wasn't arrested for
19 leaving the scene of a crash killing a deputy,
20 because this defendant chose to use his identity.

21 And I can imagine the Court can understand
22 all the complications and embarrassment that would
23 have come to this individual had he been arrested
24 for a crime he obviously did not commit.

25 The State's ability to prove that the

1 defendant in this case is the one that committed
2 the crime is overwhelming. Upon being taken into
3 custody by law enforcement, this defendant post-
4 Miranda, admitted to striking and killing Deputy
5 Hartwick and fleeing the scene of the crash. His
6 DNA was also found on the front end loader that
7 was utilized by this defendant in striking and
8 killing the deputy. And there's also a multitude
9 of eyewitnesses that would identify him as the
10 driver of that front end loader.

11 The defendant in this case is a Honduran
12 national, who was in the country illegally at the
13 time, and it's the State's position that the
14 reason that he fled the scene was so as to not be
15 deported or charged for identify fraud for the
16 person's identity that he was using at the time.

17 It should also be noted that prior to the
18 date of the crash, which was September 22nd of
19 2022, the defendant had previously been arrested
20 at the border by Homeland Security.

21 We would object to this Court taking a 20
22 year cap, as it is not an appropriate resolution.
23 The defendant in this case knowingly struck and
24 killed Deputy Hartwick and left him dying on the
25 side of the road. Without rendering aide, without

1 calling 911. Nothing. And he left because he was
2 selfishly concerned about himself being deported
3 rather than worrying about Deputy Hartwick's life.

4 In addition to all the calls that he placed
5 after the fact, this establishes that he clearly
6 had access to a phone. He had the ability to call
7 for aide. He had the ability to call for help and
8 none of this was done.

9 The defense has taken the position in this
10 case that the death points shouldn't apply, but it
11 is clear, based on the evidence, that the
12 defendant in this case caused the crash. He
13 caused the death of Deputy Hartwick. The idea
14 that the defense is entering a plea today for the
15 cap of 20 years, to then argue that their client
16 is somehow not responsible for causing his death
17 is offensive. At that point we should just take
18 the case to trial. The purpose of a plea is to
19 accept responsibility and full responsibility. To
20 those -- and not to litigate the case further.
21 And that's not what they're doing today.

22 If he further wishes to continue to litigate
23 this matter, I think that trial is the appropriate
24 arena. And myself and Mr. Vonderheide are ready,
25 willing and able to take this case to trial. And

1 we would request the Court to deny the defense's
2 request to plea to 20 year cap.

3 At this time, Your Honor, I'd ask to publish
4 the compilation video that's been prepared.

5 THE COURT: You can do that, but two
6 questions.

7 MS. CONSTANTINE: Yep.

8 THE COURT: Your question that by taking
9 responsibility, he acknowledges that he caused the
10 death?

11 MS. CONSTANTINE: Correct.

12 THE COURT: I'm listening for, was this based
13 on reckless actions, such that if he would have
14 stayed at the crime scene would he have been
15 charged with anything versus being charged with
16 fleeing the crime scene, which is the crime he has
17 taken responsibility for.

18 MS. CONSTANTINE: Had he stayed at the scene
19 he would just been charged with the aggravated
20 identity fraud by the federal government because
21 he was using someone else's id. As to the crash,
22 he is the driver and it's the State's position as
23 the driver of the front end loader but for him
24 running over Deputy Hartwick with the front end
25 loader he would still be here today.

1 THE COURT: I understand that. I'm trying to
2 figure out if this was done maliciously,
3 intentionally. If this was for the purpose of
4 causing Deputy Hartwick's death or if this was an
5 accident and the crime for which he is charged is
6 from fleeing from that accident.

7 MS. CONSTANTINE: That is correct, Your
8 Honor.

9 THE COURT: That's the crime?

10 MS. CONSTANTINE: Yes.

11 THE COURT: Okay. And then the identify
12 fraud?

13 MS. CONSTANTINE: Yes?

14 THE COURT: Is being prosecuted by the
15 federal government to the best of your knowledge?

16 MS. CONSTANTINE: It is. That's correct.

17 THE COURT: And an indictment has already
18 been sought, and he's already been charged?

19 MS. CONSTANTINE: Yes.

20 THE COURT: And if I were to do a jury trial
21 --

22 MS. CONSTANTINE: Yes.

23 THE COURT: Would any more facts than what I
24 just heard come out?

25 MS. CONSTANTINE: No, Your Honor.

1 THE COURT: Okay. Now, the video that you
2 want to play, do you want me to see that first or
3 do you want me to hear from the family first?

4 MS. CONSTANTINE: I would ask the Court watch
5 the video first and then I would ask the Court to
6 then hear from the next of kin as to their
7 feelings as to the cap.

8 THE COURT: All right. Let me see the video.
9 I'm going to dim the lights just to make it a
10 little easier.

11 Okay. Before I hear from the family, what
12 sentence above 20 years would the State be asking
13 me to impose if I did not place the cap?

14 MS. CONSTANTINE: 30 years in the Department
15 of Corrections.

16 THE COURT: Okay. So, you would be asking me
17 to impose the statutory maximum?

18 MS. CONSTANTINE: Yes.

19 THE COURT: Okay. Do you want to read a
20 statement on behalf of the victim's family, or do
21 you want the victim's family to address the Court?

22 MS. CONSTANTINE: I have the victim advocate
23 here. He wanted to come forward and read a
24 statement.

25 THE COURT: That's fine. Wherever she's more

1 comfortable.

2 MS. CONSTANTINE: And then before she comes
3 forward, Your Honor, I just want to let the Court
4 know I did speak with the victim's mother, who's
5 present. And Your Honor knows, Ms. Dewynn
6 (phonetic), she's been here for every single court
7 date.

8 THE COURT: She's been here for every court
9 date. Absolutely.

10 MS. CONSTANTINE: She wanted me to let the
11 Court know that she does not agree to the 20 year
12 cop.

13 THE COURT: Okay. All right.

14 MS. HODSON (Phonetic): Good morning, sir.

15 THE COURT: Your name, please?

16 MS. HODSON: Bobby Hodson, victim advocate
17 with the sheriff's office.

18 THE COURT: All right.

19 MS. HODSON: I'm reading a statement from
20 Will. William Hartwich.

21 THE COURT: Okay. And Will is the son of the
22 victim?

23 MS. HODSON: Yes.

24 THE COURT: Okay. All right.

25 MS. HODSON: My name is William Hartwick.

1 The eldest son of Deputy Michael Hartwick, who is
2 my brother -- who my brother and I were enough to
3 have called a dad for a little over 20 years of
4 our life.

5 While many people knew my dad as a deputy, he
6 was also many other things. He was a mason, a
7 Navy veteran, a member of the American Legion, and
8 a volunteer in the community. He dedicated his
9 life to service for others and gave the ultimate
10 sacrifice. My dad was a friend to everyone. To
11 know him was to love him.

12 My dad was a bright light for many. Most
13 especially my brother and I. There is not a day
14 that goes by that I don't think about how my dad's
15 life was senselessly taken and how so many lives
16 were changed forever because my dad is no longer
17 here.

18 Due to the senseless tragedy and heinous
19 crime, my father never got to attend my wedding
20 this past month or move to the state of Tennessee
21 he planned to call home. He also missed out on
22 the opportunity to meet and to get to know his
23 grandchildren, who were born since his passing.
24 These are just a few of the core memories with my
25 dad my family will never get back.

1 While immigration is not the issue being
2 discussed today, we as a family cannot help but
3 consider how our father was taken by someone who
4 did not have the proper documentation to be here
5 in the first place. Nor operate a piece of heavy
6 machinery.

7 Immigration aside, the concepts of right and
8 wrong are pretty universal. No matter where the
9 defendant came from, he knew he was running and
10 hiding. After running my dad over, he was wrong.
11 And against the law. As scared as he may have
12 been, he chose to run and hide while other people
13 in his same circumstance chose to stop, render
14 aide and call 911. Those people deserve to be
15 commended for their efforts. The defendant does
16 not.

17 In 2022 the average life expectancy in the
18 United States for a healthy white male was around
19 75 years old. At a minimum, my brother Brandon
20 and I find it reasonable that the man who murdered
21 our father and ran without even so much as trying
22 to administer aide should serve 20 years
23 guaranteed behind bars. Every year representing
24 one that our dad should have been with us. Thank
25 you.

1 THE COURT: Okay. State, is there anything
2 you wanted me to hear before I give you my ruling
3 on whether I would be willing to allow him to
4 enter the 20 year minimum mandatory -- or 20 year
5 prison cap to the sentence?

6 MS. CONSTANTINE: I just want to confirm and
7 make sure there's nothing else.

8 THE COURT: Take a moment to confer.
9 Absolutely.

10 MS. CONSTANTINE: Nothing from the State,
11 Your Honor.

12 THE COURT: So, State, before I rule on this,
13 two more things that I want to clear up. One is,
14 I just heard from the victim advocate that the
15 sons would accept a 20 year prison sentence.

16 MS. CONSTANTINE: Correct.

17 THE COURT: But the spouse would not want to
18 agree to 20 years at the top.

19 MS. CONSTANTINE: The mother.

20 THE COURT: The mother. I'm sorry, I said
21 the wrong. I'm sorry.

22 MS. CONSTANTINE: Correct.

23 THE COURT: The mother would want more than
24 that.

25 MS. CONSTANTINE: Yes.

1 THE COURT: Which I understand. The words
2 sometimes get used interchangeably. I understand
3 the victim's family is here and I want to be
4 sensitive to them in my explanation as to why I'm
5 going to do what I'm going to do.

6 If this was a murder, I would not agree to a
7 20 year cap. But this is not charged as a murder.
8 I have asked many times if there is anything that
9 he is charged with as it relates to intentionally
10 causing or recklessly causing or even negligently
11 causing and I have not heard that yet. If he were
12 to have remained at the scene then he would still
13 be charged with a federal crime, but he would not
14 have been charged with a state crime for causing
15 the death, and that's something the Court has to
16 factor when it makes a decision as to what a
17 reasonable course of conduct is.

18 Watching the video, it is obviously
19 heartbreakingly emotional. And it would make
20 anyone cry out for retribution. And I understand
21 that. But at the same time, I have to remain
22 consistent in the way that I impose the law. And
23 I have a track record that goes back 18 years. It
24 would be easy to look up and find that I have
25 never given somebody more than 15 years for

1 leaving the scene of a crash involving death.
2 It's never happened in a situation where the
3 person has no prior record. I'm aware of that. I
4 am aware of the circumstances involving this case
5 being different than all of those other cases,
6 because each case is absolutely unique and
7 individual to each person. But I am not supposed
8 to weigh the damage that it has done to the
9 community for causing the death. I'm supposed to
10 weigh the damage it has done to the community for
11 fleeing from the death because that is the crime.
12 And I will hear extensive testimony about that on
13 March 4th. And I will listen to both sides in
14 great detail if I accept this plea. But if I
15 don't see a reasonable path forward to sentencing
16 to him to more than 20 years in prison, it would
17 be irresponsible of me not to accept his plea,
18 allow him to admit responsibility and set a cap so
19 that going forward he can enter the plea and go to
20 sentencing, where I will hold him accountable for
21 what he is pleading to and what he did. I
22 understand this is not going to be a popular
23 decision. But I have an obligation to follow the
24 law, and the law should not prevent people from
25 entering a plea under reasonable circumstances.

1 And so that's what I'm going to do today, if
2 he chooses to. I don't know if he's going to
3 enter this plea or not. If he chooses to enter
4 the plea though, I am going to accept the plea
5 with a cap of 20 years. In so doing, he must
6 admit to the Information that was filed and the
7 charge and the factual basis that the Court has
8 now heard and has been laid down. Both the court
9 documents and the video that I saw and accepting
10 that the Court's consequences could be anything
11 from 4 years in prison, which is a minimum
12 mandatory up to 20 years in prison. Do you want a
13 moment to talk to him about this before he makes
14 his final decision, now having had the opportunity
15 to see the video and to hear the Court's words?

16 MS. DELIBERATO: Yes, Judge.

17 THE COURT: All right. Oh, actually, State
18 and defense, I'll have you approach for a second.

19 (Sidebar begins.)

20 THE COURT: You mentioned passing last week,
21 but I didn't ask for further clarification. Are
22 you calling Sheriff Gualtieri as a witness and on
23 this thing on March 4th with a --

24 MS. CONSTANTINE: Sentencing? Potentially.

25 THE COURT: When are you going to decide

1 that?

2 MS. CONSTANTINE: After I talk to him.

3 THE COURT: So, he hasn't expressed an
4 interest in testifying yet?

5 MS. CONSTANTINE: No.

6 THE COURT: As a matter of full disclosure,
7 his daughter and my daughter go to the same
8 school. They did six years ago. My kid's in
9 college now, obviously. But they went to the same
10 school. In that vein, because they knew each
11 other, I have had him over to my home. I have had
12 many attorneys over to my home. But if somebody
13 was testifying and I was a defendant I would want
14 to know if somebody had been to the Judge's home
15 that was a witness. I don't believe it would
16 affect my ability to be fair and impartial, but I
17 would never want it to be said later that because
18 he was a guest in my home and I didn't close it
19 that I somehow made it improper. So, I am
20 disclosing it. If you want to talk to him about
21 that in the back, you are welcome to do that. Of
22 course, if you are not going to call him as a
23 witness it's a complete non-issue, but I don't
24 think it's fair for him not to know that.

25 MS. CONSTANTINE: Understood. I certainly

1 don't have a concern, and I appreciate the Court's
2 disclosure.

3 THE COURT: I would never want it to come
4 back --

5 MS. DELIBERATO: Just for clarification, if
6 he were testifying, I would assume it would be
7 victim impact only.

8 MS. CONSTANTINE: Yeah.

9 MS. DELIBERATO: Not like, not factually.

10 MS. CONSTANTINE: Yeah, not as --

11 THE COURT: He's not a fact finder. I didn't
12 see him anywhere in the report.

13 MS. DELIBERATO: I didn't think so either.

14 MS. CONSTANTINE: If it's -- again, I
15 appreciate the Court's disclosure.

16 THE COURT: But again, I absolutely want to
17 make everybody knows this.

18 MS. DELIBERATO: That's fine.

19 MS. CONSTANTINE: And he might not. I don't
20 know. I just hadn't asked him, so.

21 THE COURT: I mean, I've also seen him at
22 social events, like I've seen all of you at social
23 events but if somebody is in your home I think
24 it's fair to give a head's up. Do you want to
25 talk in the back, or you just want to talk at the

1 table?

2 MS. DELIBERATO: We're good with the table.

3 THE COURT: Talk at the table? All right.

4 (Sidebar ends.)

5 MS. DELIBERATO: Your Honor, would we have
6 permission to our own interpreter for this
7 conversation?

8 THE COURT: Of course. Yeah, yeah. Of
9 course. I'm going to turn the record off.

10 (Court stands in recess.)

11 (Court is back in session.)

12 MS. DELIBERATO: We're ready, Judge, to enter
13 the plea. Do you want us at the podium or --

14 THE COURT: Yeah, the podium's good.

15 MS. DELIBERATO: May I approach with the
16 score sheet?

17 THE COURT: I insist.

18 MS. DELIBERATO: Or the plea form?

19 THE COURT: I think you mean the plea form,
20 but.

21 MS. DELIBERATO: Yeah.

22 THE COURT: Mr. Molina-Salles? Let me let
23 the interpreter get in position. Actually, first
24 I have to swear in the interpreter.

25 (Interpreter sworn.)

1 THE COURT: Ask him to raise his right hand.

2 (Defendant sworn.)

3 THE COURT: I have here a four page change of
4 plea form. You can put your hand down. I have
5 here a four page change of plea form. It
6 indicates your desire at this time to withdraw
7 your previously entered plea of not guilty and
8 enter a plea of guilty in case number 22-9348. Is
9 that what you wish to do today, sir?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you understand by entering
12 this plea you're giving up your right to a trial
13 by jury and all the other rights contained on the
14 plea form that you have signed. Do you understand
15 that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: I had blocked out the week of
18 March 3rd to have your trial. I had more than a
19 100 citizens of Pasco, or Pinellas County being
20 brought in so that they could be selected as
21 jurors, and we would have been willing to go
22 through the entirety of the case. I have now
23 announced that I would be willing to allow you to
24 enter a plea with a cap of 20 years. However, if
25 you wish, you may still have a trial by jury.

1 Nothing about all of us talking about the case
2 over the last couple of weeks and the presentation
3 that we've heard here today changes the fact that
4 you have an absolute right to trial. Do you
5 understand that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: If you enter this plea today, it
8 is guaranteed that I would revoke your privilege
9 to operate a motor vehicle for the rest of your
10 life. Do you understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: If you enter this plea, normally
13 I would tell you in general times by entering this
14 plea you would be deported from the country.
15 However, I can tell you that by entering this
16 plea, it's not really of will it happen anymore?
17 It's guaranteed at the end of whatever prison
18 sentence you receive; you will be deported. Do
19 you understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: By entering this plea, you are
22 giving up your right to have all of the evidence
23 that the State believes they have presented here
24 in court during the trial. Additionally, you're
25 giving up your right to call your own witnesses on

1 your behalf during the trial and have your
2 attorneys cross examine the witnesses of the State
3 and inspect the evidence and challenge it in front
4 of the jury. By entering this plea, instead of
5 having that jury trial, on March 4th I will
6 schedule a hearing where I will hear from the
7 State of Florida and any witnesses they choose to
8 call. I will hear from your attorney and any
9 witnesses she chooses to call on your behalf. And
10 if you wish, I would hear from you, as well. And
11 at the end of that hearing, I will give you
12 whatever sentence I believe is appropriate. It
13 could be four years in prison, which is the
14 minimum mandatory, it could be 20 years in prison,
15 which is the cap that I have set. But by entering
16 this plea, you are going to get sentenced on March
17 4th and whatever sentence you get, that's going to
18 be your sentence. You cannot return it and ask
19 for a different one. This is the point of no
20 return. If you enter this plea today, it happens
21 on March 4th. Do you understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: I know sometimes it seems like I
24 am being repetitive. I'm being repetitive to make
25 sure that I am 100 percent clear with you as to

1 what we are doing. I am confident that your
2 attorneys have explained it at great length as
3 well. Today, do you feel like you are
4 understanding what is going on and then your head
5 is clear and free from any obstacle to prevent you
6 from understanding what is going on. Do you feel
7 like you understand?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Do they have you on any
10 medication over at the jail that would keep you
11 from understanding what is happening?

12 THE DEFENDANT: No, I don't take any
13 medication for that. But I've been declared a
14 diabetic.

15 THE COURT: Okay. Do you feel like you're
16 having any type of a physical illness as a result
17 of this diabetes that would keep you from being
18 able to focus on what we're doing today?

19 THE DEFENDANT: No, sir.

20 THE COURT: I understand that you have a
21 sixth grade education. And the plea form is
22 written in Spanish. Were you able to go over the
23 form to your satisfaction with your attorneys in
24 the back before we brought you out today?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Now the plea form is in Spanish.
2 I don't read Spanish. I know that it's copied
3 from the plea form that's in English. I have gone
4 over that English plea form many times. If you
5 have any questions about the Spanish plea form or
6 what's contained in it, I would be more than
7 willing to go over it with you today. Do you have
8 any questions or concerns about the plea form or
9 the rights that you're giving up by entering this
10 plea?

11 THE DEFENDANT: No, sir.

12 THE COURT: The maximum possible penalty was
13 30 years for the crime for which you are entering
14 your plea. By entering your plea, I have set a
15 cap of 20 years as the sentence that you could
16 receive. Do you have any questions about what a
17 cap means? Or what a maximum sentence means? Any
18 questions about any of that?

19 THE DEFENDANT: No, sir.

20 THE COURT: Ms. Deliberato, is there any
21 reason I should not accept your client's change of
22 plea at this time?

23 MS. DELIBERATO: No, Your Honor, other than
24 we did previously litigate the victim injury
25 points as far as what the bottom would be and that

1 issue is preserved.

2 THE COURT: Mr. Molina-Salles, I previously
3 ruled against you on a matter of law, which I
4 believe myself to be correct on. Which it is
5 possible I was wrong on. Your attorneys have
6 preserved the argument they made at the previous
7 court date so that if the decision goes against
8 you and you wish to appeal that legal issue you
9 may still appeal that legal issue. And that is
10 preserved. But by entering your plea, you are
11 admitting the facts of the case and as a result of
12 that, you would not be able to appeal that aspect.
13 The -- your guilt in the matter. Do you
14 understand that part?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: All right. Thank you for
17 reminding me to cover that.

18 MS. DELIBERATO: Yes, Judge.

19 THE COURT: Do you stipulate to the factual
20 basis for the purposes of the plea as set out in
21 the Information?

22 MS. DELIBERATO: We stipulate to the factual
23 basis as set out in the Information. Obviously,
24 we will present more evidence before Your Honor on
25 March 4th.

1 THE COURT: And by presenting more evidence,
2 to be clear, you mean you will be presenting
3 mitigation on Mr. Molina-Salles's behalf to try
4 and persuade the Court to give him less than 20
5 years, but still, it would be more than four years
6 in prison. Correct?

7 MS. DELIBERATO: That's correct. The
8 mitigation that we will present, we're not asking
9 the Court to depart from the four year minimum
10 mandatory.

11 THE COURT: I don't think there would be --
12 just to be clear, Mr. Molina-Salles, there is not
13 any lawful basis by which the Court could depart
14 from the four year minimum mandatory. And I'm not
15 making you any promises as to what sentence I
16 would give you between four years and twenty
17 years. I don't know what sentence I'm going to
18 give you exactly yet, so it's impossible for
19 anybody else to know. If anybody else tells you
20 what sentence I'm actually going to give you,
21 they're only guessing. They can't possibly know.
22 Do you understand that?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: I already covered with you that I
25 will be suspending your driver's license forever

1 if you enter this plea. I don't know whether
2 Honduras would honor my suspension of your
3 license. But they might, so even if you are
4 deported to any foreign country, they might
5 communicate with the United States and suspend
6 your ability to operate a motor vehicle of any
7 type in any other country in the world. Do you
8 understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Okay. I think that covers
11 everything, Mr. Molina-Salles, that I have
12 concerns about at this time. Do you have any
13 questions for me before I accept your plea and set
14 your sentencing for 9 a.m. on March 4th?

15 THE DEFENDANT: No, sir.

16 THE COURT: I accept your plea, then. I find
17 it to be freely and voluntarily entered and based
18 on the advice of counsel. I find that there is a
19 factual basis upon which to accept your plea.
20 Case number 22-9348. I remand you to the custody
21 of Bob Gualtieri, sheriff of Pinellas County,
22 pending sentencing on March 4th at 9 a.m., right
23 here in this courtroom. You will be held until
24 that time in the Pinellas County Jail, and I think
25 that's everything.

1 MS. DELIBERATO: I don't think -- I think
2 that's right.

3 THE COURT: State, is there anything I should
4 address before we break?

5 MS. CONSTANTINE: No, Your Honor.

6 THE COURT: All right. This is over the
7 State's objection. State, I know that there were
8 out of state family members that wanted to appear
9 for the trial and/or sentencing. Am I remembering
10 that correctly?

11 MS. CONSTANTINE: No, we've got out of state
12 witnesses that were traveling in.

13 THE COURT: Witnesses. Okay. Anybody that's
14 out of state that needs to participate can appear
15 by zoom.

16 MS. CONSTANTINE: Perfect.

17 THE COURT: It's on you to arrange that zoom.
18 Please work with courtroom technology. Several
19 times in the past we have attempted to accomplish
20 this, and it always runs into a snag. So, you are
21 welcome to use my courtroom on the Monday before
22 to do a dry run to make sure that we don't have a
23 techno failure and extend what will already be a
24 long day much longer. If there are going to be
25 any video testaments or presentations, I would

1 like each side to show it to the other side far
2 enough in advance that if there are any lawful
3 objections, they can be raised.

4 I have a suspicion that we will have guests
5 again, for this sentencing on March 4th. So,
6 please, if there are going to be any other things
7 that obviously need to be addressed, let's do that
8 in advance.

9 State, if you have victim's family members
10 that wish to make written statements, they are
11 welcome to do that. And defense, if you have
12 family members of Mr. Molina-Salles that wish to
13 make statements, they are also allowed to provide
14 them in writing. You can read them, or you can
15 just hand them to the Court and I will read them.

16 You would have a right to a PSI. I think
17 whatever we're going to do on March 4th is going to
18 be way more comprehensive than a pre-sentence
19 investigation.

20 MS. DELIBERATO: I agree.

21 THE COURT: Have you talked to him about
22 waiving a pre-sentence investigation in this
23 matter?

24 MS. DELIBERATO: I have not, but we -- I can
25 briefly, if you want, but he understands what the

1 purpose of March 4th is and what we're going to be
2 presenting, and we would waive the PSI.

3 THE COURT: I was going to say, feel free to
4 talk to him in the back about what a pre-sentence
5 investigation is and make sure that he wishes to
6 waive it before they send it back to the jail.
7 Because that obviously would put a snag on what
8 we're doing. And come back out and let the Court
9 know if that, in fact, is the case and that he
10 wants one. If he doesn't want one, you don't have
11 to tell me anything. I'll show that he's waived
12 it.

13 All right. Mr. Molina-Salles, you can go
14 with these deputies now. Bond is zero. We are in
15 recess until 8:30 on Monday morning.

16 (Court is adjourned.)
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CERTIFICATE OF COURT TRANSCRIBER

STATE OF FLORIDA

COUNTY OF PINELLAS

I, Rebecca Kringlie, a court transcriber for the Sixth Judicial Circuit, do hereby certify that I was authorized to and did transcribe the foregoing proceedings and that the transcript is a true and correct record of said proceedings.

DATED this 9th day of April, 2025.

Rebecca Kringlie

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