

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

**JUAN ARIEL MOLINA-SALLES**

APPELLANT

VS.

**STATE OF FLORIDA**

APPELLEE

**LOWER CASE NUMBER:** 22-09348-CF  
**LOWER TRIBUNAL JUDGE:** PAT SIRACUSA  
**APPEAL CASE NUMBER:** 2D2025-0824  
**CASE(S) RELATED TO APPEAL:**

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# **RECORD ON APPEAL**

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**REDACTED**

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

**APPEALS MASTER INDEX**

**22-09348-CF**

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SECTION T  
**CASE SUMMARY**  
**CASE NO. 22-09348-CF**

**STATE OF FLORIDA**  
**vs.**  
**MOLINA-SALLES, JUAN ARIEL**

§ Location: **Section T**  
§ Judicial Officer: **SIRACUSA, PAT**  
§ Filed on: **09/23/2022**  
§ ACTIVE APPEAL: **2D2025-0824**  
§ LAB REPORT NUMBER: **M22-02220**  
§ **22-007339**  
§ **22-007020**  
§ UNIFORM CASE NUMBER: **522022CF009348000APC**

CASE INFORMATION

<b>Offense</b>	<b>Citation</b>	<b>Statute</b>	<b>Deg</b>	<b>Date</b>	<b>Case Type:</b>	<b>FELONY</b>
Municipality: <b>COUNTY - UNINCORPORATED</b>					<b>Case Status:</b>	<b>03/04/2025 CLOSED</b>
1. LEAVING THE SCENE OF A CRASH INVOLVING DEATH	AGE6RVE	316.027(2) (C)/316.027 (2) (F)/921.0021 (7)(	F1	09/22/2022		
OBTS: 5210129203 Sequence: 1 ACN: SO1908937						
Arrest: 09/23/2022 FL0520000 - PINELLAS COUNTY SHERIFF						

DATE

CASE ASSIGNMENT

**Current Case Assignment**

Case Number	22-09348-CF
Court	Section T
Date Assigned	09/23/2022
Judicial Officer	SIRACUSA, PAT

PARTY INFORMATION

**STATE**      **STATE OF FLORIDA**



*Lead Attorneys*  
**CONSTANTINE, ELIZABETH**  
*Retained*  
727-464-6221(W)

**DEFENDANT**      **MOLINA-SALLES, JUAN ARIEL**














DATE

EVENTS & ORDERS OF THE COURT

INDEX

09/24/2022	<b>ADVISORY - MALE, FELONY (8:35 AM)</b> (Judicial Officer: HAMILTON, REBECCA) <i>SPN/PersonID: 312000026</i> <i>Case Number: 22-09348-CF</i> <i>Name: MOLINA-SALLES, JUAN</i> <i>Booking Number: SO1908937</i>
09/24/2022	ADV HRG - BOND AMENDED <i>\$500000.00 (TOTAL)</i>
09/24/2022	 COMPLAINT & ADVISORY
09/24/2022	ORDER OF PROBABLE CAUSE FOUND
09/24/2022	 PD APPOINTED WRITTEN PLEA NG BY PD & DEMAND FOR DISCOVERY <i>PROVISIONAL</i>



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09/24/2022	MISCELLANEOUS TEXT - ICD <i>DEFENDANT SHALL BE OUTFITTED WITH A GPS MONITOR BY THE PINELLAS COUNTY SHERIFF'S OFFICE AS CONDITION OF BOND.</i>
09/24/2022	MISCELLANEOUS TEXT - ICD <i>DEFENDANT TO SURRENDER PASSPORT IN HIS NAME OR ANY ALIAS WITHIN 24 HOURS OF RELEASE FROM CUSTODY. DEFENDANT MAY NOT LEAVE PINELLAS COUNTY IF BONDED.</i>
09/24/2022	INVESTIGATIVE COSTS REQUESTED Amount: 769.68
09/26/2022	 DEFENDANT'S INVOCATION OF CONSTITUTIONAL RIGHTS
10/03/2022	 TRAFFIC CITATION - CASE SET FOR COURT AT INTAKE -
10/03/2022	OFFICER'S WORKSHEET -
10/10/2022	 NOTICE RETURNED SERVED
10/11/2022	 <b>CANCELED BOND</b> (10:00 AM) (Judicial Officer: LEVINE, PAUL A ;Location: CJC COURTROOM 1) <i>PD CANCEL HEARING</i>
10/13/2022	 INFORMATION FILED
10/13/2022	 NOTICE OF CONFIDENTIAL CRIME VICTIM INFO WITHIN COURT FILING
10/14/2022	WAIVER OF ARRAIGNMENT
10/14/2022	WRITTEN PLEA NOT GUILTY BY ATTORNEY
10/14/2022	DEMAND FOR DISCOVERY
10/14/2022	REQUEST FOR JURY TRIAL
10/14/2022	 NOTICE OF APPEARANCE <i>DANIEL AMPARO</i>
11/02/2022	 NOTICE RETURNED SERVED
11/14/2022	 <b>ARRAIGNMENT</b> (1:30 PM) (Judicial Officer: SIRACUSA, PAT)
11/14/2022	PRE-TRIAL HEARING SET <i>BRING</i>
11/16/2022	 NOTICE OF REQUEST FOR COSTS OF PROSECUTION
11/16/2022	 ANSWER TO DEMAND FOR DISCOVERY
11/16/2022	 DEMAND NOTICE OF INTENTION TO CLAIM ALIBI
11/17/2022	 PD WITHDRAWN

















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11/17/2022	 NOTICE RETURNED SERVED
11/18/2022	 ORDER TO PAY <i>FEES</i>
11/18/2022	 MOTION <i>FOR FEES</i>
12/05/2022	 <b>PRE-TRIAL</b> (8:30 AM) (Judicial Officer: SIRACUSA, PAT) Events: 11/14/2022 PRE-TRIAL HEARING SET <i>BRING</i>
12/05/2022	PRE-TRIAL HEARING SET
12/05/2022	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
12/08/2022	 NOTICE RETURNED SERVED
12/09/2022	 MOTION TO WITHDRAW PRIVATE ATTORNEY
12/12/2022	 AMENDED MOTION <i>TO WITHDRAW AS ATTORNEY OF RECORD</i>
12/12/2022	 NOTICE OF HEARING
12/16/2022	<b>MOTION</b> (8:45 AM) (Judicial Officer: SIRACUSA, PAT) <i>BRING MTN TO WITHDRAW AS COUNSEL (TO BE HEARD AT 10AM WITH PTC)</i>
12/16/2022	 <b>PRE-TRIAL</b> (10:00 AM) (Judicial Officer: SIRACUSA, PAT) Events: 12/05/2022 PRE-TRIAL HEARING SET
12/16/2022	 ORDER GRANTING - IN COURT <i>D/MTN TO WITHDRAW AS COUNSEL</i>
12/16/2022	ORDER GRANTING - IN COURT <i>PD/MTN TO APPOINT PUBLIC DEFENDERS OFFICE</i>
12/16/2022	ORDER WITHDRAWING ATTORNEY <i>ATTORNEY WITHDRAWN</i>
12/16/2022	 PD APPOINTED WRITTEN PLEA NG BY PD & DEMAND FOR DISCOVERY <i>PROVISIONAL</i>
12/16/2022	WAIVED RIGHT TO SPEEDY TRIAL
12/16/2022	PRE-TRIAL HEARING SET <i>BRING</i>
12/27/2022	 NOTICE RETURNED SERVED
01/05/2023	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
01/05/2023	 NOTICE OF INTENT TO OFFER RECORDS BY CERT/DECLARATION















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01/11/2023	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
01/11/2023	 LETTER REGARDING ANSWER TO DEMAND FOR DISCOVERY
01/19/2023	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
01/26/2023	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
02/01/2023	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
02/02/2023	 <b>PRE-TRIAL</b> (8:30 AM) (Judicial Officer: SIRACUSA, PAT) Events: 12/16/2022 PRE-TRIAL HEARING SET <i>BRING</i>
02/02/2023	PRE-TRIAL HEARING SET <i>BRING</i>
02/06/2023	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
02/07/2023	 NOTICE RETURNED SERVED
02/15/2023	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
02/15/2023	 NOTICE OF TAKING DEPOSITION
02/16/2023	 <b>PRE-TRIAL</b> (8:30 AM) (Judicial Officer: SIRACUSA, PAT) Events: 02/02/2023 PRE-TRIAL HEARING SET <i>BRING</i>
02/16/2023	PRE-TRIAL HEARING SET
02/16/2023	TRIAL SET
02/17/2023	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
02/20/2023	 NOTICE RETURNED SERVED
02/20/2023	 NOTICE RETURNED SERVED
03/12/2023	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
03/12/2023	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
03/13/2023	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
03/13/2023	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
03/27/2023	 WITNESS SUBPOENA RETURNED
04/10/2023	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY

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






04/28/2023	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
05/25/2023	 <b>PRE-TRIAL</b> (8:30 AM) (Judicial Officer: SIRACUSA, PAT) Events: 02/16/2023 PRE-TRIAL HEARING SET
05/25/2023	PRE-TRIAL HEARING SET <i>BRING</i>
05/26/2023	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
08/04/2023	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
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09/29/2023	 <b>PRE-TRIAL</b> (8:30 AM) (Judicial Officer: SIRACUSA, PAT) Events: 05/25/2023 PRE-TRIAL HEARING SET <i>BRING</i>
11/07/2023	 MOTION TO CONTINUE <i>/NOTICE OF HEARING</i>
11/13/2023	 <b>MOTION</b> (8:45 AM) (Judicial Officer: SIRACUSA, PAT) <i>BRING DEFENDANT'S UNOPPOSED MOTION FOR CONTINUANCE</i>
11/13/2023	PRE-TRIAL HEARING SET
11/13/2023	 NOTICE RETURNED SERVED
11/16/2023	 NOTICE RETURNED SERVED
11/21/2023	 <b>PRE-TRIAL</b> (8:30 AM) (Judicial Officer: SIRACUSA, PAT) Events: 11/13/2023 PRE-TRIAL HEARING SET
11/21/2023	ORDER GRANTING - IN COURT <i>D/MTN TO CONTINUE TRIAL</i>
11/21/2023	PRE-TRIAL HEARING SET <i>BRING</i>
11/21/2023	REMOVE FROM <i>TRIAL 12/11/2023 8:30 AM T</i>
11/29/2023	 NOTICE RETURNED SERVED
12/11/2023	 <b>CANCELED JURY TRIAL</b> (8:30 AM) (Judicial Officer: SIRACUSA, PAT ;Location: CJC COURTROOM 3) <i>CANCELLED IN COURT</i>
01/03/2024	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
01/11/2024	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
02/08/2024	 <b>PRE-TRIAL</b> (8:30 AM) (Judicial Officer: SIRACUSA, PAT) Events: 11/21/2023 PRE-TRIAL HEARING SET

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	<i>BRING</i>
02/08/2024	PRE-TRIAL HEARING SET <i>BRING</i>
02/08/2024	TRIAL SET <i>BRING</i>
02/13/2024	 NOTICE RETURNED SERVED
02/13/2024	 NOTICE RETURNED SERVED
02/14/2024	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
03/20/2024	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
04/05/2024	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
04/09/2024	 MOTION <i>TO REMOVE VICTIM INJURY POINTS FROM THE SCORESHEET</i>
04/09/2024	 AMENDED MOTION <i>TO REMOVE VICTIM INJURY POINTS FROM THE SCORESHEET</i>
04/11/2024	 <b>PRE-TRIAL</b> (10:00 AM) (Judicial Officer: SIRACUSA, PAT) Events: 02/08/2024 PRE-TRIAL HEARING SET <i>BRING</i>
04/11/2024	ORDER DENYING - IN COURT <i>D/MTN TO REMOVE VICTIM INJURY POINTS FROM THE SCORESHEET</i>
04/11/2024	INTERPRETER REQUIRED <i>SPANISH</i>
05/02/2024	 DEPOSITION <i>OF BENJAMIN JOSEPH WENDELL</i>
05/02/2024	 DEPOSITION <i>OF DANIEL PEPE</i>
05/02/2024	 DEPOSITION <i>OF NICHOLAS PAPA</i>
09/03/2024	 DEPOSITION <i>OF ALLEN AMADOR</i>
09/03/2024	 DEPOSITION <i>OF CINTHIA GOMEZ HERNANDEZ</i>
09/06/2024	 DEPOSITION <i>OF JOSHUA ZARASVAND</i>
09/06/2024	 DEPOSITION























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	<i>OF SARAH ROBINSON</i>
09/06/2024	 DEPOSITION <i>OF MICHAEL BEAVER</i>
09/06/2024	 DEPOSITION <i>OF MELANIE LEIB</i>
09/06/2024	 DEPOSITION <i>OF DERRICK BOATENG</i>
09/06/2024	 DEPOSITION <i>OF ANTHONY BORBONIO</i>
09/06/2024	 DEPOSITION <i>OF BENJAMIN SIMPKINS</i>
09/06/2024	 DEPOSITION <i>OF DANIELLE KIRCHGRABER</i>
09/06/2024	 DEPOSITION <i>OF LEVI BLAKE</i>
09/06/2024	 DEPOSITION <i>OF DENISE DURAN</i>
09/06/2024	 DEPOSITION <i>OF NICHOLAS PADEN</i>
09/06/2024	 DEPOSITION <i>OF DANIEL MATTOX</i>
09/06/2024	 DEPOSITION <i>OF GENESIS YEARGIN</i>
09/10/2024	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
09/12/2024	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
09/20/2024	 DEPOSITION <i>OF JOHN SYERS JR</i>
10/09/2024	 DEPOSITION <i>OF SEAN CORBETT</i>
10/09/2024	 DEPOSITION <i>OF ALEXANDRA MITCHELL</i>
10/09/2024	 DEPOSITION <i>OF CRAIG SONOSKY</i>
10/09/2024	 DEPOSITION <i>OF ROBERTO SOSA</i>

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10/09/2024	 DEPOSITION OF MARK EASTTY
10/13/2024	 DEPOSITION OF BRIAN HIRSHMAN
10/13/2024	 DEPOSITION OF CHARLES BLUMBERG
10/13/2024	 DEPOSITION OF LT. MICHAEL PANIAGUA
10/13/2024	 DEPOSITION OF NELSON DELEON
10/13/2024	 DEPOSITION OF RYAN DUNNING
10/23/2024	<b>STATUS CHECK/CONFERENCE (8:30 AM)</b> (Judicial Officer: SIRACUSA, PAT) <i>STATUS AS TO TRIAL</i>
10/23/2024	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
10/28/2024	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
10/30/2024	 NOTICE RETURNED SERVED
11/07/2024	 WITNESS LIST <i>(AMENDED)</i>
11/18/2024	 <b>CANCELED JURY TRIAL</b> (8:30 AM) (Judicial Officer: SIRACUSA, PAT ;Location: CJC COURTROOM 3) <i>CANCELLED IN COURT BRING</i>
11/18/2024	 <b>JURY TRIAL</b> (8:30 AM) (Judicial Officer: SIRACUSA, PAT)
11/18/2024	ORDER GRANTING - IN COURT <i>D/MTN TO CONTINUE TRIAL</i>
11/18/2024	TRIAL SET
11/22/2024	 NOTICE RETURNED SERVED
12/16/2024	 DEPOSITION OF AMBER CAMACHO
12/16/2024	 DEPOSITION OF LIEUTENANT JOHN LUCKETT
12/16/2024	 DEPOSITION OF OFFICER ANDREW MCENTEGART

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12/16/2024	 DEPOSITION OF HEATHER MEADE FORENSIC SCIENCE SPECIALIST
12/16/2024	 DEPOSITION OF RYAN MEARSE
12/16/2024	 DEPOSITION OF SERGEANT JOHN MULLINS
12/16/2024	 DEPOSITION OF DEPUTY ANTHONY ORLOWSKI
12/16/2024	 DEPOSITION OF DEPUTY ALBERTO ORTIZ JR
12/16/2024	 DEPOSITION OF KIMBERLY PRIEST
12/17/2024	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
12/18/2024	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
01/23/2025	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
01/27/2025	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
01/27/2025	 NOTICE OF EXPERT WITNESS
01/31/2025	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
02/04/2025	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
02/05/2025	 DEPOSITION OF CHERYL GIMENEZ
02/05/2025	 DEPOSITION OF CRAIG GIOVO
02/05/2025	 DEPOSITION OF HEZRON GOMES
02/05/2025	 DEPOSITION OF RANDALL HART
02/05/2025	 DEPOSITION OF SHANE GILL
02/05/2025	 DEPOSITION OF AARON BEREZNAY
02/05/2025	 DEPOSITION

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*OF ADELYNE BRAINARD*

02/05/2025	 DEPOSITION <i>OF SERGEANT ALAN CLARK</i>
02/05/2025	 DEPOSITION <i>OF ALEXANDER FOSTER</i>
02/05/2025	 DEPOSITION <i>OF ANTHONY CARUSO</i>
02/05/2025	 DEPOSITION <i>OF BRADLEY BYERS</i>
02/05/2025	 DEPOSITION <i>OF DAVID DEANGELO</i>
02/05/2025	 DEPOSITION <i>OF DEXTER CHRONIS</i>
02/05/2025	 DEPOSITION <i>OF ERIC BENJAMIN</i>
02/05/2025	 DEPOSITION <i>OF NICHOLAS BOICE</i>
02/05/2025	 DEPOSITION <i>OF PAMELA BRED A</i>
02/05/2025	 DEPOSITION <i>OF ROBERT DOUGHERTY</i>
02/05/2025	 DEPOSITION <i>OF WARREN CHRISS</i>
02/05/2025	 DEPOSITION <i>OF ZACHARY DENUCCIO</i>
02/05/2025	 DEPOSITION <i>OF DANIEL HORVATH</i>
02/05/2025	 DEPOSITION <i>OF STUART KELLMAN</i>
02/05/2025	 DEPOSITION <i>OF SANDRALEIGH KING COPELAND</i>
02/05/2025	 DEPOSITION <i>OF ATEKA SANFORD</i>
02/05/2025	 DEPOSITION <i>OF RHONDA KLEIN</i>














SECTION T  
**CASE SUMMARY**  
**CASE No. 22-09348-CF**

02/05/2025	 DEPOSITION OF KRISTI KLOTZ
02/05/2025	 DEPOSITION OF HEATHER LEGG
02/05/2025	 DEPOSITION OF CHRISTIAN LIRA RANGEL
02/05/2025	 DEPOSITION OF JASON PLUMB
02/06/2025	 NOTICE OF EXPERT WITNESS
02/06/2025	 NOTICE OF EXPERT WITNESS
02/07/2025	 WRIT OF HABEAS CORPUS AD TESTIFICANDUM
02/10/2025	 RECIPROCAL WITNESS AND EVIDENCE LIST
02/11/2025	 DEPOSITION OF ANTHONY SCARPATI
02/11/2025	 DEPOSITION OF CASEY SIBLEY
02/11/2025	 DEPOSITION OF CHRISTOPHER OLIVER
02/11/2025	 DEPOSITION OF CLYDE DAVY ROGERS
02/11/2025	 DEPOSITION OF CRYSTAL SCHOFIELD
02/11/2025	 DEPOSITION OF ELIZABETH TEMPLE
02/11/2025	 DEPOSITION OF FALANZO TOWNES
02/11/2025	 DEPOSITION OF FRANCISCO ZAPATA
02/11/2025	 DEPOSITION OF JASON STIBBARD
02/11/2025	 DEPOSITION OF JEFFREY RICHARZ







SECTION T  
**CASE SUMMARY**  
**CASE NO. 22-09348-CF**

02/11/2025	 DEPOSITION OF JOHN SUESS
02/11/2025	 DEPOSITION OF JONATHAN TOBECK
02/11/2025	 DEPOSITION OF KENT SNAVELY
02/11/2025	 DEPOSITION OF MAKEDA SIMMONDS
02/11/2025	 DEPOSITION OF NICOLE (THOMPSON) HOMJAK
02/11/2025	 DEPOSITION OF SEAN TIPTON
02/11/2025	 DEPOSITION OF STEVEN THOMAS
02/11/2025	 DEPOSITION OF STEVIE THOMAS
02/11/2025	 DEPOSITION OF TYLER REIDY
02/11/2025	 DEPOSITION OF WILLIAM BOTTORF
02/11/2025	 DEPOSITION OF YZERE (RODRIGUEZ) FUENTES
02/11/2025	 PETITION FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM
02/14/2025	 ORDER TO PAY FEES
02/14/2025	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
02/18/2025	 DEPOSITION OF ANDREW KOOPMEINERS MD
02/18/2025	 DEPOSITION OF DAMON BRETON
02/18/2025	 DEPOSITION OF MATTHEW AITKEN
02/18/2025	 DEPOSITION OF LAURA CAUDILL

SECTION T  
**CASE SUMMARY**  
**CASE No. 22-09348-CF**

02/18/2025	 DEPOSITION <i>OF ANTHONY LORUSSO</i>
02/18/2025	 DEPOSITION <i>OF DOUGLAS VALLADARAS</i>
02/18/2025	 DEPOSITION <i>OF ALLAN GOMEZ ZELAYA</i>
02/18/2025	 DEPOSITION <i>OF JUSTIN FINEBERG</i>
02/18/2025	 MOTION FOR CHANGE OF VENUE
02/18/2025	 EXHIBIT <i>A</i>
02/18/2025	 EXHIBIT <i>C</i>
02/18/2025	 EXHIBIT <i>B</i>
02/18/2025	 NOTICE RETURNED SERVED
02/19/2025	 <b>PRE-TRIAL</b> (8:30 AM) (Judicial Officer: SIRACUSA, PAT) <i>BRING</i>
02/19/2025	 ACKNOWLEDGMENT OF ADDITIONAL DISCOVERY
02/21/2025	 <b>CHANGE OF PLEA</b> (11:00 AM) (Judicial Officer: SIRACUSA, PAT) <i>BRING COP</i>
02/21/2025	<b>Plea</b> (Judicial Officer: SIRACUSA, PAT) 1. LEAVING THE SCENE OF A CRASH INVOLVING DEATH CHANGED PLEA TO GUILTY OBTS: 5210129203 Sequence: 1
02/21/2025	BOND AMENDED <i>\$0.00 (TOTAL)</i>
02/21/2025	ORDER GRANTING - IN COURT <i>D/MOTION FOR 20 YEAR CAP</i>
02/21/2025	REMOVE FROM <i>TRIAL 3/3/2025 8:30 AM T</i>
02/21/2025	SENTENCING SET <i>BRING</i>
02/21/2025	 PLEA / ADMISSION FORM
02/27/2025	 NOTICE RETURNED SERVED

SECTION T  
**CASE SUMMARY**  
**CASE NO. 22-09348-CF**

03/03/2025	 <b>CANCELED JURY TRIAL</b> (8:30 AM) (Judicial Officer: SIRACUSA, PAT ;Location: CJC COURTROOM 3) <i>CANCELLED IN COURT</i> <i>BRING</i>
03/03/2025	 <b>REQUEST FOR JUDICIAL NOTICE</b>
03/04/2025	 <b>SENTENCING</b> (9:00 AM) (Judicial Officer: SIRACUSA, PAT) Events: 02/21/2025 SENTENCING SET <i>BRING</i>
03/04/2025	<b>Disposition</b> (Judicial Officer: SIRACUSA, PAT) 1. LEAVING THE SCENE OF A CRASH INVOLVING DEATH NO TRIAL - ADJUDICATED GUILTY OBTS: 5210129203 Sequence: 1
03/04/2025	<b>Sentence</b> (Judicial Officer: SIRACUSA, PAT) 1. LEAVING THE SCENE OF A CRASH INVOLVING DEATH INCARCERATION Confinement (Effective 03/04/2025, Min. Not Applicable, Max. 12 Yr , DEPARTMENT OF CORRECTIONS) Credit for Time Served: 894 Days Provisions (Special Provisions SENTENCED UNDER GUIDELINES) Driver's License Suspended (REVOKED FOR LIFE) Attorneys at Sentencing (Lead Prosecutor CONSTANTINE, ELIZABETH, Lead Defense DELIBERATO, MARIA E) Restitution (\$50000.00, Comment: CRIMES COMPENSATION TRUST FUND - 50000.00 LIEN; ) Comment (FINE/COST \$550.00; COST OF PROSECUTION \$100.00; FINE/COST IMPOSED AS LIEN; INVEST COST \$769.60 TO PC; INVEST COST AS LIEN; PD LIEN \$100.00; INDIGENT CRIM DEF FEE \$50.00; ICDF IMPOSED AS LIEN; DNA TESTING PAY \$7.00 TO PCSO AS A LIEN)
03/04/2025	 <b>LIST OF EXHIBITS</b> <i>STATE</i>
03/04/2025	 <b>LIST OF EXHIBITS</b> <i>DEFENSE</i>
03/04/2025	 <b>JUDGMENT &amp; SENTENCE (R)</b>
03/04/2025	MINIMUM MANDATORY <i>4Y (LEAVE/SCENE/INVOL/DEATH)</i>
03/04/2025	FINE/COSTS ORDERED - ADJUDICATED GUILTY Charges: 1 Amount: 550.00
03/04/2025	FINE AND/OR COSTS AS A LIEN
03/04/2025	COSTS OF PROSECUTION ASSESSED - CF Charges: 1 Amount: 100.00
03/04/2025	INVEST COSTS ASSESSED - CF - PINELLAS COUNTY SHERIFF Charges: 1 Amount: 769.60

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2025074772*















SECTION T  
**CASE SUMMARY**  
**CASE NO. 22-09348-CF**

03/04/2025	FINE/COSTS DUE WITHIN/BY Fin Due Date: 10/10/2034 Charges: 1
03/04/2025	INDIGENT CRIMINAL DEFENSE FEE ASSESSED \$50 AT SENTENCING CF
03/04/2025	INDIGENT CRIMINAL DEFENSE FEE ASSESSED AS A LIEN
03/04/2025	PD LIEN ASSESSED - CF Charges: 1 Amount: 100.00
03/04/2025	RESTITUTION ORDERED \$50000.00 CRIMES COMPENSATION TRUST FUND
03/04/2025	 ORDER & JUDGMENT OF RESTITUTION
03/04/2025	 RESTITUTION AS A LIEN CRIMES COMP
03/04/2025	LICENSE REVOKED MAXIMUM PERIOD
03/04/2025	DNA TESTING FEE TO PCSO \$7.00 AS A LIEN Charges: 1
03/05/2025	 COURT ORDERED REPORT OF DISPOSITION TO DMV
03/07/2025	 SENTENCED UNDER GUIDELINES
03/07/2025	 COMMITMENT PACKET TO DEPARTMENT OF CORRECTIONS
03/10/2025	 WITNESS SUBPOENA RETURNED
03/11/2025	 WITNESS SUBPOENA RETURNED
03/12/2025	 JUDGMENT FOR ATTORNEY FEES AND/OR COSTS
03/12/2025	 JUDGMENT FOR FINE AND/OR COSTS
03/20/2025	 NOTICE OF APPEAL MOLINA-SALLES V STATE
03/20/2025	 STATEMENT OF JUDICIAL ACTS TO BE REVIEWED
03/20/2025	 DIRECTIONS TO THE CLERK
03/20/2025	 DESIGNATIONS TO COURT REPORTER
03/25/2025	 COURT REPORTER'S

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SECTION T  
**CASE SUMMARY**  
**CASE NO. 22-09348-CF**

ACKNOWLEDGMENT	
03/25/2025	 COURT REPORTER'S CERTIFICATE OF NON-EXISTENCE OF RECORD
03/31/2025	 CERTIFIED COPY OF NOTICE OF APPEAL FORWARDED TO DCA
03/31/2025	 ORDER OF INSOLVENCY AND APPOINTMENT OF PUBLIC DEFENDER FOR APPEAL
03/31/2025	 WITNESS SUBPOENA RETURNED
04/01/2025	 2ND DISTRICT COURT OF APPEALS ASSIGNMENT OF APPEAL NUMBER 2D2025-0824
04/15/2025	 DESIGNATIONS TO COURT REPORTER (AMENDED)
04/15/2025	 TRUE COPY OF DISTRICT COURT OF APPEALS ORDER 2D2025-0824 WITHIN 10 DAYS FROM THE DATE OF THIS ORDER, APPELLANT SHALL RESPOND TO THE COURT REPORTER'S CERTIFICATE OF NONEXISTENCE OF RECORD. THE RESPONSE MAY TAKE THE FORM OF AMENDED DESIGNATIONS FILED IN THE LOWER TRIBUNAL WITH SERVICE ON THE COURT REPORTER AND A COURTESY COPY FILED IN THIS COURT
04/17/2025	 TRANSCRIPT OF PROCEEDINGS CHANGE OF PLEA 02212025
04/17/2025	 TRANSCRIPT OF PROCEEDINGS SENTENCING 03042025
04/21/2025	 ORDER TO PAY FEES
04/23/2025	 COURT REPORTER'S ACKNOWLEDGMENT
05/05/2025	 TRANSCRIPT OF PROCEEDINGS PRETRIAL HEARING APRIL 11, 2024
DATE	FINANCIAL INFORMATION
<b>DEFENDANT</b> MOLINA-SALLES, JUAN ARIEL	
Total Charges	1,576.60
Total Payments and Credits	0.00
<b>Balance Due as of 05/06/2025</b>	<b>1,576.60</b>

UCN: 522022CF009348XXXXCF

FL0520000

**COMPLAINT/ARREST AFFIDAVIT - CIRCUIT/COUNTY COURT - PINELLAS COUNTY, FLORIDA**

OBTS #		REPORT # <b>SO22-305232</b>	DOCKET # <b>1908937</b>
Person ID	<b>312000026</b>	SSN#	
Charge Description	<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Warrant <input type="checkbox"/> Traffic <input type="checkbox"/> Ordinance	Traffic Citation # (if any)	Court Case #
Charge	<b>LEAVING SCENE OF AN CRASH INVOLVING DEATH</b>	<b>AGE6RVE</b>	<b>22-09348-CF-1</b>
Defendant's Name (Last, First, Middle)	<b>MOLINA-SALLES, JUAN ARIEL</b>	DOB	<b>05/06/1990</b>
Sex	<b>M</b>	Race	<b>H</b>
Ht	<b>510</b>	Wt	<b>300</b>
Hair	<b>BRO</b>	Eyes	<b>BRO</b>
Skin	<b>MED</b>		
Alias	DL #	State	Scars/Marks/Tattoos/Physical Features
Local Address (Street, City, State, Zip Code)	<b>3012 N ALBANY AVE TAMPA FL 33607</b>	Telephone	<b>865-900-7086</b>
Place of Birth	<b>HONDURAS</b>	Citizenship	<b>NO</b>
Permanent Address (Street, City, State, Zip Code)	<b>3012 N ALBANY AVE TAMPA FL 33607</b>	Telephone	<b>865-900-7086</b>
Employed by / School			
Weapon Seized	Type	Indication of Drug Influence	Y N UNK
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> UNK	
Indication of Mental Health Issues	Y N UNK	Indication of Alcohol Influence	Y N UNK
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> UNK		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> UNK	
Co-Defendant's Name (Last, First, Middle)	DOB	Sex	Race
In Custody	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor	
Co-Defendant's Name (Last, First, Middle)	DOB	Sex	Race
In Custody	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor	

The undersigned swears that he/she has reasonable grounds to believe that the above named defendant on the 22 day of SEPTEMBER, 2022, at approximately 10:46 PM, at [REDACTED], in Pinellas County did:

THEN AND THERE DID DRIVE A VEHICLE, TO-WIT: CAT 930M FRONT END LOADER, BEARING PRODUCT ID#: CAT0930MCKTG04741, WHICH WAS INVOLVED IN A CRASH INVOLVING THE DEATH OF [REDACTED] AND SAID DEFENDANT DID WILLFULLY FAIL TO STOP SAID VEHICLE AT THE SCENE OF THE CRASH UNTIL HE HAD FULFILLED THE REQUIREMENTS OF FSS 316.062, TO-WIT: THE DEFENDANT DID NOT GIVE HIS NAME AND ADDRESS AND THE REGISTRATION NUMBER OF THE VEHICLE HE WAS DRIVING AND DID NOT RENDER REASONABLE ASSISTANCE TO PERSONS INJURED IN THE CRASH.

ON SEPTEMBER 22, 2022, AT APPROXIMATELY 2240 HOURS, [REDACTED] WAS FUNCTIONING IN AN OFF-DUTY CAPACITY IN FULL UNIFORM. DEPUTY [REDACTED] PARKED [REDACTED] FULLY ILLUMINATED PATROL VEHICLE IN THE SOUTHBOUND LANES OF I275 SOUTH, JUST NORTH OF EXIT 30. DEPUTY [REDACTED] WAS BLOCKING THE RIGHT TWO LANES OF THE ROADWAY, PROVIDING ROADSIDE SAFETY AND VISIBILITY FOR WORKERS PERFORMING CONSTRUCTION/MAINTENANCE TO THE ROADWAY.

AT APPROXIMATELY 2243 HOURS, [REDACTED] EXITS [REDACTED] MARKED PATROL VEHICLE AND WALKS ACROSS THE FRONT OF THE VEHICLE TOWARD THE PASSENGER SIDE, ULTIMATELY TOWARD THE SHOULDER OF THE ROADWAY. AT APPROXIMATELY 2246 HOURS, A FRONT END LOADER IS SEEN TRAVELING ALONG THE SHOULDER OF THE AREA OF [REDACTED]. SHORTLY AFTER, [REDACTED] WAS STRUCK BY THE FRONT END LOADER, CAUSING FATAL INJURIES TO [REDACTED].

THE OPERATOR OF THE FRONT END LOADER, AN EMPLOYEE WITH THE WORKERS PERFORMING MAINTENANCE TO THE ROADWAY, WAS IDENTIFIED AND LATER ARRESTED.

UPON A POST-MIRANDA INTERVIEW OF THE DEFENDANT, HE ADMITTED TO STRIKING [REDACTED], WHILE OPERATING THE FRONT END LOADER. THE DEFENDANT STATED HE CONTINUED OPERATING THE VEHICLE AND AFTER BEING NOTIFIED BY OTHERS ON-SCENE THAT [REDACTED] WAS DECEASED, THE DEFENDANT FLED THE SCENE.

Contrary to Florida Statute/Ordinance 316.027(2)(C) - F1.

ARREST DATE: 9/23/2022 Time 8:20 AM . Aggravating/Mitigating Factors [REDACTED]

Booking Officer: RIVERA-PEREZ, M 59262 Amount of Bond 100000.00 Bond Out Date \_\_\_\_\_ Time \_\_\_\_\_ ☐ a.m. ☐ p.m.

Victim Notified of Advisory? ☐ Yes ☐ No Injuries to Victim? ☐ Yes ☐ No Medical Treatment to Victim? ☐ Yes ☐ No

The Court reviewed this complaint and finds there: ☐ is probable cause ☐ is not probable cause to detain defendant ☐ Bond Action, if any: \_\_\_\_\_

The probable cause determination is passed for: ☐ 24 Hrs ☐ 24 Hrs on showing of extraordinary circumstances Received by Booking: 9/23/2022 2:27:46 PM

Pursuant to F.S. 92.525 and under penalty of perjury, I declare that I have read the foregoing document and that the facts in it are true.   _____ Declarant Signature		REQUEST FOR INVESTIGATIVE COSTS, F.S. 938.27(1)	
DATE	OFFICER	HOURS X PAY RATE	OR COST
09/23/2022	[REDACTED]	12 29.14	\$349.68
09/23/2022	[REDACTED]	12 35.00	420
OTHER - Describe _____			
Continuation sheet <input type="checkbox"/> Yes <input type="checkbox"/> No		TOTAL \$ <u>\$769.68</u>	

**Defendant** MOLINA-SALLES, JUAN ARIEL

**Court Case No:** 22-09348-CF-1

**ADVISORY AND SOLVENCY HEARING**

The above named Defendant came before me for Advisory and Solvency hearing and was advised by me of the charge(s) against him; his right to remain silent; that any statements by him may be used against him; his right to counsel, and, if he is financially unable to afford counsel, that counsel forthwith will be appointed; of his right to communicate with his counsel, family or friends, and that reasonable implementation will be afforded him to contact the foregoing.

**I FURTHER CERTIFY THAT:**

- ☐ A. Defendant has advised the Court that he has retained counsel or will retain counsel.
- ☐ B. The Court investigated Defendant's solvency and found the Defendant financially able to secure counsel.
- ☐ C. The Court investigated Defendant's solvency and provisionally appointed the Public Defender.
- ☐ D. The Defendant waived the right to counsel at the first appearance only.

\_\_\_\_\_  
DATE AND TIME

  
\_\_\_\_\_  
JUDGE

- ☐ I hereby waive the right to counsel at the first appearance only.
- ☐ I, having been found solvent and financially able to secure counsel, hereby waive counsel until my attorney files an appearance in this case or until I file a written request for a review of my solvency and ability to secure counsel.



Thumb Print

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

I HEREBY acknowledge receipt of a copy of the foregoing Complaint and Advisory.

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

\_\_\_\_\_  
DEFENDANT'S ATTORNEY'S SIGNATURE

\_\_\_\_\_  
DATE

**IN THE CIRCUIT/COUNTY COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA**

UCN(s)  
**522022CF009348000APC**

REF No.(s)  
**22-09348-CF - T**

**STATE OF FLORIDA**

**VS.**

**JUAN ARIEL MOLINA-SALLES                      PID: 312000026**

**Defendant**

**PROVISIONAL ORDER APPOINTING PUBLIC DEFENDER**

**THIS CAUSE** having come before the Court, and that the defendant has requested to be found indigent pursuant to Sec. 27.52, Florida Statutes. The Court understands that the defendant's affidavit for indigent status is still under review pursuant to Sec. 27.52, Florida Statutes.

It is therefore provisionally **ORDERED** that the Public Defender is temporarily appointed to represent the above named defendant.

This appointment shall become permanent upon filing of a financial affidavit and final determination of indigent status.

**DONE AND ORDERED** on **September 24, 2022** in Clearwater, Pinellas County, Florida.

  
\_\_\_\_\_  
CIRCUIT/COUNTY JUDGE

Copies furnished:

Public Defender

ICD: PROVISIONAL PDAP

IN THE CIRCUIT FOR PINELLAS COUNTY, FLORIDA  
22-09348-CF

STATE OF FLORIDA

V.

JUAN ARIEL MOLINA-SALLES  
PID 312000026

DEFENSE'S INVOCATION OF CONSTITUTIONAL RIGHTS

Under Fla. R. Crim. P. 3.190(a), defense invokes the defendant's following constitutional rights: (1) the right to stay silent under Fla. Const. Art. 1, § 9 and Fed. Const. Amend. 5, and (2) the right to counsel under Fla. Const. Art. 1, §§ 2, 9, and 16, Fla. R. Crim. P. 3.130, *Traylor v. State*, 596 So. 2d 957 (Fla. 1992), and Fed. Const. Amend. 5, 6, and 14 as interpreted by the U.S. Supreme Court in *Miranda v. Arizona*, 384 U.S. 436 (1966), *Edwards v. Arizona*, 451 U.S. 477 (1981), *McNeil v. Wisconsin*, 501 U.S. 171 (1991), and *Arizona v. Roberson*, 486 U.S. 675 (1988).

1. By invoking these rights, defense demands no local, state, or federal police or prosecution personnel (including inmates acting at the request or direction of such personnel) attempt to engage defendant in any conversation without defense counsel being present. Any person with law enforcement who allows a violation of these rights to occur will be viewed as interfering with the attorney-client relationship as protected under Florida and federal law.

2. Defendant does not consent to speak to or meet with the media including photographers, camera personnel, reporters, or investigators from radio, television, newspapers, magazines, wire services, or any other news group. Defense demands the sheriff not let any media contact or visit defendant.

3. Defendant does not consent to appear in any lineup, show-up, or any other identification procedure without defense counsel being present.

4. Defendant does not consent to any polygraph or voice stress examination, any voice sample, handwriting exemplar, hair, blood, urine, saliva, skin sample or fingernail scrapings without defense counsel being present.

5. Defendant does not consent to the search of any residence, vehicle, person, or other property.

6. This Invocation of Constitutional Rights may not be waived except by a written waiver signed by defendant and defense counsel in open court. Anyone violating this Invocation of Constitutional Rights will be subject to legal action for sanctions, damages, or both.

**Certificate of Service.** Under Fla. R. Jud. Admin. 2.516(f), I certify that the foregoing document has been furnished to the State Attorney, Pinellas County Justice Center, 14250 49th Street North, Clearwater, Pinellas County, Florida 33762-2800 by delivery/email on September 26, 2022.

**Attorney's Signature.** Under Fla. R. Jud. Admin. 2.515(a), I sign this document.

**Maria DeLiberato**

Assistant Public Defender  
Florida Bar Number: 664251  
Pinellas County Justice Center  
14250 49th Street North, Clearwater, Pinellas County, Florida 33762-2800  
Phone: 727-464-6516 | Fax: 727-464-611



## FLORIDA UNIFORM TRAFFIC CITATION

AGE6RVE

COUNTY OF <b>PINELLAS 04</b>		<input type="checkbox"/> (1) F.H.P. <input type="checkbox"/> (2) P.D. <input checked="" type="checkbox"/> (3) S.O. <input type="checkbox"/> (4) OTHER	
CITY OF (IF APPLICABLE) <b>UNINCORPORATED</b>		AGENCY NAME <b>PINELLAS COUNTY SO</b>	
IN THE COURT DESIGNATED BELOW THE UNDERSIGNED CERTIFIES THAT HE/SHE HAS JUST AND REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE THAT ON		COMPLAINT (RETAINED BY COURT)	
DAY OF WEEK <b>FRI</b>	MONTH <b>9</b>	DAY <b>22</b>	YEAR <b>2022</b>
NAME (PRINT) FIRST <b>JUAN</b>		MIDDLE <b>ARIEL</b>	LAST <b>MOLINA-SALLES</b>
STREET <b>3012 N ALBANY AVE</b>			
CITY <b>TAMPA</b>		STATE <b>FL</b>	ZIP CODE <b>33607</b>
TELEPHONE NUMBER	DATE OF BIRTH <b>05 06 90</b>	RACE <b>H</b>	SEX <b>M</b>
DRIVER LICENSE NUMBER <b>NODL</b>	CLASS	CDL LICENSE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	YR. LICENSE EXP.
YR. VEHICLE <b>19</b>	MAKE <b>CAT</b>	STYLE <b>TRK</b>	COLOR <b>YEL</b>
VEHICLE LICENSE NO.	TRAILER TAG NO.	STATE	YEAR TAG EXPIRES
UPON A PUBLIC STREET OR HIGHWAY, OR OTHER LOCATION, NAMELY <b>1275 SB LANES NEAR EXIT 30</b>		MOTORCYCLE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
FT _____ MILES _____		COMPANION CITATION(S) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
DID UNLAWFULLY COMMIT THE FOLLOWING OFFENSE. CHECK ONLY ONE OFFENSE EACH CITATION.			

<input type="checkbox"/> UNLAWFUL SPEED _____ MPH SPEED APPLICABLE _____ MPH	<input type="checkbox"/> INTERSTATE <input type="checkbox"/> SCHOOL ZONE <input type="checkbox"/> CONSTRUCTION WORKERS PRESENT
SPEED MEASUREMENT DEVICE: _____	
<input type="checkbox"/> CARELESS DRIVING	<input type="checkbox"/> CHILD RESTRAINT
<input type="checkbox"/> VIOLATION OF TRAFFIC CONTROL DEVICE	<input type="checkbox"/> SAFETY BELT VIOLATION
<input type="checkbox"/> FAILURE TO STOP AT A TRAFFIC SIGNAL	<input type="checkbox"/> IMPROPER OR UNSAFE EQUIPMENT
<input type="checkbox"/> IMPROPER LANE CHANGE OR COURSE	<input type="checkbox"/> EXPIRED TAG SIX (6) MONTHS OR LESS
<input type="checkbox"/> NO PROOF OF INSURANCE	<input type="checkbox"/> EXPIRED TAG MORE THAN SIX (6) MONTHS
<input type="checkbox"/> VIOLATION OF RIGHT-OF-WAY	<input type="checkbox"/> IMPROPER PASSING
<input type="checkbox"/> EXPIRED DRIVER LICENSE SIX (6) MONTHS OR LESS	<input type="checkbox"/> EXPIRED DRIVER LICENSE MORE THAN SIX (6) MONTHS
<input type="checkbox"/> NO VALID DRIVER LICENSE	<input type="checkbox"/> DRIVING WHILE LICENSE SUSPENDED OR REVOKED
<input type="checkbox"/> DRIVING UNDER THE INFLUENCE	<input type="checkbox"/> Passenger Under 18 Yrs

OTHER VIOLATIONS OR COMMENTS PERTAINING TO OFFENSE:  
**CRASH - LEAVING SCENE ON PUBLIC/PRIVATE PROPERTY WITHOUT RENDERING AID (DEATH)(FELONY)**

<input type="checkbox"/> AGGRESSIVE DRIVING	IN VIOLATION OF	SECTION	SUB-SECTION
<input type="checkbox"/> CRASH	PROPERTY DAMAGE	<b>316.027(2)(C)</b>	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

☒ CRIMINAL VIOLATION. COURT APPEARANCE REQUIRED, AS INDICATED BELOW.  
☐ INFRACTION. COURT APPEARANCE REQUIRED, AS INDICATED BELOW.  
☐ INFRACTION WHICH DOES NOT REQUIRE APPEARANCE IN COURT.

AGE6RVE

CIVIL PENALTY IS	AT THE CALL OF THE COURT
COURT INFORMATION	DATE
CLERK OF THE COURT	TIME
14250 49TH ST. N.	COURT
CLEARWATER, FL 33762	LOCATION
Additional Comments:	

ARREST DELIVERED TO **PINELLAS COUNTY JAIL** DATE **9/23/2022**  
 I AGREE AND PROMISE TO COMPLY AND ANSWER TO THE CHARGES AND INSTRUCTIONS SPECIFIED IN THIS CITATION. WILLFUL REFUSAL TO ACCEPT AND SIGN THE CITATION MAY RESULT IN ARREST. I UNDERSTAND MY SIGNATURE IS NOT AN ADMISSION OF GUILT OR WAIVER OF RIGHTS. IF YOU NEED REASONABLE FACILITY ACCOMMODATIONS TO COMPLY WITH THIS CITATION, CONTACT THE CLERK OF THE COURT.

X SIGNATURE OF VIOLATOR (SIGNATURE IS REQUIRED IF INFRACTION REQUIRES APPEARANCE IN COURT)  
**A. ORLOWSKI** **58794**

Rank - Name Of Officer **A. ORLOWSKI** Badge No. **58794** ID No. **58794** Troop/Unit  
☒ I CERTIFY THIS CITATION WAS DELIVERED TO THE PERSON CITED ABOVE AND CERTIFY THE CHARGE ABOVE

Additional Officer:  
 Rank - Name Of Officer **HSMV 75901 (Rev. 06/19)** Badge No. **58794** ID No. **58794** Troop/Unit  
**CASE # SO22-305584 GRID: 426 SPIN: 310277501**

## COMPLAINT

WHEN PRESENTED TO VIOLATOR, THE FOLLOWING AMOUNT WAS ENTERED.  
 PAY A CIVIL PENALTY IN THE AMOUNT OF \$ \_\_\_\_\_

CASE NO. _____	DOCKET NO. _____	PAGE NO. _____
DATE	COURT ACTION AND OTHER ORDERS	
	BAIL FIXED AT \$ _____ OR CASH DEPOSIT OF \$ _____	
	SIGNATURE OF PERSON GIVING BAIL _____	
	SIGNATURE OF PERSON TAKING BAIL _____	
	FINE IN THE AMOUNT OF \$ _____ RECEIVED AS REQUIRED BY	
	COURT SCHEDULE. _____ SIGNATURE OF CLERK _____	
	CONTINUANCE TO _____ REASON _____	
	CONTINUANCE TO _____ REASON _____	
	BOND ESTREATED _____	
	WARRANT ISSUED _____	
	VIOLATOR FAILED TO APPEAR-DRIVER LICENSE SUSPENDED	
	VIOLATOR ARRAIGNED ON _____ (DATE)	
	PLEA: _____	
	FINDING: _____	
	ADJUDICATION: _____	
	SENTENCE: FINE _____ COST _____	
	JAILED _____ DAYS	
	DRIVER IMPROVEMENT SCHOOL _____	
	OTHER _____	
	DRIVER LICENSE SUSPENDED OR REVOKED FOR _____ DAYS	
	RECOMMENDED DRIVER LICENSE SUSPENSION FOR _____ DAYS	
	RECOMMEND RE-TEST _____	
	SIGNATURE OF JUDGE _____	
	TESTIMONY - JUDGE'S NOTES (OR OTHER COURT ORDERS):	
	APPEAL BOND OF \$ _____	
	VIOLATOR'S FINGERPRINT WHEN APPLICABLE _____	

# OFFICER'S WORKSHEET

Name: JUAN ARIEL MOLINA-SALLES

Citation No. AGE6RVE

Criminal Offense X Infraction \_\_\_\_\_

Investigative Costs \$ 5750

Attitude POLITE Drinking No Acc. Yes

Liability Insurance No Est. of Damages \$ N/A

Remarks to the Court:

SEE PCSO CASE# SO22-305232

Re-exam: False Reason: \_\_\_\_\_

## REQUEST FOR INVESTIGATIVE COST RECOVERY CRIMINAL TRAFFIC ONLY

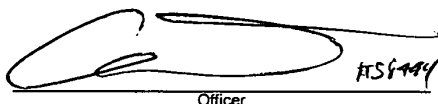
The PINELLAS COUNTY SO (law enf. agency) requests and has documented investigative costs amounting to \$ 5,750.00, which have been incurred as a direct result of investigating this case. The above referenced law enf. agency requests in accordance with Florida State Statute 938.27, "Judgment for Costs on Conviction" that this amount be included and entered in judgment rendered against the defendant(s).

Date	Officer	Hours	X	Pay Rate	Cost
09/22/22	ORLOWSKI	15.00		25.00	375.00
09/22/22	SYERS	15.00		25.00	375.00

Other Describe: HOMICIDE & MAIT #####

Continuation Sheets

Total #####

  
Officer

COURT

## TO AVOID UNNECESSARY COURT APPEARANCES GIVE COMPLETE INFORMATION

Witnesses:

Law Enforcement Officers & Agency

Civilian Witnesses

Name \_\_\_\_\_

Race \_\_\_\_\_ Sex \_\_\_\_\_ D.O.B. \_\_\_\_\_

Home Add. \_\_\_\_\_

Home Phone \_\_\_\_\_

Bus. or other contact \_\_\_\_\_

Bus. or contact add. \_\_\_\_\_

Phone \_\_\_\_\_

Name \_\_\_\_\_

Race \_\_\_\_\_ Sex \_\_\_\_\_ D.O.B. \_\_\_\_\_

Home Add. \_\_\_\_\_

Home Phone \_\_\_\_\_

Bus. or other contact \_\_\_\_\_

Bus. or contact add. \_\_\_\_\_

Phone \_\_\_\_\_

Name \_\_\_\_\_

Race \_\_\_\_\_ Sex \_\_\_\_\_ D.O.B. \_\_\_\_\_

Home Add. \_\_\_\_\_

Home Phone \_\_\_\_\_

Bus. or other contact \_\_\_\_\_

Bus. or contact add. \_\_\_\_\_

Phone \_\_\_\_\_

Name \_\_\_\_\_

Race \_\_\_\_\_ Sex \_\_\_\_\_ D.O.B. \_\_\_\_\_

Home Add. \_\_\_\_\_

Home Phone \_\_\_\_\_

Bus. or other contact \_\_\_\_\_

Bus. or contact add. \_\_\_\_\_

Phone \_\_\_\_\_

Use additional work sheet if more witnesses.



IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT  
OF FLORIDA IN AND FOR PINELLAS COUNTY

STATE OF FLORIDA

22-09348-CF-T

VS.

FELONY INFORMATION

**JUAN ARIEL MOLINA-SALLES**

PID 312000026

U/M; DOB: 05/06/90

LEAVING THE SCENE OF A  
CRASH INVOLVING DEATH,  
1° F

IN THE NAME AND BY THE AUTHORITY FOR THE STATE OF FLORIDA:

BRUCE BARTLETT, State Attorney for the Sixth Judicial Circuit of Florida, in and for Pinellas County, prosecuting for the State of Florida, in the said County, under oath, Information makes that

JUAN ARIEL MOLINA-SALLES

in the County of Pinellas and State of Florida, on the 22nd day of September, in the year of our Lord, two thousand twenty-two, was the driver of a vehicle which was involved in a crash involving the death of [REDACTED], a vulnerable road user, and the said JUAN ARIEL MOLINA-SALLES did willfully fail to stop the vehicle at the scene of the crash or, as close thereto as possible, or remain at the scene of the crash until he had fulfilled the requirements of Florida Statute 316.062, to-wit: did not give his name and address, and the registration number of the vehicle he was driving, and did not render reasonable assistance to persons injured in the crash; and caused the death of [REDACTED]; contrary to Chapter 316.027(2)(c)/316.027(2)(f)/921.0021(7)(e), Florida Statutes, and against the peace and dignity of the State of Florida. [T1B]/8

ARISES OUT OF AGE6RVE.

STATE OF FLORIDA  
PINELLAS COUNTY

Personally appeared before me, BRUCE BARTLETT, State Attorney for the Sixth Judicial Circuit of Florida, in and for Pinellas County, or his duly designated Assistant State Attorney, who being first duly sworn, says that the allegations as set forth in the foregoing information are based upon facts that have been sworn to as true, and which if true, would constitute the offense therein charged; hence this information is filed in good faith in instituting this prosecution, and that he has received testimony under oath from the material witness or witnesses for the offense.

The foregoing instrument was acknowledged before me  
by means of ☒ physical presence or ☐ online  
notarization this

OCT 13 2022

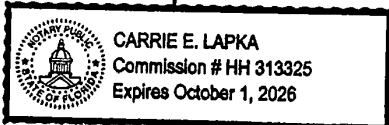
by Kendall S. Davidson, who  
is personally known to me and who did take an oath.

[Signature]  
Assistant State Attorney for the Sixth  
Judicial Circuit of the State of Florida,  
Prosecuting for said State

NOTARY PUBLIC

SO22-305232

GU-EC/1007VW2B



IN THE CIRCUIT/COUNTY COURT OF THE SIXTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA IN AND FOR PINELLAS COUNTY

22-09348-CF-T  
522022CF009348000APC

STATE OF FLORIDA

v.

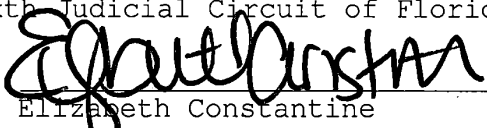
JUAN ARIEL MOLINA-SALLES  
PID: 312000026

NOTICE OF CONFIDENTIAL CRIME VICTIM INFORMATION  
WITHIN COURT FILING

Pursuant to Florida Rule of General Practice and Judicial Administration 2.423, I hereby certify that I am filing a document containing confidential crime victim information as described in Rule 2.423(b)(1) and that the title of the document is Information and the confidential information within the document is precisely located in Counts ~~1 and 2~~.

Dated: OCT 13 2022

BRUCE BARTLETT, State Attorney  
Sixth Judicial Circuit of Florida

By:   
Elizabeth Constantine  
Assistant State Attorney  
Bar No. 104954  
eservice@flsa6.gov  
P.O. Box 17500  
Clearwater, Florida 33762-0500  
(727) 464-6221

[NOC]  
GU-EC/VW

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

vs.

CASE NUMBER: 22-9348-CF

JUAN ARIEL MOLINA-SALLES,

Defendant.

NOTICE OF APPEARANCE AND WAIVER OF ARRAIGNMENT AND WRITTEN  
PLEA OF NOT GUILTY AND DEMAND FOR DISCOVERY

NOTICE OF APPEARANCE

COMES NOW, Daniel Amparo, Esq., of Musca Law, who enters this Notice of Appearance as the Attorney of Record on behalf of Defendant, Juan Ariel Molina-Salles, in the above-styled action.

WAIVER OF ARRAIGNMENT

COMES NOW, the Defendant, who by and through the undersigned attorney, hereby waives the Arraignment, pursuant to Florida Rule of Criminal Procedure 3.160 (a) and requests a jury trial in the above-styled cause.

WRITTEN PLEA OF NOT GUILTY

COMES NOW, the Defendant, who by and through the undersigned attorney, hereby enters this plea of not guilty in the above-styled action, pursuant to Florida Rule of Criminal Procedure 3.170 (a.)

DEMAND FOR DISCOVERY

COMES NOW, the Defendant, who by and through the undersigned attorney, hereby provides his/her notice of an intention to participate in Discovery, pursuant to Florida Rule of Criminal Procedure 3.220, and demands that the State of Florida disclose to the undersigned attorney any and all of the applicable information provided for in said rule.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document has been sent via E-portal to the Office of the State Attorney, on this 14<sup>th</sup> day of October, 2022.

Respectfully submitted,

/s/ Daniel Amparo

DANIEL AMPARO, ESQ.

MUSCA LAW, PA

625 E. Twiggs. St., Suite 1000

Attorney for the Defendant

Florida Bar Number: 17636

Telephone: 813-435-6788

[daniel.amparo@muscalaw.com](mailto:daniel.amparo@muscalaw.com)

[michelle.edelamnn@muscalaw.com](mailto:michelle.edelamnn@muscalaw.com)

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA IN AND FOR PINELLAS COUNTY

22-09348-CF-T  
522022CF009348000APC

STATE OF FLORIDA

v.

JUAN ARIEL MOLINA-SALLES  
PID: 312000026

NOTICE OF REQUEST FOR COSTS OF PROSECUTION  
PURSUANT TO F.S. 938.27

The State of Florida hereby requests costs be imposed and set for the State Attorney in the amount of \$100.00 for costs of felony prosecutions or \$50.00 for costs of misdemeanor or criminal traffic prosecutions upon sentencing in this matter.

I HEREBY CERTIFY that a copy of the above has been furnished to Daniel Amparo, Attorney, MUSCA LAW PA, 625 E TWIGGS ST STE 1000, TAMPA, FL 33606, daniel.amparo@muscalaw.com, by e-service or personal service or U.S. Mail this 16th day of November, 2022.

BRUCE BARTLETT, State Attorney  
Sixth Judicial Circuit of Florida

By: /s/ Elizabeth Constantine  
Assistant State Attorney  
Bar No. 104954  
eservice@flsa6.gov  
P.O. Box 17500  
Clearwater, Florida 33762-0500  
(727) 464-6221

[NRCP]

THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA IN AND FOR PINELLAS COUNTY

22-09348-CF-T  
522022CF009348000APC

STATE OF FLORIDA

v.

MOLINA-SALLES, JUAN ARIEL  
PID: 312000026

DEMAND FOR NOTICE OF INTENTION TO CLAIM ALIBI

TO: JUAN ARIEL MOLINA-SALLES, c/o DANIEL AMPARO, ATTORNEY

As particularly as is known to me, the place, date and time of the commission of the crime charged in the above-numbered Information are as follows:

Between September 22 and September 23, 2022, between the hours of 8:46pm and 12:46am, in the vicinity of southbound lanes of I275 S near Exit 30, St Petersburg, Pinellas County, FL

This Demand for Notice of Intention to Claim Alibi may be considered as a Statement of Particulars in the event a Motion for Statement of Particulars is filed.

Under Rule 3.200, Florida Rules of Criminal Procedure, if you intend to offer evidence of an alibi in your defense, you are hereby required to serve upon the Office of the State Attorney of and for the Sixth Judicial Circuit of the State of Florida, not less than ten (10) days before the trial, or such other time as the Court may direct, a notice in writing of your intention to claim alibi. The notice shall contain specific information as to the place at which you claim to have been at the time of the alleged offense, and as particularly as is known to you or to your attorney, the names and addresses of the

witnesses by whom you propose to establish your alibi. You are under a continuing duty to disclose promptly to the State Attorney's Office the names and addresses of any additional witnesses which may come to your attention subsequent to the filing of your witness list.

If you fail in any particular manner to comply with the provisions of Rule 3.200, a motion will be made to exclude any and all evidence, except your own testimony, offered by you for the purpose of proving an alibi.

I HEREBY CERTIFY that a copy of the above has been furnished to Daniel Amparo, Attorney, MUSCA LAW PA, 625 E TWIGGS ST STE 1000, TAMPA, FL 33606, daniel.amparo@muscalaw.com, by e-service or personal service or U.S. Mail this 16th day of November, 2022.

BRUCE BARTLETT, State Attorney  
Sixth Judicial Circuit of Florida

By: /s/ Elizabeth Constantine  
Assistant State Attorney  
Bar No. 104954  
eservice@flsa6.gov  
P.O. Box 17500  
Clearwater, Florida 33762-0500  
(727) 464-6221

PDWD

IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA  
22-09348-CF  
SECTION T

STATE OF FLORIDA

Vs.

JUAN ARIEL MOLINA-SALLES Person ID: 312000026

ORDER WITHDRAWING PUBLIC DEFENDER

The Public Defender, having been previously appointed to the above styled cause, now advises the Court that Private Counsel has filed a Notice of Appearance in the above styled cause, and as such,

IT IS ORDERED AND ADJUDGED that the Public Defender is hereby withdrawn from the above styled cause.

DONE AND ORDERED at Clearwater, Pinellas County, Florida on November 1, 2022

  
CIRCUIT COURT JUDGE

COPIES TO:  
State Attorney

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA IN AND FOR PINELLAS COUNTY

22-09348-CF-T  
522022CF009348000APC

STATE OF FLORIDA

v.

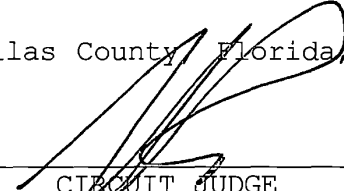
LEAVING THE SCENE OF A CRASH  
INVOLVING DEATH

JUAN ARIEL MOLINA-SALLES  
PID: 312000026

ORDER TO PAY FEES

ORDERED that the State Attorney, Pinellas County, Florida, forthwith remit a check in the sum of \$168.00 to Andrew J. de Leon, 175 Old Oak Circle, Palm Harbor, FL 34683, for special professional services rendered in the above-styled cause on 10/06/22 as cost of suit incurred by the State as in such cases provided.

DONE AND ORDERED in Chambers, Pinellas County, Florida, this  
17th day of March, 2022.

  
CIRCUIT JUDGE



IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA IN AND FOR PINELLAS COUNTY

22-09348-CF-T  
522022CF009348000APC

STATE OF FLORIDA

v.

LEAVING THE SCENE OF A CRASH  
INVOLVING DEATH

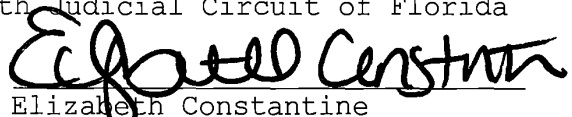
JUAN ARIEL MOLINA-SALLES  
PID: 312000026

MOTION FOR FEES

Comes now, BRUCE BARTLETT, State Attorney for the Sixth Judicial Circuit of Florida, and respectfully requests the Court to enter an Order awarding Andrew J. de Leon, 175 Old Oak Circle, Palm Harbor, FL 34683, \$168.00 for special professional services rendered in the above-styled cause on 10/06/22.

BRUCE BARTLETT, State Attorney  
Sixth Judicial Circuit of Florida

By:



Elizabeth Constantine  
Assistant State Attorney  
Bar No. 104954  
eservice@flsa6.gov  
P.O. Box 17500  
Clearwater, Florida 33762-0500  
(727) 464-6221

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA**

**STATE OF FLORIDA,**

**Plaintiff,**

**vs.**

**CASE NUMBER: 22-9348-CF**

**JUAN ARIEL MOLINA-SALLES,**

**Defendant.**

**DEFENSE MOTION TO WITHDRAW AS ATTORNEY OF RECORD**

**COMES NOW, Stafford King** for Dan Amparo, Esq. of Musca Law, P.A., attorney for the above-named Defendant, who hereby moves to withdraw as counsel of record for Defendant, and states the following as grounds therefore:

1. Defendant retained Musca Law, P.A. on or about October 12, 2022.
2. There exists irreconcilable differences and undersigned has attempted in good faith to resolve this matter.
3. There no longer exists a viable attorney-client relationship between Musca Law, P.A., and the Defendant.
4. Musca Law, P.A. and the Defendant have discussed the intention to withdraw and are in agreeance.

**WHEREFORE**, the undersigned counsel respectfully requests that this Court enter an Order allowing Musca Law, P.A. to withdraw as counsel of record in the above-styled cause.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing document has been sent via E-portal to the Office of the State Attorney, **on this 5<sup>th</sup> day of December, 2022.**

*/s/ Terry Jones*

**TERRY JONES, ESQ.**

**MUSCA LAW, PA**

625 E. Twiggs. St., Suite 1000

Attorney for the Defendant

Florida Bar Number: 1010744

Telephone: 813-435-6788

[terry.jones@muscalaw.com](mailto:terry.jones@muscalaw.com)

[michelle.edelmann@muscalaw.com](mailto:michelle.edelmann@muscalaw.com)

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA**

**STATE OF FLORIDA,**

**Plaintiff,**

**vs.**

**CASE NUMBER: 22-9348-CF**

**JUAN ARIEL MOLINA-SALLES,**

**Defendant.**

**AMENDED DEFENSE MOTION TO WITHDRAW AS ATTORNEY OF RECORD**

**COMES NOW, Stafford King** for Dan Amparo, Esq. of Musca Law, P.A., attorney for the above-named Defendant, who hereby moves to withdraw as counsel of record for Defendant, and states the following as grounds therefore:

1. Defendant retained Musca Law, P.A. on or about October 12, 2022.
2. There exists irreconcilable differences and undersigned has attempted in good faith to resolve this matter.
3. There no longer exists a viable attorney-client relationship between Musca Law, P.A., and the Defendant.
4. Musca Law, P.A. and the Defendant have discussed the intention to withdraw and are in agreeance.

**WHEREFORE**, the undersigned counsel respectfully requests that this Court enter an Order allowing Musca Law, P.A. to withdraw as counsel of record in the above-styled cause.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing document has been sent via E-portal to the Office of the State Attorney, **on this 12<sup>th</sup> day of December, 2022.**

*/s/ Stafford King*

**STAFFORD KING, ESQ.**

**MUSCA LAW, PA**

625 E. Twiggs. St., Suite 1000

Attorney for the Defendant

Florida Bar Number: 115748

Telephone: 813-435-6788

[Stafford@muscalaw.com](mailto:Stafford@muscalaw.com)

[michelle.edelmann@muscalaw.com](mailto:michelle.edelmann@muscalaw.com)

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA**

**STATE OF FLORIDA,**

**Plaintiff,**

**CASE NUMBER: 22-9348-CF**

**vs.**

**JUAN ARIEL MOLINA-SALLES,**

**Defendant.**

**ORDER ON DEFENSE MOTION TO WITHDRAW AS ATTORNEY OF RECORD**

**THIS CAUSE** having come before the Court upon hearing on December 16, 2022, on the Defense's Motion to Withdraw as Attorney of Record, and the Court being otherwise fully advised in the premises, it is hereby:

**ORDERED AND ADJUDGED** that:

1. Said motion is **GRANTED**.
2. Dan Amparo, Stafford King and Musca Law are hereby withdrawn as counsel.

DONE AND ORDERED on this the 20<sup>th</sup> day of December, 2022.

  
\_\_\_\_\_  
**PAT SIRACUSA**  
**CIRCUIT COURT JUDGE**

Conformed Copies:

[stafford@muscalaw.com](mailto:stafford@muscalaw.com)

[michelle.edelmann@muscalaw.com](mailto:michelle.edelmann@muscalaw.com)

Musca Law, P.A.

Office of the State Attorney  
Public Defender's Office

**IN THE CIRCUIT/COUNTY COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA**

UCN(S)  
**522022CF009348000APC**

REF No.(S)  
**22-09348-CF - T**

**STATE OF FLORIDA**

**VS.**

**JUAN ARIEL MOLINA-SALLES                      PID: 312000026**

**Defendant**

**PROVISIONAL ORDER APPOINTING PUBLIC DEFENDER**

**THIS CAUSE** having come before the Court, and that the defendant has requested to be found indigent pursuant to Sec. 27.52, Florida Statutes. The Court understands that the defendant's affidavit for indigent status is still under review pursuant to Sec. 27.52, Florida Statutes.

It is therefore provisionally **ORDERED** that the Public Defender is temporarily appointed to represent the above named defendant.

This appointment shall become permanent upon filing of a financial affidavit and final determination of indigent status.

**DONE AND ORDERED** on **December 16, 2022** in Clearwater, Pinellas County, Florida.

  
\_\_\_\_\_  
CIRCUIT/COUNTY JUDGE

Copies furnished:

Public Defender

ICD: PROVISIONAL PDAP

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA IN AND FOR PINELLAS COUNTY

22-09348-CF-T  
522022CF009348000APC

STATE OF FLORIDA

v.

LEAVING THE SCENE OF A CRASH  
INVOLVING DEATH

JUAN ARIEL MOLINA-SALLES  
PID: 312000026

NOTICE OF INTENT TO OFFER RECORDS  
OF REGULARLY CONDUCTED BUSINESS  
ACTIVITY BY CERTIFICATION OR DECLARATION

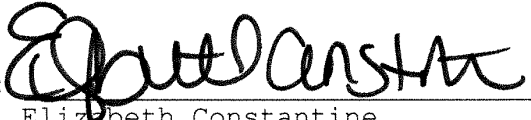
Comes now, BRUCE BARTLETT, State Attorney for the Sixth Judicial Circuit of Florida, and files this Notice of Intent to Offer Records of Regularly Conducted Business Activity as shown by Certification or Declaration in accordance with Florida Statutes 90.803(6)(a) and (c) and 90.902(11) for the following records which are available for examination at the State Attorney's Office:

1. Ring Power Records Re ESW22-1119
2. AT&T Records 865-900-7086
3. T-Mobile Records 754-802-6871
4. Verizon Records 386-515-5926

I HEREBY CERTIFY that a copy of the above has been  
furnished to JOHN NOHLGREN, Assistant Public Defender, PUBLIC  
DEFENDERS OFFICE, 14250 49TH STREET NORTH, CLEARWATER, FL  
33762, pubdef-efiling@co.pinellas.fl.us, by e-service or  
personal service or U.S. Mail this 5<sup>th</sup> day of

January, 2023.

BRUCE BARTLETT, State Attorney  
Sixth Judicial Circuit of Florida

By: 

Elizabeth Constantine  
Assistant State Attorney  
Bar No. 104954  
eservice@flsa6.gov  
P.O. Box 17500  
Clearwater, Florida 33762-0500  
(727) 464-6221

[NOTO]



AT&T  
11760 US HWY 1, SUITE 300  
NORTH PALM BEACH FL 33408

(800) 635-6840  
(888) 938-4715 (Fax)

CERTIFICATE OF AUTHENTICITY OF DOMESTIC RECORDS PURSUANT TO FEDERAL  
RULES OF EVIDENCE 902(11) AND 902(13)

GLDC FILE NUMBER: 3531149

I, Endy Maldonado, attest, under penalties of perjury by the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this certification is true and correct. I am employed by AT&T, and my title is Legal Compliance Analyst. I am qualified to authenticate the records attached hereto because I am familiar with how the records were created, managed, stored, and retrieved. I state that the records attached hereto are true duplicates of the original records in the custody of AT&T. I further state that:

a. All records attached to this certificate were made at or near the time of the occurrence of the matter set forth by, or from information transmitted by, a person with knowledge of those matters, they were kept in the ordinary course of the regularly conducted business activity of AT&T, and they were made by AT&T as a regular practice; and

b. Such records were generated by AT&T's electronic process or system that produces an accurate result, to wit:

1. The records were copied from electronic device(s), storage medium(s), or file(s) in the custody of AT&T in a manner to ensure that they are true duplicates of the original records; and

2. The process or system is regularly verified by AT&T, and at all times pertinent to the records certified here the process and system functioned properly and normally.

I further state that this certification is intended to satisfy Rules 902(11) and 902(13) of the Federal Rules of Evidence.

*Endy Maldonado*

09-23-2022  
Date





Law Enforcement Relations

4 Sylvan Way, Parsippany, N.J. 07054

Phone: (973) 292-8911 Fax: (973) 292-8697

October 20, 2022

T-Mobile / MetroPCS Tracking ID: 4065347

I, Linard Anderson, attest, under penalty of perjury under the laws of the United States of America pursuant to 28 U.S.C. Section 1746, that the information contained in this declaration is true and correct. I am a United States citizen and am over eighteen years of age.

I am employed by T-Mobile US, Inc. (hereinafter, "the Company") as a custodian of records and therefore am qualified as a result of my position to make this declaration. My official title is Custodian of Records.

I certify that all of the records described below and attached hereto are duplicates of the original and are true and complete copies of records maintained by the Company. Said records consist of several electronic files produced in T-Mobile US, Inc. Case No.4065347 in response to a lawful request issued to the company.

#### Description of records:

Identifier	Start Date	End Date	Requested Item
7548026871	09/21/2022	09/23/2022	Call Details No Cells
7548026871	09/21/2022	09/23/2022	Subscriber Info

I further state that:

- A) Such records were made at or near the time of the occurrence of the matters set forth by (or from information transmitted by) a person with knowledge of those matters;
- B) Such records were kept in the course of regularly conducted business activity;
- C) The business activity made such records as a regular practice; and
- D) If such record is not the original, such record is a duplicate of the original.

This certification is intended to satisfy Rules 803(6), 902(11), 902(13) and / or 902(14) of the Federal Rules of Evidence and / or any state equivalents.

I hereby certify that the foregoing statement made by me is true. I understand that if any of the statements made by me herein are willfully false, I am subject to punishment.

Sincerely

Law Enforcement Relations Group



VERIZON SECURITY SUBPOENA COMPLIANCE

180 WASHINGTON VALLEY ROAD

BEDMINSTER NJ 07921

Phone: 800-451-5242 Fax: 888-667-0028

October 25, 2022

STATE ATTORNEY PASCO & PINELLAS COUNTIES  
14250 49TH ST N RM 1000  
CLEARWATER FL 33762

**Verizon Case #: 22464249**  
**Docket / File #: SO22305232**

State of New Jersey

ss:

County of Somerset

I, WALTER DECKER, being duly sworn, depose and say:

I am the custodian of records for Verizon, and in that capacity, I certify that the attached records are true and accurate copies of the records created from the information maintained by Verizon in the actual course of business. It is Verizon's ordinary practice to maintain such records, and that said records were made contemporaneously with the transaction and events stated therein, or within a reasonable time thereafter.

/s/ WALTER DECKER

Certification following USCS Federal Rules of Evidence Rule 902 & 803.

ESW22-1119 Affidavit

I, Shane C. Gill, am an official custodian of business records  
of

Ring Power Corporation  
500 World Commerce Parkway  
St. Augustine, FL 32092

The attached documents are described as follows:

ACCOUNT: Caterpillar Small Wheel Loader, Model 930M,  
with a Product Identification Number listed as  
CAT0930MCKTG04741

BEGINNING DATE: September 22, 2022 at 0000 hours (ET)

ENDING DATE: September 22, 2022 at 2359 hours (ET)

- "Telematics" data associated with the account/vehicle,  
including location data, hours of operation, running  
history, customized health reports, utilization reports,  
enhanced mapping and other equipment management data  
recorded and stored from September 22, 2022 at 0000 hours  
(ET) to September 22, 2022 at 2359 hours (ET).

#### **ITEMS TO BE SEIZED**

All information particularly described in Section II of  
Attachment A that constitutes evidence of violations of Chapter  
316.027, Leaving the Scene of a Crash Involving Death Florida  
Statute(s), including, for each account or identifier listed in

ESW22-1119 Affidavit

Section I of Attachment A, information pertaining to the following matters:

- a. The identity of the person(s) who created or used the account, including records that help reveal the whereabouts of such person(s);
- b. Evidence indicating how and when the account was accessed or used, to determine the chronological and geographic context of account access, use and events relating to the crime under investigation and the account subscriber;
- c. Evidence indicating the subscriber's state of mind as it relates to the crime under investigation; and
- d. Evidence that may identify any co-conspirators or aiders and abettors, including records that help reveal their whereabouts.

The business records submitted in this case were made at or near the time of, by or from information transmitted by a person with knowledge and/or involved in the transmission of the information.

ESW22-1119 Affidavit

The business records are kept in the normal course of a regularly conducted business activity, and it is the regular practice of the business/agency to make these records.

The business records submitted in this case are not available to the public for changing, modifying, or tampering.

The business records submitted in this case fairly and accurately duplicate the original records maintained by this business/agency, and are submitted by certification in accordance with Florida Statute 92.605 and Florida Evidence Code Chapter 90.803(6)(a) and (c) and 90.902(2).

The foregoing instrument was acknowledged before me this 2nd day of December, 2022 by Shane Gill, who is personally known to me or has produced \_\_\_\_\_ as identification and who did take an oath.

Name: Shane Gill

Signature: [Signature]

[Signature]  
NOTARY PUBLIC



MELISSA PERDUE  
Notary Public  
State of Florida  
Comm# HH284773  
Expires 7/6/2026

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

**CASE NO.: 22-09348-CF  
SECTION: T  
JUDGE: Siracusa**

**STATE OF FLORIDA,**

**Vs.**

**JUAN ARIEL MOLINA-SALLES**

**DEFENDANT'S UNOPPOSED MOTION FOR CONTINUANCE**

The Defendant, Mr. Juan Ariel Molina-Salles, by and through undersigned counsel, pursuant to Fla. R. Crim. P. 3.190(f), requests this Honorable Court for a continuance of the above styled cause now set for Trial and as grounds therefor would show:

1. On September 23, 2022, Mr. Molina-Salles was arrested for Leaving the Scene of an Accident Involving Death for the September 22, 2023, late night construction site accident where Officer Michael Hartwick died on impact after being struck with a front-loader construction vehicle.
2. The Office of the Public Defender was appointed to represent Mr. Molina-Salles on September 24, 2022, when he made his first appearance. On that same date, the Office of the Public Defender filed a written plea of Not Guilty as well as a Demand for Discovery.
3. On October 14, 2022, private attorney Daniel Amparo entered a notice of appearance. Approximately two months later, Mr. Amparo moved to withdraw, and the Office of the Public Defender was reappointed to the case on December 16, 2022.
4. Assistant Public Defender John Nohlgren was assigned as the lead attorney on the case.
5. The State has listed approximately 100 witnesses, and the discovery is voluminous.
6. The trial is currently set for December 11, 2023.
7. Mr. Nohlgren left the Office of the Public Defender on August 31, 2023.
8. Prior to his departure, he had set depositions in late September and through October of 2023, based on availability in his schedule.
9. While undersigned counsel was assigned the case as second chair, the deposition dates were never going to be possible for undersigned counsel to join, as she was set to begin a

month-long death penalty trial in the matter of *State of Florida v. Stanley Jones*, 19-CF-14642 on October 16, 2023.

10. After Mr. Nohlgren's departure, undersigned counsel was assigned as lead attorney.
11. Undersigned counsel promptly contacted the assigned Assistant State Attorneys and let them know of the scheduling conflicts and that the depositions would need to be rescheduled, and thus the trial date likely moved. There was no objection from the State.
12. At the pre-trial on September 29, 2023, undersigned counsel let the Court know of the new assignment and about the deposition scheduling conflict with her upcoming capital trial and asked to take the case off the trial calendar. The State was not objecting.
13. There is good cause for granting the requested continuance, to wit:
  - a. The discovery in this case, all reports and digital discovery (including video, audio, photographs, cellphone downloads), is voluminous and has required many hours of processing by defense counsel, not including counsel's obligation to review discovery with Mr. Molina-Salles in a meaningful manner. Such review is more time consuming than usual because Mr. Molina-Salles' native language is Spanish, and he requires the use of an interpreter for every meeting.
  - b. Undersigned Counsel assumed lead counsel role less than two months ago and had to spend the bulk of that time making final preparations for the Jones death penalty trial, which did not resolve until the day that trial was to commence - on October 16, 2023.
  - c. Undersigned counsel has been engaging in extensive and thus far unresolved defense investigations, including the retention of defense experts.
  - d. Undersigned counsel is in negotiations with the State to reach a potential resolution, which may significantly reduce the number of factual issues to resolve as well as significantly reduce the number of depositions that need to be taken.
  - e. The State does not oppose this Motion.
14. I certify, pursuant to FLA. R. CRIM. P. 3.190(f)(4), that this Motion is made in good faith.

NOTICE OF HEARING

YOU ARE NOTIFIED that the above will be heard before the Honorable Pat Siracusa, County Justice Center, 14250 49th Street North, Clearwater, Fl 33762, on **November 13, 2023**, at **8.30am**.

I do certify that a copy hereof has been furnished by email/physical delivery to the State Attorney, County Justice Center, Clearwater, Florida, on November 7, 2023.

**s/ Maria DeLiberato**

MARIA DELIBERATO, Attorney at Law

Fla. Bar Number: 664251, For

PUBLIC DEFENDER, SIXTH JUDICIAL CIRCUIT

County Justice Center

14250 49th Street North

Clearwater, Fl 33762

Pubdef-efiling@co.pinellas.fl.us

(727) 464-6516



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

**CASE NO.: 22-09348-CF  
SECTION: T  
JUDGE: Siracusa**

**STATE OF FLORIDA,**

**Vs.**

**JUAN ARIEL MOLINA-SALLES**

**MOTION TO REMOVE VICTIM INJURY POINTS FROM THE SCORESHEET**

THE DEFENDANT, Mr. Juan Ariel Molina-Salles, by and through undersigned counsel, and pursuant to Florida Rule of Criminal Procedure Rule 3.190, hereby moves this Court for a pre-trial determination on whether the State is permitted to add victim injury points to the scoresheet when the discovery and the discovery depositions have established that the victim was deceased immediately as result of the accident. Thus, the criminal conduct alleged - the “leaving of the scene” - did not directly cause the victim’s death. A definitive pre-trial ruling is necessary in this case so that counsel can provide effective assistance of counsel under the Sixth Amendment in advising Mr. Molina-Salles regarding plea negotiations. As grounds in support, Mr. Molina-Salles states:

1. On September 23, 2022, Mr. Molina-Salles was arrested for Leaving the Scene of an Accident Involving Death after a 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 State cited to Fl. Stat. 316.027(2)(c) and (2)(f), which allege that the charge carries a four-year minimum mandatory term, which is discretionary with the Court under cases like this where there is no allegation that Mr. Molina-Salles was driving under the influence.

See Fl. Stat. 316.027(2)(g).

4. The State also cited to Fl. Stat. 921.0021(7)(e), which states that victim injury points may be assessed if “the physical injury or death suffered by a person [was] a direct result of the primary offense, or any additional offense, for which an offender is convicted, and which is pending before the court for sentencing at the time of the primary offense.”
5. The State provided a scoresheet which added 120 “death” points. Under this scoresheet, the bottom of Mr. Molina-Salles’ guidelines are 124.5 months, or approximately 10.375 years.
6. Because Mr. Molina-Salles has no prior criminal record, and is charged with no additional offenses, without the added “death” points, the bottom of his guidelines would be 34.5 months, or just under three years, notwithstanding the discretionary four-year minimum mandatory term as discussed above.
7. Discovery provided by the State, in the form of body worn cameras, the Fleet Camera from Deputy Hartwick’s car, the EMT reports, and the discovery depositions taken to date all establish undisputed evidence that Deputy Hartwick died on impact when struck with the front-loader.
8. The EMT report states under “Initial Patient Acuity” that Deputy Hartwick was “obviously dead/no resuscitation effort.” First responders testified in deposition in a similar manner. Further, the witness interviews and depositions from the construction personnel who were on scene at the time of the accident and who approached Deputy Hartwick within seconds to minutes afterwards all indicate that there were no signs of life immediately after the accident.
9. Mr. Molina-Salles is unaware of any evidence in the State’s possession by which it could even allege, let alone prove, that Deputy Hartwick’s death “was a direct result” of Mr. Molina-Salles’ *leaving the scene*, which is what the statute and the case law require.
10. The Florida Supreme Court has held that the “direct result” language clearly imparts and includes a causation requirement, which in the case of a leaving the scene of an accident charge, requires that the causal relationship “must exist between the death of the victim and the charged offense of leaving the scene of an accident resulting in death.” *Sims v. State*, 998 So.2d 494, 505 (Fla. 2008).
11. Earlier Second District Court of Appeals cases arrived at the same conclusion. In 1996,

that appellate court held that the victim injury points were improperly included in the scoresheet calculation where the victim's injury occurred *prior to* the commission of leaving the scene of an accident – pointing out that even had the defendant remained on scene, the injury would still have existed. *Geary v. State*, 675 So.2d 625 (Fla. 2d DCA 1996). And, later that same year, the court wrote that it was error for the trial court to assess victim injury points for death where there is no evidence that the victim's death was a direct result of the defendant's leaving the scene of an accident. *Rodriguez v. State*, 684 So.2d 864 (Fla 2d DCA 1996).

12. In *Sims*, as here, Mr. Molina-Salles was charged only with Leaving the Scene of an Accident Involving Death. Sims was not charged with vehicular homicide nor with any other offense that might insinuate a further crime, which would have caused the death of the victim. Under those set of facts, the Supreme Court concluded that the causation requirement for victim injury points does not exist as to further enhance Sims' sentence. These are exactly the circumstances in Mr. Molina-Salles' case.
13. To provide constitutionally effective assistance of counsel, including to advise Mr. Molina-Salles of whether to or what kind of plea offer to make to try to resolve his case short of a trial, counsel must be able to accurately explain to him the legal range of penalties he is facing. This is especially true in this case, where he has no prior criminal record, and where the difference in the scoresheet equates to more than 6 years in prison as a minimum punishment.
14. To the extent the State disputes Mr. Molina-Salles' interpretation of the discovery, the witness statements, the body cam, and Fleet camera footage, the 911 calls, or the depositions, Mr. Molina-Salles respectfully requests an evidentiary hearing to establish these facts.

WHEREFORE, Mr. Molina-Salles moves for this Court to strike the victim injury points from the scoresheet and instruct the State to prepare a corrected one, or, in the event the State disputes the facts alleged in this Motion, set the matter for an evidentiary hearing.

Respectfully submitted,

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

SIXTH JUDICIAL CIRCUIT

**s/Nichole Blaquiere**  
NICHOLE BLACQUIERE  
Fla. Bar Number: 88262  
PUBLIC DEFENDER  
SIXTH JUDICIAL CIRCUIT

County Justice Center  
14250 49th Street North  
Clearwater, FL 33762  
Pubdef-  
efiling@co.pinellas.fl.us  
(727)464-6516

**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 April 8, 2024.

**s/Maria DeLiberato**  
MARIA DELIBERATO  
Fla. Bar Number: 664251  
PUBLIC DEFENDER  
SIXTH JUDICIAL CIRCUIT

County Justice Center  
14250 49th Street North  
Clearwater, FL 33762  
Pubdef-  
efiling@co.pinellas.fl.us  
(727)464-6516

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

**CASE NO.: 22-09348-CF  
SECTION: T  
JUDGE: Siracusa**

**STATE OF FLORIDA,**

**Vs.**

**JUAN ARIEL MOLINA-SALLES**

**AMENDED<sup>1</sup> MOTION TO REMOVE VICTIM INJURY POINTS FROM THE  
SCORESHEET**

THE DEFENDANT, Mr. Juan Ariel Molina-Salles, by and through undersigned counsel, and pursuant to Florida Rule of Criminal Procedure Rule 3.190, hereby moves this Court for a pre-trial determination on whether the State is permitted to add victim injury points to the scoresheet when the discovery and the discovery depositions have established that the victim was deceased immediately as result of the accident. Thus, the criminal conduct alleged - the “leaving of the scene” - did not directly cause the victim’s death. A definitive pre-trial ruling is necessary in this case so that counsel can provide effective assistance of counsel under the Sixth Amendment in advising Mr. Molina-Salles regarding plea negotiations. As grounds in support, Mr. Molina-Salles states:

1. On September 23, 2022, Mr. Molina-Salles was arrested for Leaving the Scene of an Accident Involving Death after a 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.

---

<sup>1</sup>Mr. Molina-Salles hereby withdraws the previously filed “Motion to Remove Victim Injury Points from the Scoresheet” and substitutes this “Amended Motion to Remove Victim Injury Points from the Scoresheet” in its place.

3. The State cited to Fl. Stat. 316.027(2)(c) and (2)(f), which allege that the charge carries a four-year minimum mandatory term, which is discretionary with the Court under cases like this where there is no allegation that Mr. Molina-Salles was driving under the influence. *See* Fl. Stat. 316.027(2)(g).
4. The State also cited to Fl. Stat. 921.0021(7)(e). Fl. Stat. 921.0021(7) contains two arguably conflicting paragraphs. First, subsection (a) states that victim injury points may be assessed if “the physical injury or death suffered by a person [was] a direct result of the primary offense, or any additional offense, for which an offender is convicted, and which is pending before the court for sentencing at the time of the primary offense.” Subsection (e) states: “Notwithstanding paragraph (a), if the conviction is for an offense described in s. 316.027 and the court finds that the offender caused victim injury, sentence points for victim injury may be assessed against the offender.”
5. The State provided a scoresheet which added 120 “death” points. Under this scoresheet, the bottom of Mr. Molina-Salles’ guidelines are 124.5 months, or approximately 10.375 years.
6. Because Mr. Molina-Salles has no prior criminal record, and is charged with no additional offenses, without the added “death” points, the bottom of his guidelines would be 34.5 months, or just under three years, notwithstanding the discretionary four-year minimum mandatory term as discussed above.
7. Discovery provided by the State, in the form of body worn cameras, the Fleet Camera from Deputy Hartwick’s car, the EMT reports, and the discovery depositions taken to date all establish undisputed evidence that Deputy Hartwick died on impact when struck with the front-loader.
8. The EMT report states under “Initial Patient Acuity” that Deputy Hartwick was “obviously dead/no resuscitation effort.” First responders testified in deposition in a similar manner. Further, the witness interviews and depositions from the construction personnel who were on scene at the time of the accident and who approached Deputy Hartwick within seconds to minutes afterwards all indicate that there were no signs of life immediately after the accident.
9. Mr. Molina-Salles is unaware of any evidence in the State’s possession by which it could even allege, let alone prove, that Deputy Hartwick’s death “was a direct result” of Mr.

Molina-Salles' *leaving the scene*, which is what the statute and the case law require.

10. The Florida Supreme Court has held that the "direct result" language clearly imparts and includes a causation requirement, which in the case of a leaving the scene of an accident charge, requires that the causal relationship "must exist between the death of the victim and the charged offense of leaving the scene of an accident resulting in death." *Sims v. State*, 998 So.2d 494, 505 (Fla. 2008).
11. Earlier Second District Court of Appeals cases arrived at the same conclusion. In 1996, that appellate court held that the victim injury points were improperly included in the scoresheet calculation where the victim's injury occurred *prior to* the commission of leaving the scene of an accident – pointing out that even had the defendant remained on scene, the injury would still have existed. *Geary v. State*, 675 So.2d 625 (Fla. 2d DCA 1996). And, later that same year, the court wrote that it was error for the trial court to assess victim injury points for death where there is no evidence that the victim's death was a direct result of the defendant's leaving the scene of an accident. *Rodriguez v. State*, 684 So.2d 864 (Fla 2d DCA 1996).
12. In *Sims*, as here, Mr. Molina-Salles was charged only with Leaving the Scene of an Accident Involving Death. *Sims* was not charged with vehicular homicide nor with any other offense that might insinuate a further crime, which would have caused the death of the victim. Under those set of facts, the Supreme Court concluded that the causation requirement for victim injury points does not exist as to further enhance *Sims*' sentence. These are exactly the circumstances in Mr. Molina-Salles' case.
13. It is important to note that *Sims* was decided in 2008, which is after subsection (e) was added and was made effective in July of 2007. *Sims* is still good law and has never been overruled.
14. To provide constitutionally effective assistance of counsel, including to advise Mr. Molina-Salles of whether to or what kind of plea offer to make to try to resolve his case short of a trial, counsel must be able to accurately explain to him the legal range of penalties he is facing. This is especially true in this case, where he has no prior criminal record, and where the difference in the scoresheet equates to more than 6 years in prison as a minimum punishment.
15. To the extent the State disputes Mr. Molina-Salles' interpretation of the discovery, the

witness statements, the body cam, and Fleet camera footage, the 911 calls, or the depositions, Mr. Molina-Salles respectfully requests an evidentiary hearing to establish these facts.

WHEREFORE, Mr. Molina-Salles moves for this Court to strike the victim injury points from the scoresheet and instruct the State to prepare a corrected one, or, in the event the State disputes the facts alleged in this Motion, set the matter for an evidentiary hearing.

Respectfully submitted,

**s/Maria DeLiberato**  
MARIA DELIBERATO  
Fla. Bar Number: 664251  
PUBLIC DEFENDER  
SIXTH JUDICIAL CIRCUIT

**s/Nichole Blaquiere**  
NICHOLE BLACQUIERE  
Fla. Bar Number: 88262  
PUBLIC DEFENDER  
SIXTH JUDICIAL CIRCUIT

County Justice Center  
14250 49th Street North  
Clearwater, FL 33762  
Pubdef-  
efiling@co.pinellas.fl.us  
(727)464-6516

**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 April 9, 2024.

**s/Maria DeLiberato**  
MARIA DELIBERATO  
Fla. Bar Number: 664251  
PUBLIC DEFENDER  
SIXTH JUDICIAL CIRCUIT

County Justice Center  
14250 49th Street North  
Clearwater, FL 33762



Pubdef-  
efiling@co.pinellas.fl.us  
(727)464-6516

THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA IN AND FOR PINELLAS COUNTY

22-09348-CF-T  
522022CF009348000APC

STATE OF FLORIDA

v.

JUAN ARIEL MOLINA-SALLES  
PID: 312000026

NOTICE OF EXPERT WITNESS

The following constitutes Notice that Michela Celona may be called at trial as an Expert Witness.

I HEREBY CERTIFY that a copy of the above has been furnished to Maria E Deliberato, Assistant Public Defender, Attn: PUBLIC DEFENDER'S OFFICE, CLEARWATER, FL 33762, PUBDEF-EFILING@CO.PINELLAS.FL.US, by e-service or personal service or U.S. Mail this 27th day of January, 2025.

BRUCE BARTLETT, State Attorney  
Sixth Judicial Circuit of Florida

By: /s/ Elizabeth Constantine  
Assistant State Attorney  
Bar No. 104954  
eservice@flsa6.gov  
P.O. Box 17500  
Clearwater, Florida 33762-0500  
(727) 464-6221

[NOTO]

THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA IN AND FOR PINELLAS COUNTY

22-09348-CF-T  
522022CF009348000APC

STATE OF FLORIDA

v.

JUAN ARIEL MOLINA-SALLES  
PID: 312000026

NOTICE OF EXPERT WITNESS

The following constitutes Notice that Angela Ellis, Pinellas County Sheriffs Office, 10750 Ulmerton Rd, Largo, FL 33778, may be called at trial as an Expert Witness.

I HEREBY CERTIFY that a copy of the above has been furnished to Maria E Deliberato, Assistant Public Defender, Attn: PUBLIC DEFENDER'S OFFICE, CLEARWATER, FL 33762, PUBDEF-EFILING@CO.PINELLAS.FL.US, by e-service or personal service or U.S. Mail this 6th day of February, 2025.

BRUCE BARTLETT, State Attorney  
Sixth Judicial Circuit of Florida

By: /s/ Elizabeth Constantine  
Assistant State Attorney  
Bar No. 104954  
eservice@flsa6.gov  
P.O. Box 17500  
Clearwater, Florida 33762-0500  
(727) 464-6221

[NOTO]

THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA IN AND FOR PINELLAS COUNTY

22-09348-CF-T  
522022CF009348000APC

STATE OF FLORIDA

v.

JUAN ARIEL MOLINA-SALLES  
PID: 312000026

NOTICE OF EXPERT WITNESS

The following constitutes Notice that the following witnesses  
may be called at trial as an Expert Witness:

BOTTORF, WILLIAM  
FORMER PCSO DEPUTY, C/O SAO CID, CLEARWATER FL 33762

CELONA, MICHAEL  
FORMER SPPD, C/O SAO CID, CLEARWATER FL 33762

CHINN, JENNA  
10900 ULMERTON RD, PINELLAS COUNTY MEO, LARGO FL 33778

EASTTY, MARK SGT  
P O BOX 2500, PCSO/CLERK, LARGO FL 33779

KOOPMEINERS, ANDREW S, MD  
10900 ULMERTON RE, MEO, LARGO FL 33778

LEGG, HEATHER  
FORMER PCSO LATENT PRINT, C/O SAO CID, CLEARWATER FL 33762

PRIEST, KIMBERLY  
P O BOX 2500, PCSO/CLERK, LARGO FL 33779

TILKA, ASHLEY  
10900 ULMERTON RD, PINELLAS COUNTY MEO, LARGO FL 33778

I HEREBY CERTIFY that a copy of the above has been  
furnished to Maria E Deliberato, Assistant Public Defender,  
Attn: PUBLIC DEFENDER'S OFFICE, CLEARWATER, FL 33762,  
PUBDEF-EFILING@CO.PINELLAS.FL.US, by e-service or personal  
service or U.S. Mail this 6th day of February, 2025.

BRUCE BARTLETT, State Attorney  
Sixth Judicial Circuit of Florida

By: /s/ Elizabeth Constantine  
Assistant State Attorney  
Bar No. 104954  
eservice@flsa6.gov  
P.O. Box 17500  
Clearwater, Florida 33762-0500  
(727) 464-6221

[NOTO]

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA IN AND FOR PINELLAS COUNTY  
22-09348-CF-T

STATE OF FLORIDA

v.

LEAVING THE SCENE OF A CRASH  
INVOLVING DEATH

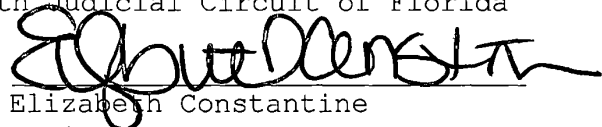
JUAN ARIEL MOLINA-SALLES  
PID: 312000026

MOTION FOR FEES

Comes now, BRUCE BARTLETT, State Attorney for the Sixth Judicial Circuit of Florida, and respectfully requests the Court to enter an Order awarding Michael Celona, Cell-Link Analytics, LLC, 4210 Commercial Way, #1037, Spring Hill, FL 34606, \$375.00 for special professional services rendered in the above-styled cause on or between 01/23/25-01/24/25.

BRUCE BARTLETT, State Attorney  
Sixth Judicial Circuit of Florida

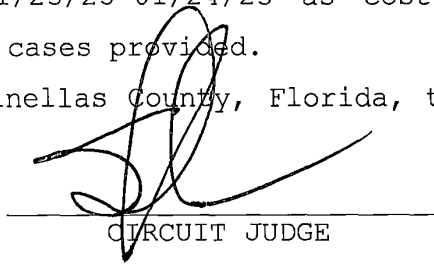
By:

  
Elizabeth Constantine  
Assistant State Attorney  
Bar No. 104954  
eservice@flsa6.gov  
P.O. Box 17500  
Clearwater, Florida 33762-0500  
(727) 464-6221

ORDER TO PAY FEES

ORDERED that the State Attorney, Pinellas County, Florida, forthwith remit a check in the sum of \$375.00 to Michael Celona, Cell-Link Analytics, LLC, 4210 Commercial Way, #1037, Spring Hill, FL 34606, for special professional services rendered in the above-styled cause on or between 01/23/25-01/24/25 as cost of suit incurred by the State as in such cases provided.

DONE AND ORDERED in Chambers, Pinellas County, Florida, this  
13 day of February, 2025.

  
CIRCUIT JUDGE

**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  
Fla. Bar Number: 88262

**s/Jonathan Duncan**  
JONATHAN DUNCAN  
Fla. Bar Number: #58532

ASSISTANT PUBLIC  
DEFENDERS  
SIXTH JUDICIAL CIRCUIT  
County Justice Center  
14250 49th Street North  
Clearwater, FL 33762  
Pubdef-  
efiling@co.pinellas.fl.us  
(727)464-6516

**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  
Fla. Bar Number: 664251  
PUBLIC DEFENDER  
SIXTH JUDICIAL CIRCUIT

County Justice Center  
14250 49th Street North  
Clearwater, FL 33762  
Pubdef-  
efiling@co.pinellas.fl.us  
(727)464-6516

**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.

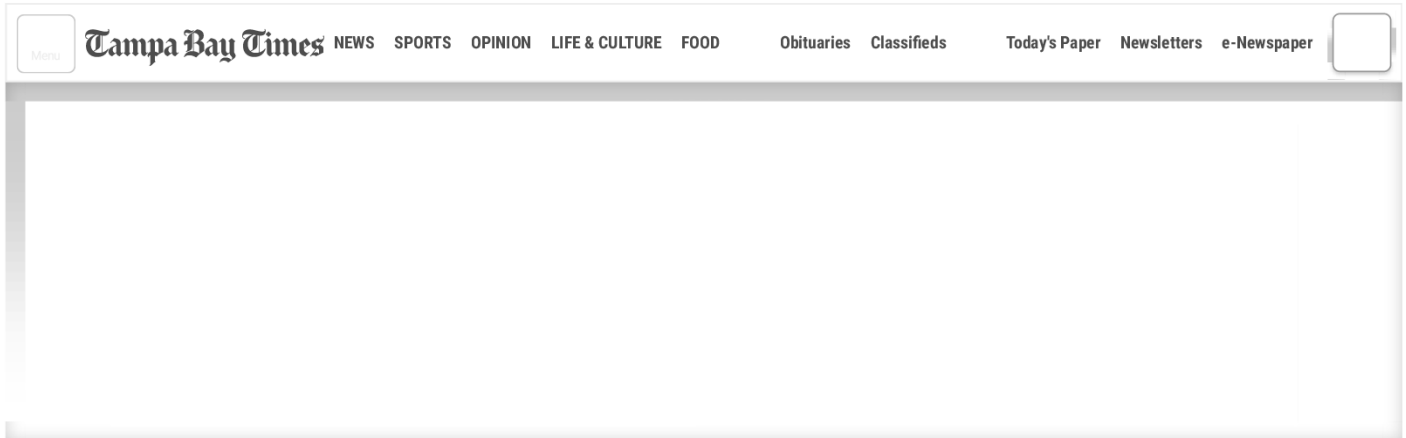
JUAN MOLINA

Juan-Ariel Molina Salles

2/18/25

Date

# EXHIBIT A



NEWS / CRIME

## 5 Tampa Bay court cases to watch in 2025

Several high-profile cases are poised for trial or final hearings in the new year.



Gerald Declan Radford is escorted into the courtroom this month for his stand your ground hearing in Tampa. Radford is accused of shooting to death John Walter Lay in a Tampa dog park earlier this year. [ DIRK SHADD | Times ]

By **Dan Sullivan** *Times staff*

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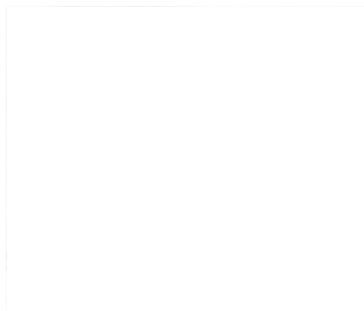
A fatal shooting in a Tampa dog park. A prominent media consultant accused of hacking Fox News. A doctor charged in a lawyer's slaying. They're among the Tampa Bay court cases that have captivated public attention in recent years. All are set to grab renewed interest next year as they head toward trial or final hearings.

Here are five court cases that are sure to make new headlines in 2025.

## A hate crime or self-defense?

Gerald Declan Radford claimed it was self-defense when he shot and killed John Walter Lay in February in the Tampa dog park they both frequented.

Gerald Declan Radford sits in court this month during his stand your ground hearing. [ DIRK SHADD | Times ]



He wasn't arrested right away, which drew concern among friends of both men. They found it difficult to believe Radford's claim that Lay attacked him. They said Radford had been harassing and threatening Lay for months. They said he seemed bothered by the fact that Lay was gay.

A murder charge came more than a month after Lay's death. Prosecutors labeled the case a hate crime.

In court this month, Radford took the witness stand and spoke publicly for the first time about what he said happened that fateful day at the park. He claimed immunity under Florida's stand your ground law, which says a person faced with a violent confrontation has no duty to retreat and can use deadly force if they reasonably believe it's necessary to do so.

A prosecutor argued that the angle of Lay's wound was inconsistent with Radford's account. A judge ruled in the state's favor, pushing the case

toward trial.

Radford's case is now set to go before a jury in February.

## Tim Burke, Fox News and the First Amendment

Tampa media consultant Tim Burke says he was doing journalism when he accessed and published online videos, including some that featured [unaired Fox News footage](#). The government says what Burke did was a crime.

Tim Burke, center, exits the federal courthouse in Tampa with his wife, Tampa City Council member Lynn Hurtak, and attorney Michael Maddux on Feb. 22. [ JEFFEREE WOOD | Times ]

Burke, who often breaks news and is known for his ability to find and distribute obscure content, argues that the case against him infringes on his First Amendment freedoms.

[Indicted in February](#), Burke is accused of using compromised computer credentials to access and save protected video streams, then publicly disseminating specific clips while masking where the videos came from and how they were obtained.

Burke's lawyers say he did nothing wrong. They say he accessed the videos using credentials that were publicly available. In efforts to get the case against him dismissed, they've criticized the government's handling of the search and seizure of his property, saying the actions violated press freedoms.

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major issues and events in Tampa Bay  
and beyond as they happen.

The case is set for trial in June.

## A lawyer's disappearance, a doctor accused

Tomasz Kosowski, an Ivy League-educated medical doctor, is accused of [killing Steven Cozzi](#), a Largo attorney.

Kosowski, 45, is a plastic surgeon who worked in Pinellas County and Miami. In 2023, he was representing himself in a lawsuit he filed over a medical billing dispute. Cozzi represented one of the defendants.

Tomasz Kosowski [ Pinellas County Sheriff's Office ]

The doctor and the lawyer had faced each other in a series of depositions, some of which reportedly became contentious. After one meeting, witnesses recalled, the doctor accosted the lawyer in a law office restroom.

Cozzi vanished one morning in March 2023 after showing up for work at his Largo office. Surveillance videos showed him arriving at the office, but never leaving. He did not call in to a telephone hearing in Kosowski's lawsuit scheduled for that morning, but Kosowski did.

A fellow lawyer found his phone and personal items at his desk, where his computer was open to the text of an unsent email. Investigators would find blood in the office's restroom. Videos also showed a person, who detectives believe was Kosowski, entering the law office that morning with a cart and later leaving with a large object on top of it.

Cellphone records, among other evidence, led authorities to charge Kosowski with murder. Cozzi's [body has never been found](#).

The doctor is set to face trial in May. If he's convicted, prosecutors plan to ask for the death penalty.

## A judge faces discipline in a politically charged case

Nancy Jacobs won a blistering campaign in 2022 against then-Hillsborough Circuit Judge Jared Smith, whose [controversial decision in an abortion case](#) brought him a deluge of public criticism.

Smith's ruling concerned a 17-year-old girl who



Judge Nancy Jacobs [ Courtesy  
of Nancy Jacobs ]

applied for a judicial waiver to have an abortion without her parents' consent. He denied her request, finding she didn't demonstrate the maturity, intelligence and other qualities necessary to make the decision. An appeals court panel voted 2-1 to overturn the decision, finding Smith abused his judicial discretion.

The ensuing public outrage made the race between Smith and Jacobs unusually contentious.

Months after Jacobs joined the bench, the state Judicial Qualifications Commission filed charges against her in the Florida Supreme Court, alleging she violated rules governing judicial campaigns. The case centered on political statements and remarks she made attacking Smith during her campaign. They also took issue with her behavior on and off the bench.

Smith, meanwhile, got promoted. Ousted by voters, he was appointed by Gov. Ron DeSantis to the newly created 6th District Court of Appeal.

Jacobs has acknowledged some mistakes, but continues to defend herself in a case that could result in her removal. Part of her defense rests on free speech arguments.

Her attorney has successfully challenged the appointment of some members of a hearing panel assembled to hear the case, noting their political leanings and ties to the governor, among other concerns.

The disqualifications and recusal of the panel members contributed to a delay in the case. A final hearing is now set for February.

## A deputy's death

It's been more than two years since a Pinellas County sheriff's deputy was killed in a late-night hit-and-run crash. A disagreement over the possible sentence for the man accused of causing the collision has stymied plea negotiations and pushed the case toward trial.

Juan Molina-Salles [ Pinellas  
County Sheriff's Office ]

Deputy Michael Hartwick was directing traffic one night in September 2022 at a construction site on Interstate 275 near Roosevelt Boulevard when he was run down by a front-end loader.

Juan Molina-Salles, the construction worker who was operating the machine, kept driving and later fled the area on foot, according to

prosecutors. After a manhunt, Molina-Salles was arrested on a charge of leaving the scene of a crash involving death.

Complicating factors in the case include the fact that Molina-Salles, 34, a Honduran citizen, was not in the U.S. legally.

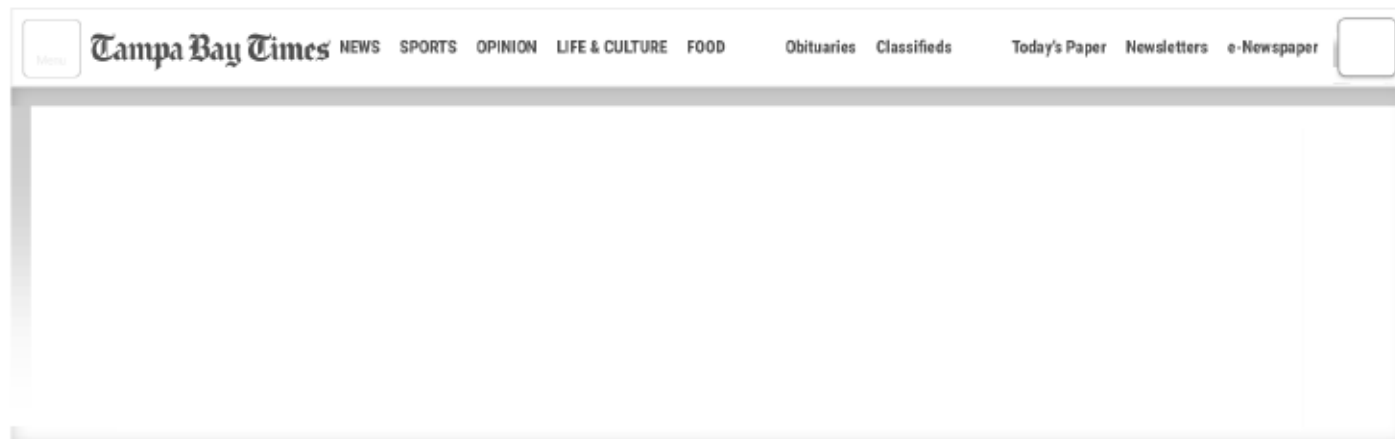
Earlier this year, his defense argued against adding “[victim injury points](#)” to sentencing guideline calculations. They reasoned that the crime of leaving the scene did not actually contribute to the deputy’s death, since the deputy had already died when Molina-Salles left the scene. That legal distinction could dramatically alter the amount of prison time he could receive if found guilty.

Prosecutors disputed the argument and a judge also rejected it. The case is now set for trial in March.

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Dan Sullivan is a criminal justice reporter. Reach him at [dsullivan@tampabay.com](mailto:dsullivan@tampabay.com).

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NEWS / THE BUZZ ON FLORIDA POLITICS / ELECTIONS

## A migrant killed a deputy. A DeSantis agency's probe was 2 pages.

The state contractor that employed the man who was in the U.S. illegally is now under federal investigation.



Investigators at the scene in the westbound lanes of I-275 near Gandy Boulevard on Friday, Sept. 23, 2022, in St. Petersburg, where Deputy Michael Hartwick, 51, was hit and killed overnight Thursday by a construction worker operating a front-end loader at a construction site, according to Sheriff Bob Gualtieri. [ DOUGLAS R. CLIFFORD | Times ]

By **Emily L. Mahoney** *Times staff*  
**Justin Garcia** *Times staff*

Published Nov. 20, 2023

x

Three helicopters hovered above as deputies with bloodhounds searched for the driver of a front-end loader that struck and killed Hartwick as he directed traffic the night of Sept. 22, 2022.

Hours later, one of the hounds detected the man they were seeking, hiding in brush: Juan Ariel Molina-Salles, a Honduran immigrant in the U.S. without legal authorization.

For Gov. Ron DeSantis, the tragedy justified his policies cracking down on illegal immigration.

“We just had a sheriff’s deputy from Pinellas County killed by a twice-deported illegal alien who came across the border illegally,” DeSantis said in a gubernatorial debate a month later. “I didn’t hear any outrage about that.”



Immediately after Hartwick’s death, DeSantis’ administration promised to conduct an internal review of its multimillion-dollar contract with the road-building company that employed Molina-Salles: Archer Western-de Moya Group Joint Venture.

About a year later, the Tampa Bay Times asked Florida’s Department of Transportation for all records pertaining to the state’s review, to see what the state had learned about how a man was hired to operate heavy machinery on a state road project even though he had no driver’s license and, according to law enforcement, used a Social Security number that didn’t belong to him.

Reporters got back two pages.

## **E-Verify was a DeSantis priority**

Since being elected governor in 2018, and in his current bid for the presidency, DeSantis has crafted a political brand around combatting illegal immigration.

He first ran for governor promising that he would require employers to use a federal database called E-Verify to check whether new hires have the proper documents to legally work in the U.S.

The proposal faced pushback from [some Republicans](#), as well as the state's construction, agriculture and tourism industries that often rely on the labor of people without legal status.

In 2020, the Legislature passed a compromise bill [expanding requirements for public employers and their contractors](#) to use E-Verify. Earlier this year, two weeks before DeSantis announced his run for president, [he signed a bill](#) to require private businesses with at least 25 employees to do the same.

He's said the crackdown is needed for public safety, calling President Joe Biden's border policies reckless and dangerous. He has vowed, if elected president, that suspected cartel members would be shot "stone cold dead" at the U.S.-Mexico border.

A year before Hartwick was killed, DeSantis' office took the unusual step of [reaching out to reporters in Jacksonville to highlight a murder case](#) there involving a 24-year-old Honduran man. "This horrific crime is the latest example of how unfettered illegal migration costs Floridians' lives," DeSantis said in a statement to News4Jax at the time.

When the Pinellas County deputy was killed in September 2022, DeSantis' office pledged to learn more about what happened.

"We are currently investigating the matter and looking to determine if illegal immigrants have utilized fraudulent information to obtain employment with contractors working with the State of Florida," [the statement read](#). "As we collect details and examine potential courses of action, we are reminded once again that illegal immigration is a serious and ongoing problem in the United States that has a multifaceted effect on Florida."

## A federal investigation begins

The Pinellas case quickly raised questions about the contractor's hiring

practices.

Molina-Salles would tell law enforcement that he struck the deputy by accident. He was charged with fleeing the scene of a crash involving a death, a felony, and has pleaded not guilty.

One of Molina-Salles' co-workers helped him escape, Pinellas County Sheriff's Office investigators found. That man, Elieser Aurelio Gomez-Zelaya, was also in the country without legal authorization.

Gomez-Zelaya was charged with being an accessory after the fact in state court, and has pleaded not guilty.

When deputies arrived at the site of the Florida Department of Transportation's Gateway Expressway project on Interstate 275, they discovered that "the majority" of the workers on site were not in the country legally, Pinellas Sheriff Bob Gualtieri said at a news conference at the time, saying it hindered the investigation because the workers were giving them fake names.

Speaking to a room full of reporters, Gualtieri asked how a state contractor could hire unlicensed personnel to do such dangerous work.

"We've got a dead deputy," he said. "We got a guy who shouldn't be here. He shouldn't have been driving that thing. He shouldn't have fled. He shouldn't have done any of this and companies are out there doing that. Why are they doing it? Of course, that is a rhetorical question and I'll answer it: They're doing it because they are making money off of it."

Gualtieri also highlighted the fact that Molina-Salles, in an interview with law enforcement not long after he was found, said that his employer didn't train him on how to drive the loader because he had experience operating similar machinery in Honduras. Molina-Salles also said that he never saw Hartwick before he hit him, in part because a light on the loader's roof was broken.

The day after Hartwick's death, Jessica Ottaviano, a spokesperson for the state transportation department, [told the Times](#) that it appeared the contractor had followed proper hiring procedures of Molina-Salles and Gomez-Zelaya. She added that they cleared E-Verify.

Still, Ottaviano said the department would do "an internal review on this project contract."

Meanwhile, the case drew the attention of the federal government.

As Gualtieri later [confirmed to the Times](#), his office started working with

federal officials, including the U.S. Department of Homeland Security, on an investigation of the contractor within days of Hartwick's death.

So far, four construction workers, including Molina-Salles and Gomez-Zelaya, have been indicted on charges related to the use of other people's Social Security numbers.

The Florida Department of Law Enforcement is helping in the federal investigation, according to a [September news release](#) announcing the indictments. But the state agency has not responded to multiple requests for information about the nature of its participation.

At least one of the indicted men, Allan Oseas Gomez-Zelaya, is in negotiations for a plea deal with the federal government, according to an exchange between his defense lawyer, Jason Mayberry, and a prosecutor during a recent court hearing in Tampa. Plea deals can sometimes, though not always, indicate that a person is cooperating with authorities.

## The companies' relationship with the state continues

In the year since Hartwick's death, the state of Florida has continued to pay Archer Western-de Moya Group Joint Venture more than \$38 million in taxpayer money, records show. The Gateway Expressway is a high-profile project that includes toll roads connecting U.S. 19 and I-275, plus widening the interstate to create toll lanes from south of Gandy Boulevard to Fourth Street North.

The contractor is technically a partnership of two companies: The de Moya Group in Miami and Archer Western, a subsidiary of the Chicago-based Walsh Group. Neither company responded to emails and phone calls requesting comment.

Archer Western [has also been contracted by the state](#), along with another company, to build the new Howard Frankland Bridge.

According to campaign finance records, the de Moya Group contributed \$42,500 to DeSantis' political committee for his two races for governor. At least two of the company's top executives have written checks to DeSantis' presidential campaign.

Archer Western has rarely given to any individual candidates in Florida. Neither the company nor its parent corporation has given directly to DeSantis' campaigns for governor or president. But Archer Western has contributed tens of thousands in recent years to a Florida Transportation Builders' Association political committee, which in turn has donated



more than \$280,000 to DeSantis' bids for governor. The association is the primary lobbying group in Tallahassee for road builders.

The governor's office did not respond to emailed questions for this story, including about the transportation department's review or whether DeSantis was still confident in E-Verify as a tool to enforce the immigration crackdown laws he has pushed.

A year later, state officials say two pages — confirmation sheets from the E-Verify system confirming both men had passed the check — make up the entirety of the Department of Transportation's internal review of the project contract with the Archer Western-de Moya Group Joint Venture that it promised after the incident.

Those two pages confirm what the state had already said publicly a day after the 2022 incident when it pledged to conduct the review.

Michael Williams, a spokesperson for the Florida Department of Transportation, confirmed no additional records related to the internal review existed because it consisted of confirming the men had passed E-Verify.

The department "found Archer-Western complied with their contractual obligations to comply with federal law and the review was closed," he said in a statement.

Williams added that the department "is not an investigative body" and the question of whether the two men were using false identification was better suited for law enforcement.

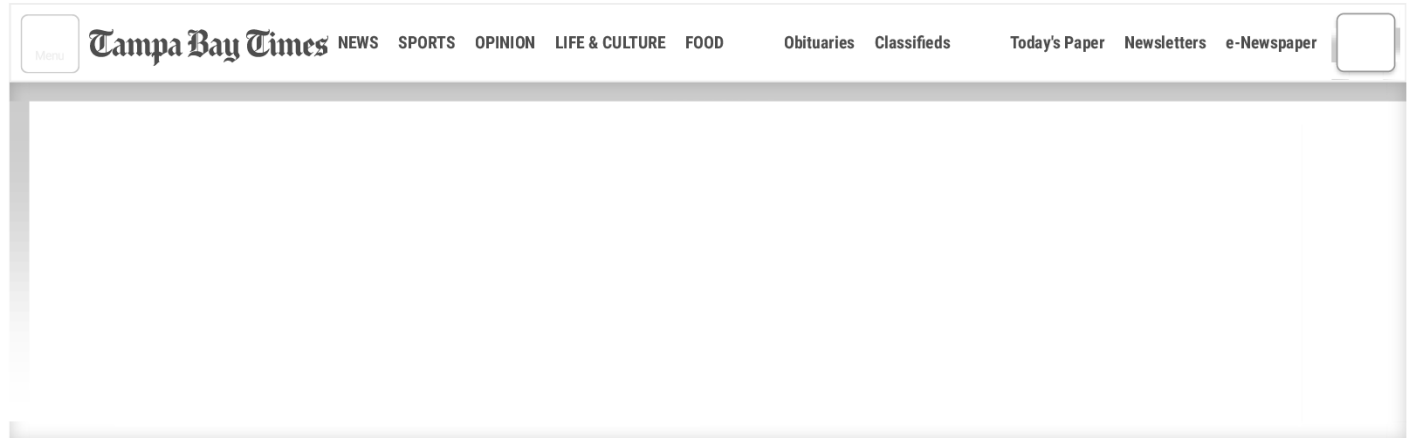
Gualtieri said he understands that the Florida Department of Transportation is "very limited" because it does not have the same investigative tools that law enforcement does.

"That's of course what the investigation on our side is trying to uncover: Who, if anyone, and at what levels within the company had knowledge of it," Gualtieri said, referencing the hiring of workers without legal immigration status.

Two months ago, the Florida Transportation Builders' Association announced a slate of "Best in Construction" awards for various projects around the state. The winners are chosen from nominations by the Florida Department of Transportation.

Archer Western and the de Moya Group were among the 14 winners.





NEWS / THE BUZZ ON FLORIDA POLITICS

## DeSantis says company not at fault after migrant killed Pinellas deputy

The Florida governor's comments were his most substantive yet on a company under investigation.



Construction workers walk from the scene in the westbound lanes of I-275 near Gandy Boulevard on Friday, Sep 23, 2022, in St. Petersburg, where Deputy Michael Hartwick, 51, was hit and killed overnight Thursday by a construction worker operating a front end loader at a construction site with a fork lift, according to Sheriff Bob Gualtieri. [ DOUGLAS R. CLIFFORD | Times ]

By **Lawrence Mower** *Times staff*  
**Emily L. Mahoney** *Times staff*

Published 4 hours ago

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someone in the country illegally.

However, DeSantis rarely mentions the fact that the man driving the machinery was working for a state contractor, Archer Western-de Moya Group Joint Venture, overseen by his administration.

Last week at an unrelated news conference, the governor defended the company, saying that it was the victim of an “interstate fraud ring” of people who created fake IDs to pass citizenship verification screenings, DeSantis said.



One of the people with a fake ID was Juan Ariel Molina-Salles, who was operating the front-end loader that hit Hartwick at a construction site on Interstate 275. There, Archer Western and its partner company were building the Gateway Expressway. Molina-Salles, who fled the scene, said it was an accident.

“It’s not a business’s fault,” DeSantis said. “If someone has bona fide documents and they pass it, I can’t blame the business at that point.”

DeSantis’ comments were his most substantive remarks to date about the incident. But they also represent an unflinching defense of a company with a history of hiring workers in the country illegally and whose safety protocols have been questioned since the deputy’s death.



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### ***The Alarming Rise of Colorectal Cancer in Millennials: 3 Things You...***

*By Moffitt Cancer Center*

In 2021, Pinellas Park police reported Archer Western to U.S. Immigration and Customs Enforcement after another worker who was in the country illegally was struck and killed by a concrete pillar at the same work site, [the Times previously reported](#).

After Hartwick was killed a year later, Pinellas County Sheriff Bob Gualtieri held a news conference in which he said investigators struggled because many workers were lying about their identities.

Molina-Salles told law enforcement that his employer didn't train him on how to drive the loader because he operated similar machinery in Honduras, Gualtieri said.

Molina-Salles also said that he never saw Hartwick, who was guiding traffic that night, in part because one of the loader's lights was broken.

According to depositions in the state case against Molina-Salles, Archer Western had a policy to instruct law enforcement officers working near construction sites to wear safety vests anytime they left their patrol cars.

But another officer often assigned to work the same site told lawyers that the company never instructed him on this policy, before or after Hartwick's death.

Gualtieri said Friday that he was not aware of an interstate fraud ring to make fake IDs, as DeSantis alleged.

Gualtieri forwarded his office's findings to the U.S. Department of Homeland Security, which reports to the president, and the Florida Department of Law Enforcement, which reports to DeSantis. The Florida Department of Transportation's [internal review after the incident was two pages](#).

Gualtieri previously said [the federal investigation was trying to uncover](#) "who at what levels of the company knew what" about the hiring of workers in the country illegally.

At least 14 construction workers from the job site, including Molina-Salles, have been federally indicted for using Social Security numbers that weren't theirs in order to work while in the country illegally. Several of them reached plea agreements in exchange for helping the feds investigate, court records show.

The state's response to Hartwick's death [was criticized by Senate Minority](#)

[Leader Jason Pizzo, D-Miami](#), over the past three weeks during a heated debate between DeSantis and the Legislature over how to respond to illegal immigration.

Lawmakers eventually passed legislation that increases penalties for people in the country illegally, but [did nothing to crack down on businesses that hire them](#).

After signing the bills into law on Thursday, the Times/Herald asked DeSantis why the state didn't appear to have penalized Archer Western after Hartwick's death.

DeSantis said it "wasn't true" that the state didn't hold Archer Western accountable.

"We absolutely pursued," DeSantis said. "The reality was, it was an out-of-state contractor. There was a lot of shady things going on, but we absolutely did pursue that."

When asked twice how the state penalized Archer Western, DeSantis said, "What you're saying is totally false."

At a news conference the next day, DeSantis said that he didn't think the company was at fault.

The state has continued to pay millions to the contractor. Archer Western, in partnership with another contractor, Traylor Bros, is finishing up [the most expensive bridge project in Florida history](#): the \$865 million revamp of the Howard Frankland.

More information about the company's hiring practices could emerge soon in state court. The trial of Molina-Salles is scheduled to begin March 3. A pretrial hearing is scheduled for Wednesday.

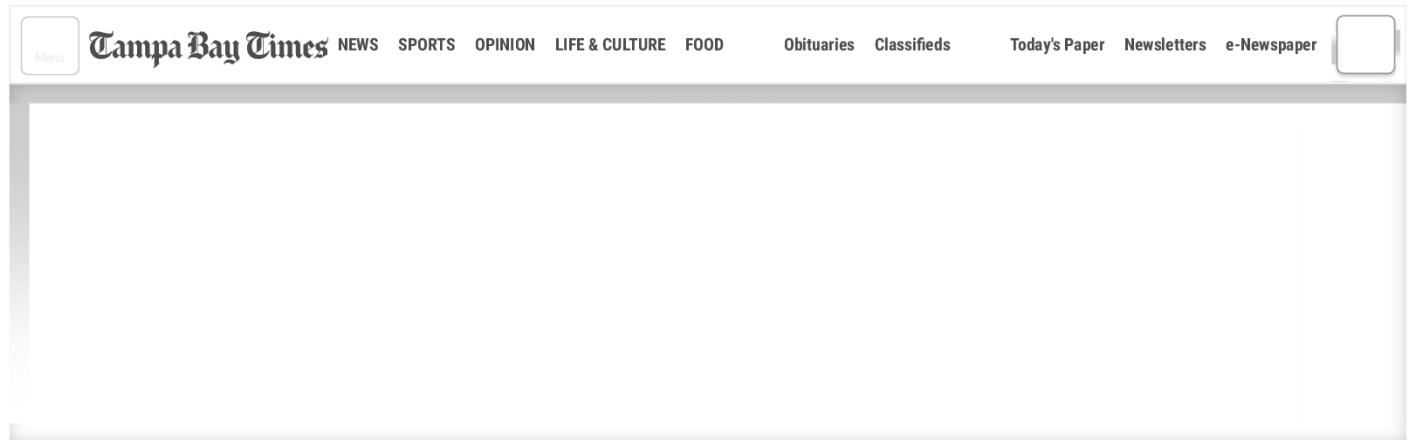
He has pleaded not guilty to leaving the scene of a crash involving death, a first-degree felony with a sentence of up to 30 years in prison.

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Lawrence Mower is a Tallahassee correspondent, covering politics and the state capitol. Reach him at [lmower@tampabay.com](mailto:lmower@tampabay.com).

Emily L. Mahoney is the energy reporter. Reach her at [emahoney@tampabay.com](mailto:emahoney@tampabay.com).

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NEWS / THE BUZZ ON FLORIDA POLITICS

## DeSantis state contractor was reported to feds a year before deputy death

After the 2021 death of a worker, Pinellas Park police reported the company to immigration officials.



Archer Western-de Moya Joint Venture employees work on the Gateway Expressway project in Pinellas County on Feb. 27, 2019. [ DOUGLAS R. CLIFFORD | Tampa Bay Times ]

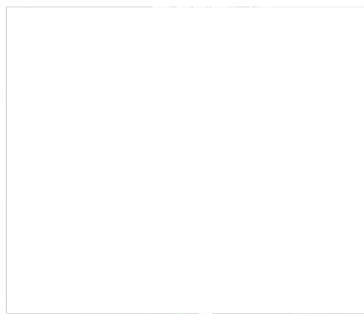
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Published Jan. 31, 2024 | Updated Jan. 31, 2024

Nearly a year before Pinellas Sheriff's Deputy Michael Hartwick was struck and killed by a construction worker who was not in the country legally, another man's death at the same work site prompted the company to be reported to immigration authorities.

The state contractor, a road-building company called Archer Western, as well as its partner company on the Gateway Expressway project, The de Moya Group, [are now under a federal investigation sparked by Hartwick's death](#), with multiple agencies focusing on the companies' hiring practices.

But police records show that Hartwick's September 2022 death was not the first time law enforcement flagged the immigration issues now at the heart of a federal probe.



In October 2021, Pinellas Park police responded to the death of a different man at the same job site, where two tolled roadways are being built [to connect Interstate 275 with U.S. 10 and the Bayside Bridge](#). Lonin Obando was struck by a concrete pillar weighing 18,500 pounds that was hanging from a crane, pinning him against a wall and crushing him.

Officers interviewed witnesses, including one man who had to "look up" his date of birth, according to a police report. After struggling to confirm the dead man's identity, police said his widow arrived at the hospital and told officers he had been in the country illegally.

Police reported Archer Western to Immigration and Customs Enforcement, the officers noted in the 2021 report.

It's unclear whether Immigration and Customs Enforcement started an investigation. The agency didn't respond to multiple requests for comment. Sgt. Zachary Huff, a Pinellas Park police spokesperson, said the department didn't get more information from the federal agency.

That Archer Western had been flagged to federal authorities a year before



Hartwick's death has not been publicly reported. Pinellas County Sheriff Bob Gualtieri said he did not know about the previous case until informed by the Tampa Bay Times.

Gualtieri's office is working with federal investigators, as well as the Florida Department of Law Enforcement, on an investigation into Archer Western-de Moya Joint Venture that was launched after Hartwick's death in September 2022.

Hartwick was killed when Juan Ariel Molina-Salles, a construction worker who was in the country illegally, hit the deputy with a front-end loader. Molina-Salles would later tell officers the loader had a broken light and he didn't see the deputy. Hartwick was just [the second line-of-duty death for the Pinellas County Sheriff's Office in 110 years.](#)

Gualtieri said the fact that Archer Western had been reported previously to immigration authorities only deepened his suspicions about the company's hiring.

"The ultimate question, which we still don't know the answer to, is who at what levels of the company knew what" about the hiring of workers in the country illegally, he said.

He said there was already a "huge red flag" after so many workers seemed to be lying about their identities when the Pinellas Sheriff's Office investigated Hartwick's killing. The IDs belonging to Molina-Salles also raised questions, Gualtieri said. Molina-Salles has pleaded not guilty to fleeing the scene of a crash involving a death.

"A kindergartner could figure out" that the documents weren't legitimate, Gualtieri said. "The photo, it was terrible. The whole thing looked fake. ... They checked the box. 'Give me something we can put in the file, that we can run through E-Verify and there we go.' But there's a difference between doing the thing and doing the right thing."

E-Verify is the federal online system that checks the immigration status of employees. The state requires companies that employ more than 25 employees to use it. Smaller companies, however, don't have to.

The partnership of the two companies issued a brief statement to the Times that said "for the duration of the Gateway Expressway project, Archer Western-de Moya Joint Venture II has abided by all applicable local, state, and federal laws relating to the hiring of its employees,

including utilization of the E-Verify process to verify employment eligibility for all newly hired employees.”

Since Hartwick’s death, the state has paid Archer Western-de Moya Joint Venture more than \$44 million in taxpayer money, records show. That doesn’t include the additional millions Archer Western and another company have been paid for a second contract to construct the new Howard Frankland Bridge.

The Times sent emailed questions to the Florida Department of Transportation about whether it was aware that one of its major contractors had been reported to immigration authorities in 2021.

“Upon initial research, the department is not aware of any hiring violations with this contractor on this project, and we are unable to confirm what communication may have transpired at that point in time,” spokesperson Michael Williams said in response. He added that law enforcement agencies would have “coordinated directly with the contractor.”

Bruce Bartlett, the Republican state attorney for the Sixth Judicial Circuit, which includes Pinellas County, said that Hartwick’s death, which he believes was an accident, should lead to action.

Bartlett said that federal officials can often be “tight-lipped” with the state during investigations. But now that the state is aware of problems with Archer Western’s hiring practices, Florida leadership should pay attention.

“You would think you would have some statewide intervention, maybe within the contracts,” Bartlett said. He later added: “It’s a bad situation, and you would think that something would be done.”

Gov. Ron DeSantis made cracking down on illegal immigration a core pledge of his failed presidential campaign. Earlier this month, he published [an op-ed in the Des Moines Register](#) in Iowa saying President Joe Biden “has failed to fulfill his constitutional oath to take care that the laws be faithfully executed” when it comes to immigration.

Florida requires all state-funded contractors to hire legal workers, something that DeSantis championed when he became governor.

The governor’s office did not respond to multiple emails requesting comment.

Last year, DeSantis signed into law what his office called “the strongest anti-illegal immigration legislation in the country.” In addition to



requiring E-Verify for employers with 25 or more workers, it mandated that hospitals accepting Medicaid collect information on the legal status of patients and made it a third-degree felony to “knowingly and willfully” transport a person without legal status into Florida.

But [questions have been raised](#) about the law’s effectiveness in preventing companies from hiring workers who lack legal authorization. Four workers from the Gateway Expressway construction site, including Molina-Salles, have been indicted since Hartwick’s death for using other people’s Social Security numbers, which may have allowed them to pass E-Verify. Two of the men have signed plea agreements, though Molina-Salles isn’t one of them.

In the case of Obando’s death, the Occupational Safety and Health Administration later found that the incident [could have been prevented by his employer, citing the contractor for inadequate training and damaged equipment](#).

Williams, the Florida Department of Transportation spokesperson, did not directly respond to questions about whether the department monitors if its contractors are cited for federal safety violations.

“Loss of life is tragic under any circumstance, and it is especially sad to learn of incidents that occur within (Florida Department of Transportation) job sites,” Williams said. The state agency “consistently emphasizes a culture of safety to our contractors.”

Obando and Hartwick weren’t the only people to die at the Gateway Expressway construction site since it started in 2017.

In March 2023, 55-year-old Edward Wilson, a flagger directing traffic, was hit by an SUV. According to the Florida Highway Patrol, the SUV was going about 45 mph.

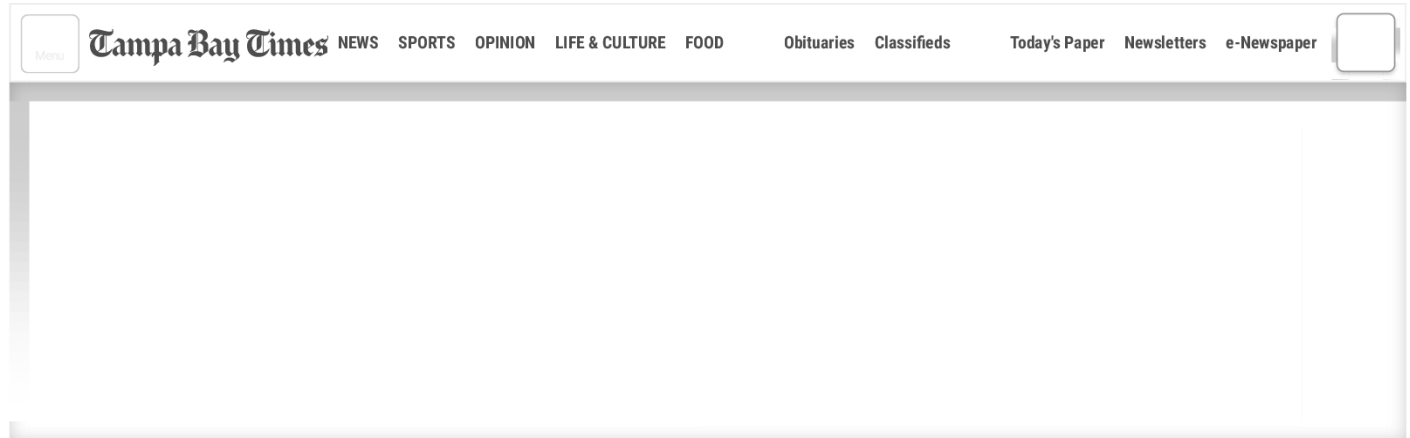
*Times staff writer Juan Carlos Chavez contributed to this report.*

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NEWS / THE BUZZ ON FLORIDA POLITICS

## DeSantis takes action on immigration without going after businesses

A Democrat wanted to require all businesses to use E-Verify, but Republican senators ruled it "out of order."



Florida House Speaker Daniel Perez and Senate President Ben Albritton watch Gov. Ron DeSantis sign legislation to address i  
Thursday, Feb. 13, 2025. [ LAWRENCE MOWER | Lawrence Mower ]

By **Lawrence Mower** *Times staff*

0:01 / 0:15

Published Feb. 13 | Updated Feb. 14

effort to bolster President Donald Trump's immigration agenda.

There's one topic that was off the table, though: Going after the companies hiring those migrants.

In bills [passed by the Legislature and signed by DeSantis](#) on Thursday, state lawmakers aren't requiring more companies to screen workers through E-Verify, the federal database that confirms an employee's citizenship status. They aren't assigning more resources to enforce it and aren't increasing penalties for companies who violate it.

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Democrats seized on the omission this week, saying it runs counter to claims by DeSantis and Republican leaders that they were passing the "toughest" immigration laws in the nation.

"You're not a serious person, politician or public servant if you are not recognizing, identifying and doing something about employment," Sen. Jason Pizzo, D-Miami, said Wednesday.

"This is weak. Really, really, really weak," he added.

Florida lawmakers long resisted imposing E-Verify requirements on businesses, who overwhelmingly fund their political campaigns.

That changed in 2020, when DeSantis pushed lawmakers to require all public employers, contractors and subcontractors to screen new employees through E-Verify. In 2023, lawmakers expanded the requirement to private employers with 25 or more employees.

But it captures less than 20% of Florida companies and [can be circumvented by employers and employees](#).

It's also far from the toughest in the nation.

Arizona, Mississippi and Alabama require all employers to screen workers. Georgia since 2013 has required all employers with 10 or more workers to screen them. (Employers in Georgia, with half the population of Florida, were the biggest users of E-Verify in 2023, [according to the federal program.](#))

None of the 32 bills proposed by lawmakers [or DeSantis](#) over the last month have proposed expanding it to more businesses.

On Thursday, Pizzo filed an amendment to require all businesses to screen employees through E-Verify, but Republican senators ruled it “out of order” to avoid taking a vote on it.

“Three special sessions without a discussion of E-Verify is out of order,” Sen. Jennifer Bradley, R-Fleming Island, [later posted on X.](#)



DeSantis said Thursday that he supported expanding the requirements to all new employees in the upcoming legislative session, scheduled to begin March 4.

“When I proposed E-Verify originally, I wanted it for all employees,” he said.

Republican lawmakers this week said they would consider it.

In the meantime, some blamed DeSantis for not using the laws already on the books.

“We passed a bill about E-Verify. It hasn’t been particularly enforced,” said Sen. Randy Fine, R-Melbourne Beach.

Until two weeks ago, DeSantis’ administration had not taken any action against an employer for violating E-Verify requirements. The state [also took no action against a state contractor](#) after a Pinellas County sheriff’s deputy was killed by a man in the country illegally who was working for the company. (The worker and a colleague cleared E-Verify through out-of-state IDs.)

After Republican [lawmakers started asking questions](#) about the lack of enforcement last month, DeSantis’ administration issued warning letters to 40 companies.

The letters [blamed the Legislature for not funding E-Verify enforcement](#), which lawmakers dispute.

The legislation signed Thursday — part of a deal between DeSantis and state legislative leaders — does not include any additional resources for enforcement. (The bills do enhance penalties for people in the country illegally who commit crimes.)

Nor does the legislation enhance penalties for companies that violate E-Verify provisions. Companies [can avoid screenings by hiring workers as subcontractors](#), after those workers obtain a taxpayer ID number and establish a corporation or limited liability company.

Rep. Lawrence McClure, R-Dover, said lawmakers don’t know what steps to take with E-Verify because they currently have no data from DeSantis’ Department of Commerce to know how effective E-Verify is in the first place.

“If you’re not enforcing it, you can expand it until you’re blue in the face,” McClure said. “Start the evaluation process, get data and then adjust.”

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Lawrence Mower is a Tallahassee correspondent, covering politics and the state capitol. Reach him at [lmower@tampabay.com](mailto:lmower@tampabay.com).

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NEWS / PINELLAS

## Feds investigating state-funded contractor tied to Florida deputy death

The DeSantis administration has paid millions to the firm since officials said one of its workers, who was in the U.S. illegally, killed a Pinellas deputy.



Tony Karhofer, of Largo, places flowers near a makeshift memorial for Deputy Michael Hartwick, at the Pinellas County Sheriff's Office headquarters on Friday, Sept. 23, 2022, in Largo. [ JEFFEREE WOO | Times ]

By **Emily L. Mahoney** *Times staff*  
**Justin Garcia** *Times staff*

Published Sept. 8, 2023 | Updated Sept. 8, 2023

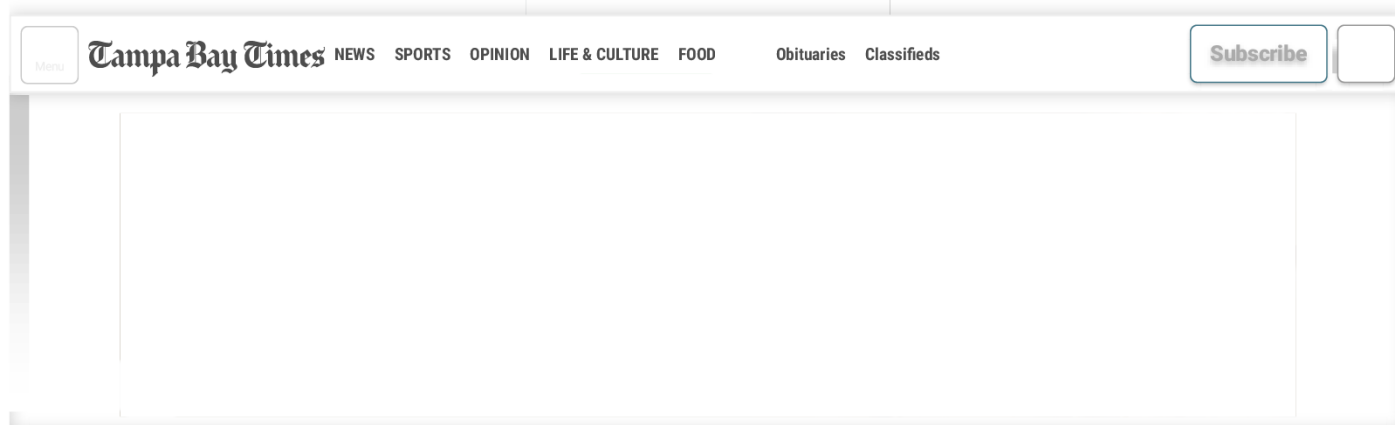


Federal and local law enforcement officials are investigating a prominent construction contractor that hired several workers who were in the country illegally, including a man who was later charged in connection with the [death of a Pinellas County sheriff's deputy](#) last year.

Pinellas County Sheriff Bob Gualtieri confirmed his office is involved in an investigation into the firm — technically a partnership of two construction companies, Archer Western and The de Moya Group. He said the investigation has been going on since September 2022, when Michael Hartwick died after being struck by a front-end loader operated by a construction worker at a roadwork site on Interstate

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federal charges are possible.

Gualtieri [previously](#) said the contractor had hired “a bunch” of migrants not able to legally work in the U.S., but the existence of the investigation has not previously been reported.

Gualtieri said Friday that the investigation into the company was “warranted” after the facts of the case prompted “concerns about their practices in hiring and verification and fictitious identification.” He added, “There were indications it was beyond just the limited circumstance” of the worker who was charged in connection with Hartwick’s death.



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Archer Western, a subsidiary of the Walsh Group construction company, is headquartered in Atlanta but has an office in Tampa. The de Moya Group is based in Miami. Neither company responded to requests for comment made by phone and email.

USF needs a new president [Read More](#)

The Archer Western-de Moya Group Joint Venture does millions of dollars' worth of business with the state of Florida on various highway construction projects, and it has been paid more than \$37 million by Gov.



plus widening the interstate to create express lanes from south of Gandy Boulevard to Fourth Street North.

The joint venture employed Juan Ariel Molina-Salles, a Honduran immigrant in the U.S. without legal authorization, when law enforcement said he hit Hartwick with a front-end loader, killing him instantly. Hartwick was directing traffic away from the work crews near Roosevelt Boulevard.

Molina-Salles was charged with leaving the scene of a crash involving death, a first-degree felony that carries a maximum prison sentence of 30 years and a mandatory minimum of four years. Another worker, Elieser Aurelio Gomez-Zelaya, also in the country without legal authorization, took Molina-Salles' construction vest and helmet and hid them in the woods while he ran away, deputies said. Gomez-Zelaya was charged with being an accessory after the fact, a felony. Both criminal cases are ongoing and both men have pleaded not guilty.



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thoughts, feelings and funny business  
with you every Monday.

DeSantis, who has made cracking down on illegal immigration a major part of his presidential campaign, attended Hartwick's funeral last year. He also referenced the killing during a 2022 debate as he sought reelection, saying he "didn't hear any of the outrage" about Hartwick's death while Democrats criticized DeSantis' move to charter [plane loads of migrants](#) to liberal cities like Martha's Vineyard, Massachusetts.

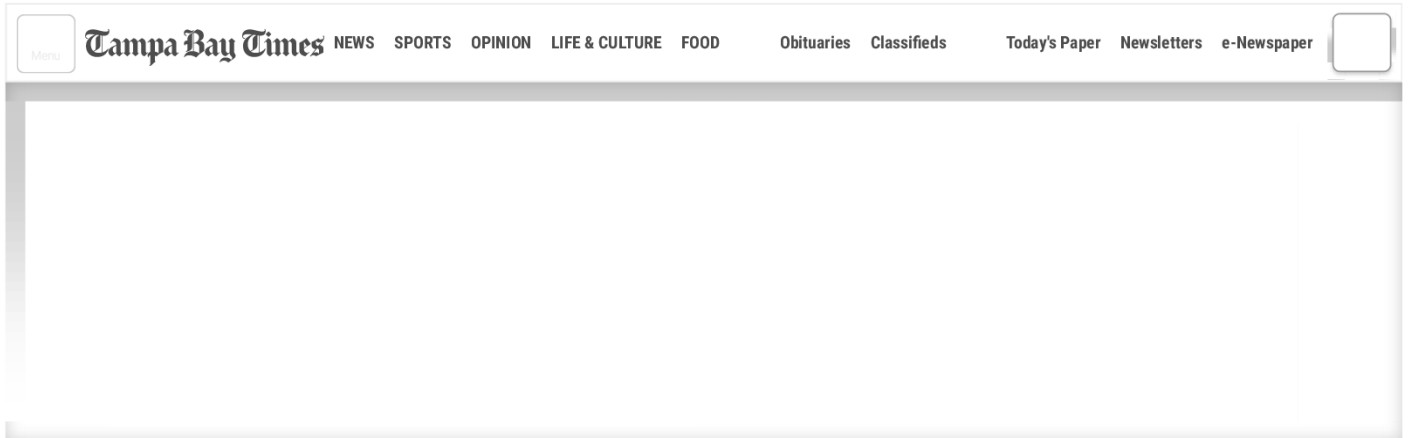
Logos for Archer Western can still regularly be seen at an active construction site in the same area as last year's incident, on I-275 in St. Petersburg.

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NEWS / THE BUZZ ON FLORIDA POLITICS

## Republican lawmakers question DeSantis' immigration record

Lawmakers cited his performance on key initiatives.



Florida Gov. Ron DeSantis listens to a question during a news conference Sept. 7, 2022, in Miami. [ REBECCA BLACKWELL | AP ]

By **Lawrence Mower** *Times staff*

Published Jan. 28

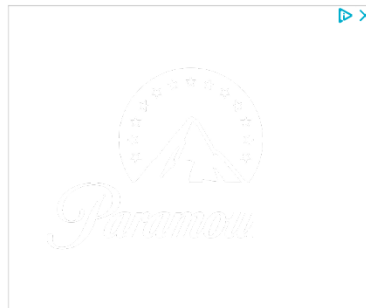
TALLAHASSEE — Gov. Ron DeSantis' call for a special legislative session to address illegal immigration has [exposed a long-simmering feud with](#)

×

transparency of two of his key immigration initiatives.

Over the last two days, Republican lawmakers have cited the performance of his migrant relocation program and E-Verify to justify stripping him of nearly all of his immigration enforcement powers and giving them to the state's agriculture commissioner.

State lawmakers in 2022 gave DeSantis \$12 million to transport migrants from Florida to other states, which he used later that year to fly about 50 migrants [from Texas to Martha's Vineyard](#).



The decision generated a blitz of headlines and outrage. He did one other flight, from Texas to Sacramento, California, in 2023. But since then, it's not clear what DeSantis has done with the money. As of March last year, [\\$9.4 million of it was unspent](#).

Top Republican lawmakers this week said they didn't know how many migrants, if any, were ever transported from Florida to other states.

"That's why we should have accountability," said Sen. Joe Gruters, R-Sarasota. "That's why having a single person, a single office and having a laser focus is going to help everybody."

Under the [legislation passed Tuesday night](#), the program would be given to Agriculture Commissioner Wilton Simpson, who would study the effectiveness of the program and decide whether it should continue, Gruters said.

The governor's office did not respond to questions on Tuesday about how many migrants it has relocated from Florida. The program is still active and run by a private company whose operations have remained secretive. The contractor, for example, operates under a fictitious name.

The performance of the program was cited by Republicans in rejecting DeSantis' request this week for \$350 million to expand the program to [fly migrants to other countries](#).

"I don't think that the proposal we saw originally in the governor's proposed ideas made a lot of sense, quite frankly," Rep. Lawrence McClure, R-Dover, told lawmakers Tuesday.

Lawmakers also cited the performance of DeSantis' handling of E-Verify, a federal program that checks the legal eligibility of new workers.

DeSantis signed legislation in 2023 requiring all large employers to screen their employees through the program, part of a series of immigration laws that [he touted as the "strongest" in the nation](#).

Since then, his administration has yet to cite a single employer for violating it.

Gruters told lawmakers that the state has issued eight letters to companies for not complying with the E-Verify requirements. All of those letters were issued in 2022, according to the [website of the Florida Department of Commerce](#), which reports to DeSantis.

"Eight letters since 2022. Why hasn't it been more?" Gruters said.

Department of Commerce spokesperson Emily Hetherington said Tuesday that it was "actively conducting more than one hundred investigations," which "take time."

The bill lawmakers passed Tuesday would put the program under Simpson and add 17 people devoted to E-Verify audits.

"We don't have clarity out of the Department of Commerce or FDLE (Florida Department of Law Enforcement)," McClure said. "There's not a lot of data there, which is concerning."

Sen. Jason Pizzo, D-Miami, noted Tuesday that DeSantis didn't hold accountable a state road contractor after one of its employees, a Honduran immigrant in the country illegally, killed Pinellas Sheriff's Deputy Michael Hartwick at a construction site.

[The state's review of the incident was two pages](#), the Tampa Bay Times found. Police had [also reported the company to federal immigration officials](#) a year earlier.

“The bottom line is, the governor is not good at this,” Pizzo said.

Sen. Randy Fine, R-Melbourne Beach, who has accused DeSantis of “flailing” in his final two years in office, said taking this off DeSantis' plate makes sense.

“I would say the governor has more to do than Wilton Simpson does,” Fine said. “He’s got a state to run.”

*Times/Herald Tallahassee bureau reporters Ana Ceballos and Romy Ellenbogen contributed to this report.*

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Lawrence Mower is a Tallahassee correspondent, covering politics and the state capitol. Reach him at [lmower@tampabay.com](mailto:lmower@tampabay.com).

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NEWS / PINELLAS

## 'Victim injury' could guide penalty in Pinellas deputy's death

A dispute over sentencing calculations hangs up plea negotiations for a construction worker accused of leaving after hitting deputy.



Juan Molina-Salles is charged with leaving the scene of a crash involving death. Investigators said he fatally struck Pinellas sheriff's Deputy Michael Hartwick with a front-end loader at a construction site on Interstate 275 near Roosevelt Boulevard. [ Pinellas County Sheriff's Office ]

By **Dan Sullivan** *Times staff*

Published April 12, 2024 | Updated April 12, 2024

LARGO — If Juan Molina-Salles is guilty of fleeing from a late-night collision that killed a Pinellas County sheriff's deputy, did his criminal act result in the deputy's death? It is a delicate and legally nuanced question that hangs at the center of the construction worker's pending criminal case.

Molina-Salles faces a single charge of leaving the scene of a crash involving death for the September 2022 collision that killed Deputy Michael Hartwick.

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His attorneys don't dispute the tragic circumstances. But in court this week they argued against a notion that his departure from the scene of the accident that night contributed to the deputy's injuries. Rather, they argued the deputy was already dead when Molina-Salles left the scene.

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That distinction could dramatically alter the amount of possible prison time he might receive if found guilty. And it weighs heavily on his attorneys' efforts to negotiate a possible plea deal.

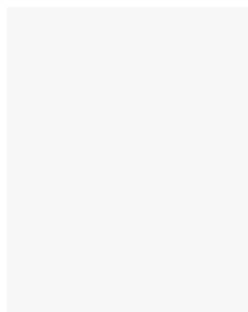
"I'm at a little bit of a loss in how to advise my client," Assistant Public Defender Maria Deliberato told a judge in a court hearing Thursday.

Molina-Salles, 33, tall and heavyset, stood quietly, his hands folded in front of him as a Spanish interpreter whispered.



The legal argument was the latest turn in the case, which has since spurred [further investigations](#). They've centered on the construction company that employed Molina-Salles, an immigrant from Honduras who lacks proper legal documents. Several of his co-workers were also immigrants who were not employed legally.

The collision happened late the night of Sept. 22, 2022. Molina-Salles was driving a front-end loader at a construction site on Interstate 275 near Roosevelt Boulevard. Deputy Hartwick had blocked part of the road with his car and stepped out to direct traffic.



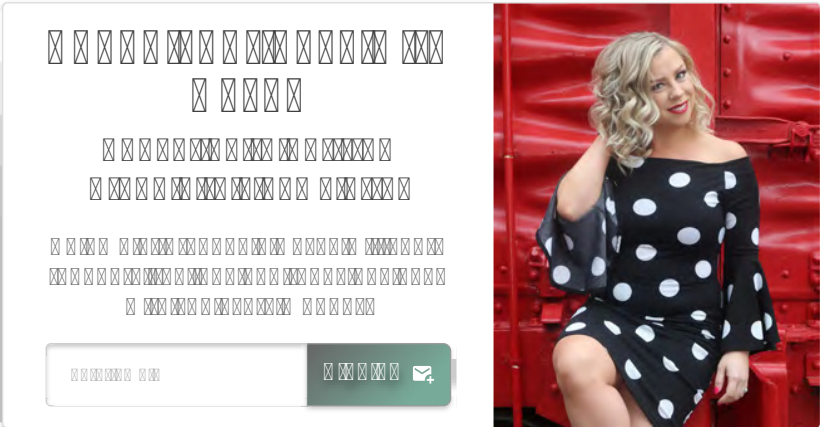
Deputy Michael Hartwick [ The Pinellas County Sheriff's Office ]

Hartwick, who was working off-duty and was in full uniform, was standing near the road's shoulder when the loader, moving at about 20 mph, hit him.

Molina-Salles kept driving to a parking lot about a quarter-mile away. Crying, he told another construction worker he'd killed a deputy, investigators said. His co-worker took his helmet and construction vest and hid them while Molina-Salles fled on foot.

Sheriff's deputies were initially given a false name for Molina-Salles, hampering the early search for him. They later found him hiding in some brush and thereafter learned his real name. He told investigators the loader had a broken light and he didn't see the deputy.

In a court paper filed this month, his defense asked a judge to exclude "victim injury points" in a score sheet the state uses to determine sentencing guidelines.



The points, the defense argued, can only be a factor if Molina-Salles' criminal act contributed to the deputy's death. In this case, the criminal act was his departure from the scene. Citing case law, they argued that since the deputy's death was not a direct result of Molina-Salles leaving the scene, the points cannot apply.

Assistant State Attorney Elizabeth Constantine countered that Florida statutes have changed. The current law, she said, allows for such points in calculating a guideline sentence.

The defense asked for a judge to decide the issue, so that they could better advise Molina-Salles about his options for a potential plea deal.

Pinellas-Pasco Circuit Judge Pat Siracusa sided with the state, concluding



that the law allows victim injury points to factor into sentencing guidelines in a case like this.

Deliberato said the defense had discussed a potential offer that would have Molina-Salles receive a 10-year prison sentence. But prosecutors said 10 years in prison would not be high enough.

Their counteroffer ranged upward of 20 years, Deliberato said. Such a sentence would be unusual for such a charge, she said.

Without the "victim injury points," state sentencing guidelines peg Molina-Salles' possible sentence at less than three years in prison. He has no criminal history. The criminal charge carries a mandatory minimum penalty of four years.

With the added points, though, the low end of his sentencing guidelines stand at a little more than 10 years.

The maximum penalty is 30 years.

Further legal arguments are expected ahead of a trial date, set for November.



Dan Sullivan is a criminal justice reporter. Reach him at [dsullivan@tampabay.com](mailto:dsullivan@tampabay.com).

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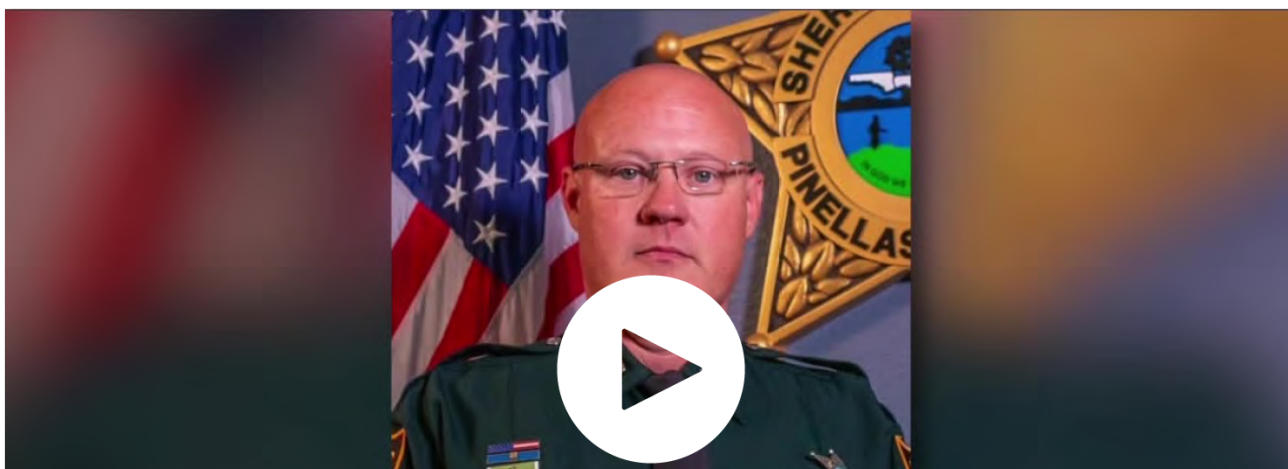
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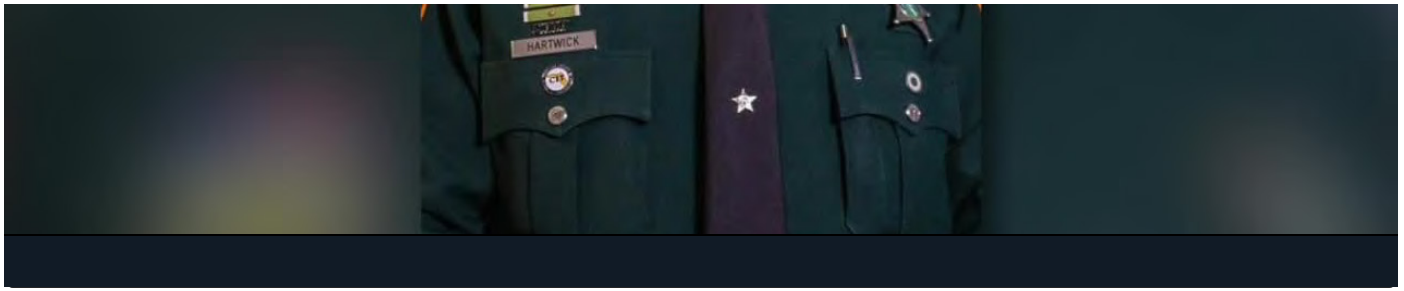
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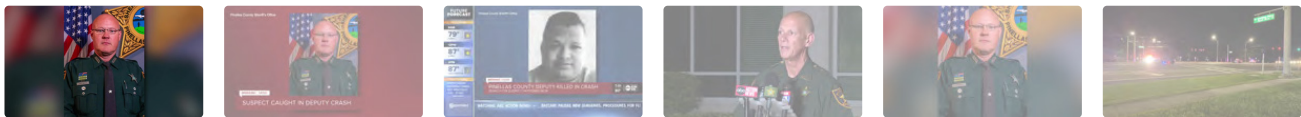
# Undocumented worker accused of hitting, killing Pinellas deputy on I-275, sheriff says

I-275 was closed during the investigation





Pinellas County Sheriff Bob Gualtieri said the man suspected of a hit-and-run crash that killed a Pinellas County deputy Thursday night along I-275 was an undocumented migrant who was captured Friday morning.

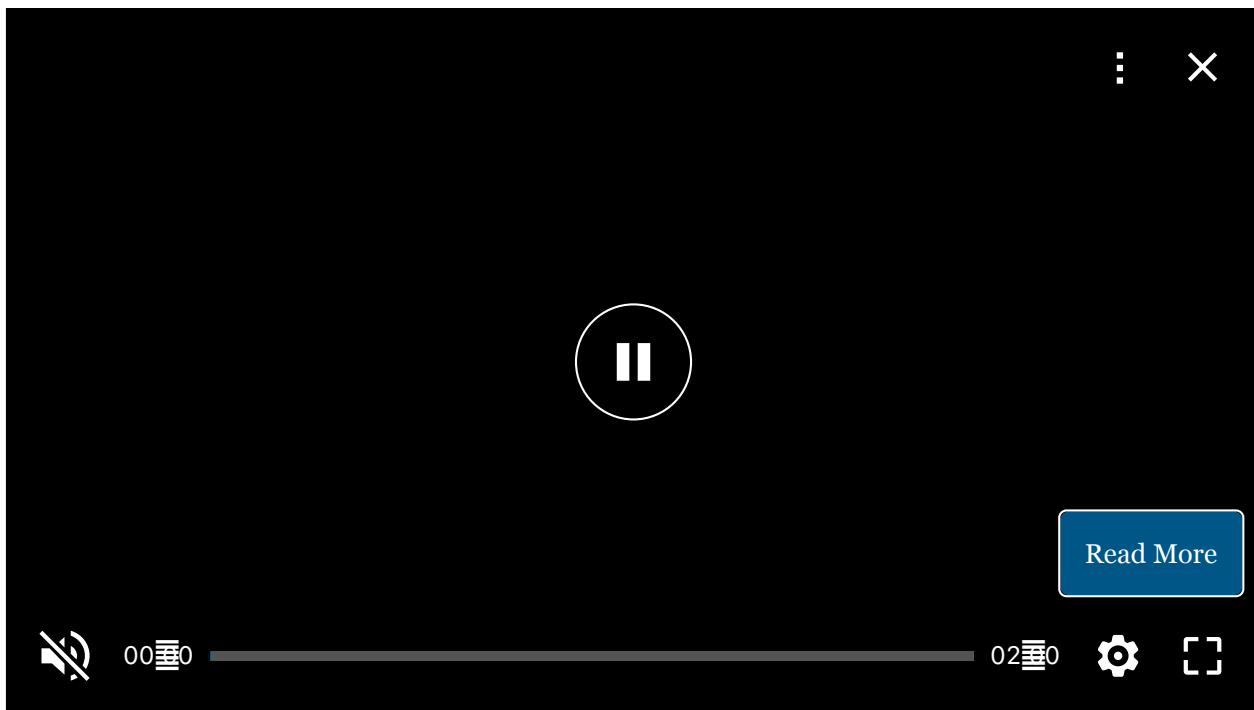


Pinellas County Sheriff's Office

Posted 4:59 AM, Sep 23, 2022 and last updated 11:28 PM, Sep 23, 2022

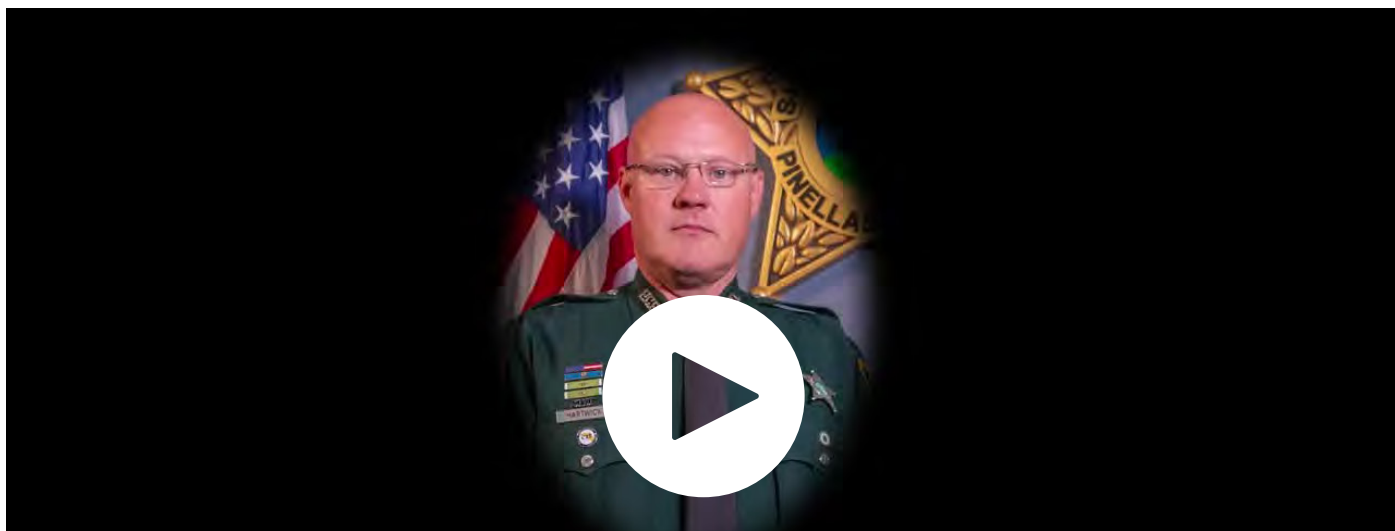
**PINELLAS COUNTY, Fla.** — Pinellas County Sheriff Bob Gualtieri said the man suspected of a hit-and-run crash that killed a Pinellas County deputy Thursday night along I-275 was an undocumented migrant who was captured Friday morning.

According to Sheriff Gualtieri, Deputy Michael Hartwick, 51, was working a traffic detail on I-275 to provide safety and security for the ongoing construction along the road. Gualtieri said Deputy Hartwick arrived at the location around 10:40 p.m.



The PCSO said Hartwick got out of his cruiser and walked around the front of his car onto the shoulder of the road. Gualtieri said a few minutes later, a frontloader with forklift type arms passed by the area traveling approximately 20 miles per hour and escorted by a white pickup truck.

PCSO said the front loader hit and killed Deputy Hartwick instantly. The truck stopped, but Gualtieri said the front loader continued down the road before eventually pulling off to the side of the road.



## Deputy Michael Hartwick

### E.O.W. September 22, 2022

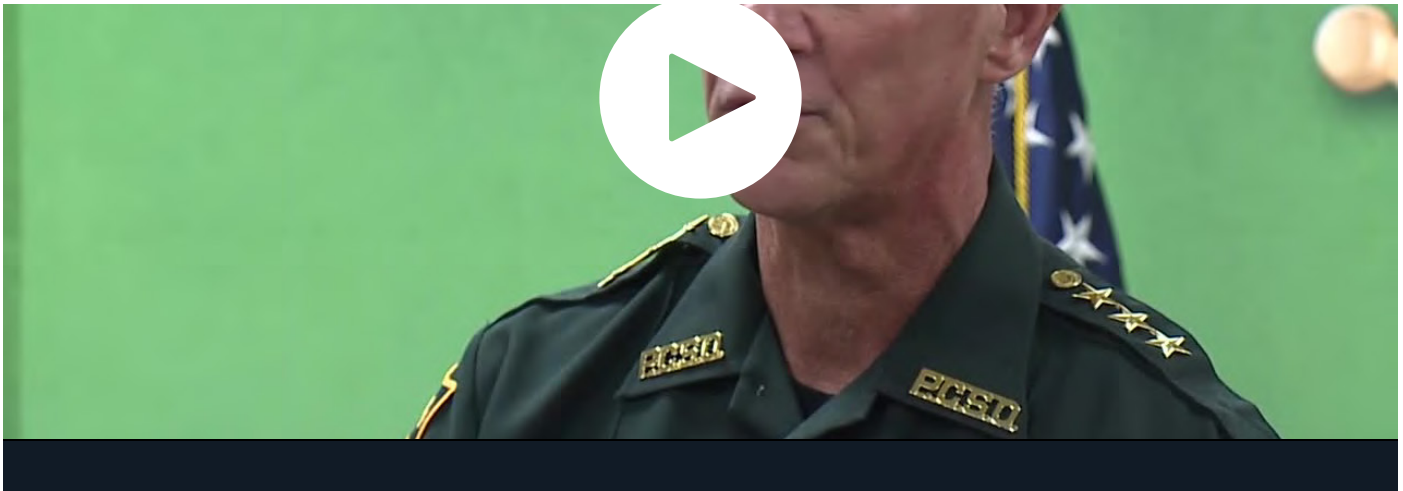
According to Gualtieri, the driver of the front loader is Juan Ariel Molina-Salles, 32, of Honduras. After stopping, Molina-Salles allegedly took off his construction vest and hat and gave them to another worker and asked him to get rid of both. Deputies said Molina-Salles then left the area heading north.

*[Editor's Note: The PCSO originally named the suspect as Victor Vazquez-Real, 35. However, Sheriff Gualtieri said at a Friday afternoon press conference that the original name given to law enforcement was fake.]*

The Pinellas County Sheriff's Office said that started a nine-hour manhunt with three helicopters, hundreds of law enforcement officers, and all the police K-9 units.

Gualtieri said the investigation was hindered from the very beginning as most of the construction workers were giving false names because many were also undocumented workers. The sheriff said the company employing the workers is Archer Western in Tampa and it is a contractor for the Florida Department of Transportation.





“They shouldn’t be out there and they shouldn’t be doing this,” Gualtieri said.

As the manhunt continued, Gualtieri said they requested the aid of Pasco County bloodhound units to find the suspect. Gualtieri said Molina-Salles at one point tried to get his roommate in Tampa to pick him up after the deadly crash. However, the roommate, also an undocumented worker, turned around and refused to come get him when that person saw the law enforcement presence.

According to the sheriff, the move to bring in the bloodhounds paid off and Molina-Salles was arrested around 8:45 a.m. Friday.

Gualtieri said sheriff’s deputies can’t do much with the company employing the undocumented workers or with the workers themselves due to immigration law. The sheriff said Molina-Salles had entered the country once illegally and was deported back to Mexico, but later returned through Eagle Pass, Texas and had been in Tampa since March.

The death of Deputy Hartwick is the second in a year and a half for the Pinellas



County Sheriff's Office.

"All I can say is, here we go again," Pinellas County Sheriff Bob Gualtieri said early Friday morning. "This is 18 months after Deputy Magli was killed. We go 110 years in the Pinellas County Sheriff's Office with no line of duty deaths — now we have two in 18 months."

Deputy Michael Magli, a 30-year-old deputy, was [hit and killed by a drunk driver](#) in Pinellas County in February 2021. The [suspect pled guilty earlier this month](#) and received a 35-year prison sentence.

Gualtieri said a procession is scheduled for Friday afternoon to escort Hartwick from the Medical Examiner's Office located at 10900 Ulmerton Road in Largo to the Thomas B. Dobies Funeral Home in Tarpon Springs.



WFTS

The procession will start around 3:30 p.m. It will travel eastbound on Ulmerton Road, north on U.S. Highway 19, and west on East Tarpon Avenue to the funeral home. Anyone who would like to pay their respects is asked to stage north of Republic Drive, on the east side of the road.

Sheriff Gualtieri said Molina-Salles faces a charge of leaving the scene of an accident with a death and it's punishable by up to 30 years in prison, with a minimum mandatory sentence of four-years in prison if convicted. Molina-Salles was scheduled to be moved to the Pinellas County Jail Friday afternoon. There's also an immigration hold on Molina-Salles if he is given bond on the local charge.

The construction worker who allegedly took Molina-Salles' gear is Elieser Aurelio Gomez-Zalaya, 31, who was also an undocumented immigrant from Honduras. Gualtieri said he was charged with accessory after the fact.

FDOT released this statement:

*The Florida Department of Transportation (FDOT) offers our heartfelt condolences to Deputy Hartwick's family and the entire law enforcement community. From all accounts, Deputy Hartwick was a model law enforcement officer, and we stand willing and able to assist the Pinellas County Sheriff's Office in any way possible.*

*FDOT and its contractors follow strict hiring procedures. While it appears that these hiring procedures were followed, including a federal E-Verify clearance check, and the individuals in question*



*passed this federal clearance, the Department is initiating an internal review on this project contract. FDOT will also continue to support law enforcement efforts as investigations continue.*

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CURATION BY



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# Illegal immigrant arrested after hitting, killing Pinellas County deputy and fleeing scene

By FOX 13 News staff | **Updated** September 23, 2022 4:12pm EDT | Pinellas County | FOX 13 News | 

## Deputy killed by hit-and-run driver

Briona Arradondo reports

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**LARGO, Fla.** - For the second time in less than two years, the [Pinellas County Sheriff's Office](#) is mourning the loss of a deputy.

Late Thursday night, Deputy Mike Hartwick was providing security at a construction site along I-275 when hit and killed by a man driving a front loader, who then fled the scene, according to the Pinellas County Sheriff's Office.

Hartwick's dashcam video shows him getting out of his cruiser and walking over to the shoulder of the road. About a minute later, the video shows a construction truck

passing southbound and then a front loader passes by at about 20 miles an hour.

#### **Remembering fallen deputy Michael Hartwick**

Aaron Mesmer reports.

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The video shows it passing by the front of Deputy Hartwick's car and a white pickup truck was behind it escorting it. Then the white pickup truck abruptly stops because the front loader had hit and killed Deputy Hartwick.

The operator of the front loader kept going, according to PCSO.

Deputies say the driver of the front loader eventually pulled it over and told another construction worker that he had just killed a deputy.

He then took off his construction hat and his traffic vest. He handed the items to another construction worker, later identified as Elieser Aurelio Gomez-Zelaya, and told him to hide them and get rid of them.

The suspect then fled northbound on foot.

A nine-hour manhunt across Pinellas County and Tampa ensued. The search involved all the Pinellas County Sheriff's Office K9s, three helicopters, Pasco County bloodhounds and hundreds of law enforcement officers.

**Aerial view: Procession for deputy killed on I-275**

Deputy Michael Hartwick was killed late Thursday night along a construction site on Interstate 275 in Pinellas County.

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One of the K9s found the vest and the helmet, which the other construction worker dumped in the woods. A bloodhound that was given the scent on the items was able to track down the suspect.

Originally, the suspect told law enforcement officers his name was Victor Vasquez-Real. He said that he was 35 years old and from Puerto Rico. However, Gualtieri says that was a bunch of nonsense.

His real name, according to Gualtieri, is Juan Ariel Molina-Salles. He is 32 years old and Gualtieri says he entered the country illegally on October 25, 2021, in Eagle Pass Texas. He was turned around by border patrol and sent back to Mexico. Gualtieri says there is no record of him entering the United States legally.

Gualtieri says there were a lot of construction workers on-site and the majority of them lied to deputies and hindered the investigation by providing false names and information.

According to the PCSO, all the construction workers were employed by Archer Western, a contractor doing work for the Florida Department of Transportation out of Tampa.

"This company is employing a bunch of illegals and they are all out there lying and giving us fake names, fake IDs, a lot of fake IDs out of North Carolina that really frustrated this investigation. This guy that we have in custody is here illegally and he fled, as he said, because he became afraid after he killed the deputy. He clearly knew he killed the deputy because when he was hunkered down out there last night he had a cell phone on. We had some ways of tracking what he was doing with his cell phone and he actually called his roommate in Tampa who is another guy who is here illegally. He came over and tried to pick him up. He saw all of the law enforcement activity and called him back and said, 'I'm not getting involved in this', and turned around and went back to Tampa."

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**Earlier coverage: Suspect wanted for hitting, killing deputy on I-275 taken into custody**

The Pinellas County Sheriff's Office says a construction worker suspected of accidentally hitting and killing a deputy at a construction area on Interstate 275 late Thursday night has been captured after nearly 10 hours on the run.

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He added, "You got a bunch of illegals working for this state contractor out there. They shouldn't be here and they shouldn't be working and they shouldn't be out here doing this. This guy was going, I think too fast, for this thing. Again, he knew he hit a deputy and as opposed to stopping, rendering aid, and accepting responsibility for what he did, we had to chase him around and sift through all this nonsense with all these people lying and providing fake IDs and we spent nine hours out there chasing this thing down."

**Raw video: Pinellas deputy killed in hit-and-run**

Law enforcement closed I-275 to search for the suspect

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According to Gualtieri, Molina-Salles told the construction company he did construction in Honduras so they brought him on board. Gualtieri added that Molina-Salles gave the company a fake ID card.

"He didn't have a driver's license. He's got nothing. He shouldn't have been here to begin with and he shouldn't have been driving. He shouldn't have been working...He has no qualifications to drive a front loader," he explained.

"This is not victimless," Gualtieri said. "We've got a dead deputy. We got a guy who shouldn't be here. He shouldn't have been driving that thing. He shouldn't have fled. He shouldn't have done any of this and companies are out there doing that. Why are they doing it? Of course, that is a rhetorical question and I'll answer it. They're doing it because they are making money off of it. So, are they making money now off of a dead deputy? Is it worth it? Really?"

**Previous coverage: Search for suspect who hit and killed Pinellas deputy on I-275**

The Pinellas County Sheriff's Office is searching for construction worker Victor Vasquez, who they say hit and killed Deputy Michael Hartwick with a front loader in a construction zone on I-275 as the deputy was helping to control traffic. Investigators say Vasquez then handed his helmet and vest to another worker and fled on foot.

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According to Gualtieri, local law enforcement has no jurisdiction to enforce immigration.

"I can't put them in jail," he stated. "I can't do anything with them at all. The most I can do is what you can do –pick up the phone and call ICE and say you've got a guy who's here illegally."

Gualtieri says he has received a detainer on Molina-Salles, which means if he is released at some point in time, PCSO would not release him because of it. Then ICE would pick him up.

Molina-Salles is facing charges of leaving the scene of an accident involving death. It's a first-degree felony with a four-year minimum mandatory in state prison.

Gomez-Zelaya, who also lied about his identity, has been charged with accessory after the fact.

On Friday evening, [Governor Ron DeSantis'](#) Office told FOX 13 in an email statement:

"We are currently investigating the matter and looking to determine if illegal

immigrants have utilized fraudulent information to obtain employment with contractors working with the State of Florida. As we collect details and examine potential courses of action, we are reminded once again that illegal immigration is a serious and ongoing problem in the United States that has a multifaceted effect on Florida. If this individual's illegal status played into his decision to try to cover up this incident, it underscores just one of the harms that our state faces because of the federal government's open border policies. The State of Florida is not a sanctuary state and illegal immigrants are not authorized to work here. For reasons such as this, we will continue our lawful efforts to interdict and relocate illegal immigrants."

**Sheriff: Illegal worker hit, killed deputy on construction site**

Sheriff Bob Gualtieri press conference on fatal deputy-involved crash

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FOX 13 reached out to Archer Western for a statement, but have not heard back from the construction company.

The Florida Department of Transportation told FOX 13 in a statement: "(FDOT) offers our heartfelt condolences to Deputy Hartwick's family and the entire law enforcement community. From all accounts, Deputy Hartwick was a model law enforcement officer, and we stand willing and able to assist the Pinellas County Sheriff's Office in any way possible. FDOT and its contractors follow strict hiring procedures. While it appears that these hiring procedures were followed, including a federal E-Verify clearance check, and the individuals in question passed this federal clearance, the Department is initiating an internal review on this project contract. FDOT will also continue to support law enforcement efforts as investigations continue."



"It's just sad," the sheriff stated. "It really is...I look at this like, really, this is two times in 18 months now. We go 109 years without a line of duty death and now you go two in 19 months, but it's the nature of the business...we got the bad guys in custody where they belong and that's out of respect for Mike."

In February 2021, [Pinellas County Deputy Michael Magli was killed by an accused drunk driver](#) who plowed into him while he was trying to stop the suspect. Magli was the first deputy in Pinellas County to be killed in the line of duty.

Deputy Hartwick served as a Pinellas County Sheriff's Office Deputy for 19 years, assigned to the Patrol Operations Bureau. He is survived by his mother and two adult children.

Pinellas County

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# Undocumented Worker on Loader Hits, Kills Fla. Deputy, Sheriff Says



Don McLoud  
Sep 27, 2022





A memorial to Pinellas County Deputy Mark Hartwick who died September 22, 2022, when he was hit by a wheel loader operated by an undocumented worker in a work zone on I-275 in St. Petersburg. Source: Pinellas County Sheriff's Office

The Florida governor's office and department of transportation report they are investigating how an illegal immigrant accused of running into and killing a deputy with a wheel loader in a work zone was hired and allowed to operate the loader.

Juan Ariel Molina-Salles, 32, was charged September 23 with running into and killing Deputy Michael Hartwick who was working traffic control for a work zone on the [Gateway Expressway](#) project in St. Petersburg.

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The 51-year-old Hartwick was a 19-year



veteran of the Pinellas County Sheriff's Office. He was struck by the large loader at about 10:30 p.m. September 22 soon after he had started his shift, according to Pinellas County Sheriff Bob Gualtieri. Hartwick had blocked two southbound lanes of I-275 with his cruiser, and he was facing northbound while standing on the road shoulder.

Molina-Salles was going about 20 mph northbound in the loader and being escorted by another worker in a pickup truck when he hit Hartwick, who died instantly, Gualtieri said during a news conference. Molina-Salles' job was to pick up concrete barriers with the loader, which was equipped with a fork attachment.



Pinellas County Sheriff's Deputy Michael Hartwick

Source: Pinellas County Sheriff's Office

After hitting Hartwick, he then rode farther up to a parking lot about a quarter-mile away where he met with another illegal immigrant worker on the project who helped him hide by stashing his hardhat and vest in some woods, according

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Officers used bloodhounds and found the discarded items and about nine hours later found Molina-Salles hiding in some brush, Gualtieri said. He was charged with felony leaving the scene of an accident involving death. His case was also turned over to U.S. Immigration and Customs Enforcement.

Gualtieri said Molina-Salles, of Honduras and living in Tampa, had entered the country illegally October 25, 2021, at Eagle Pass, Texas. He was caught by U.S. Border Patrol and sent back to Mexico. At some point, he re-entered the U.S. without detection and ended up landing a job on the Gateway project. The contractor on the \$545 million project is a joint venture of Archer Western of Atlanta and The de Moya Group of Miami. Archer Western is a subsidiary of the Walsh Group based in Chicago.

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Gualtieri said Molina-Salles had shown his employer a fake ID from North Carolina and had also provided a false name.

"He has no qualifications to drive a front loader," said Gualtieri. "What he told those people is that back in Honduras, he works some construction, and he knows how to operate this thing. So they said, 'Go ahead.'"

Elieser Aurelio Gomez-Zelaya, 31, also of Honduras, was charged with accessory after the fact. He helped Molina-Salles by hiding the hardhat and vest, according to Gualtieri. He was also hired on the project, is in the country illegally and gave his employers false identity and name, the sheriff said.

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Under Florida law, state agencies and their contractors on public projects are required to conduct a federal E-Verify search to determine potential hires' immigration status. The Florida Department of Transportation, which hired Archer Western-de Moya for the project, said an E-Verify check was conducted, "and the individuals in question passed this Federal clearance."

"FDOT and its contractors follow strict hiring procedures," the agency said in a statement. It adds that "it appears that these hiring procedures were followed." The department says it is initiating an internal review of the matter.

The Florida governor's office said it is also looking into the incident and whether illegal immigrants are using fake documents and information to get hired by contractors.

Archer Western-de Moya joint venture released the following statement:

*Archer Western-de Moya Joint Venture II ("the Joint Venture") is currently performing work as part of the Gateway Expressway project. On Thursday evening, September 22, 2022, a fatal accident occurred on the project site involving a Pinellas County Sheriff's Deputy.*

*Our deepest sympathy is extended to the family, friends, fellow law enforcement officers and co-workers of the deceased. The Joint Venture continues its investigation into the circumstances and details of this tragic incident. The Joint Venture is fully cooperating and assisting with the Pinellas County Sheriff's Office investigation.*

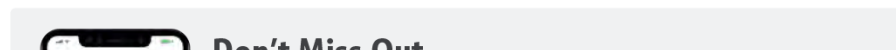
This is the second death on the Gateway Expressway project in a year.

On October 6, 2021, [a 47-year-old worker died after being struck in the chest by a concrete pile that broke free from a crane](#), according to the U.S. Occupational Safety & Health Administration. Archer Western-De Moya JV II was cited for four serious violations for total penalties of \$42,474.

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A funeral for Hartwick, who is survived by two adult sons, is scheduled for October 3.

"Mike Hartwick was a cop out there doing his job," Gualtieri said. "He was a good guy. He dedicated his 19 years of service to protecting the people of Pinellas County."





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## State investigating how two undocumented workers arrested in Pinellas County deputy's death were hired

By Evan Axelbank | Published September 23, 2022 10:38pm EDT | Pinellas County | FOX 13 News |

### Two men arrested in connection to hit-and-run

Evan Axelbank reports

**LARGO, Fla.** - The two men arrested in the death of Pinellas County Deputy Michael Hartwick were undocumented workers, both from Honduras. Pinellas County Sheriff Bob Gualtieri said both of them were working for contractor Archer Western but under false pretenses.

Both the governor's office and the Florida Department of Transportation said they are looking into how Juan Ariel Molina-Salles and Elieser Gomez-Zelaya were hired. Sheriff Gualtieri said there was no excuse for Molina-Salles to be behind the wheel of anything, let alone a front loader.

"Is that really what these contractors are doing? Is that how they're doing business?" asked Sheriff Gualtieri. "And they're just taking all these people who don't have a driver's license."

Archer Western is a massive contracting firm based in Chicago and Atlanta but with offices all over, including Tampa.

The sheriff said Molina-Salles told his bosses a tall tale, starting with a fake ID from North Carolina.

### **RELATED: Man in country illegally arrested after hitting, killing Pinellas County deputy and fleeing scene**

"He has no qualifications to drive a front loader," said Gualtieri. "What he told those people is that back in Honduras, he works some construction, and he knows how to operate this thing. So they said, 'Go ahead.'"

"We are currently investigating the matter and looking to determine if illegal immigrants have utilized fraudulent information to obtain employment with contractors working with the State of Florida," the governor's office said.

A law Gov. DeSantis signed in 2020 requires all public employers and their contractors, to use E-Verify.

The Florida Department of Transportation released a statement Friday saying: "FDOT and its contractors follow strict hiring procedures. While it appears that these hiring procedures were followed, including a federal E-Verify clearance check, and the individuals in question passed this Federal clearance, the department is initiating an internal review on this project contract."

Archer Western did not respond to our attempts to ask about the hiring of the two workers, whether it was done through a subcontractor and how they will respond to the sheriff's assertions about the workers they spoke to who lied about their identities.

"Companies are out there doing it. Why are they doing it?" said Gualtieri. "Of course, that's a rhetorical question, and I'll answer it, because they're doing it, because they're making money off it."



In the E-Verify bill, there are allowances for contracts to be terminated if it is found that a contractor or subcontractor knowingly employed an undocumented worker.

FDOT did not respond to our questions about how often the state does business with Archer Western and how many active contracts it has.

The sheriff said it was not practical to charge everyone who lied to them about their identities because that kind of obstruction is a misdemeanor.

## **Pinellas County      Crime and Public Safety**

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PINELLAS COUNTY

Bill aims to designate part of I-275 to slain Pinellas County deputy

by: [Dylan Abad](#)  
Posted: Jan 17, 2023 / 01:06 PM EST  
Updated: Jan 17, 2023 / 01:50 PM EST

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PINELLAS COUNTY, Fla. (WFLA) — A Florida bill filed on Dec. 19 seeks to dedicate a portion of I-275 in Pinellas County to Deputy Sheriff Michael Hartwick, who died while on duty in September 2022.

The bill, filed under HB 63, would designate a stretch of I-275 in Pinellas County as the Deputy Sheriff Michael Hartwick Memorial Highway.

**Construction worker who killed Pinellas deputy was undocumented, had fake name, sheriff says** ➤

On Tuesday, the bill, sponsored by Rep. Linda Chaney (R-District 61), passed through the House Transportation and Modals Subcommittee.

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If given the ultimate approval, the designation would go into effect beginning July 1, 2023.

Deputy Hartwick, a 51-year-old father, was working a traffic detail in a construction zone when he was struck by a front-end loader with a forklift. Pinellas County Sheriff Bob Gaultieri said the front-end loader, which was used to lift concrete barriers, was traveling about 20 mph when it struck the deputy.

Hartwick died instantly.

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Bill aims to designate portion of I-275 t...

The Pinellas County Sheriff's Office said the forklift operator, later identified as 32-year-old Juan Ariel Molina Salles, was in the country illegally at the time of the incident.

### Pinellas deputy killed in hit-and-run laid to rest >

Deputies said the Salles continued driving about a quarter of a mile before he pulled into a parking area, got out of the vehicle, and ran off on foot. Salles was previously denied entry to the U.S. by Border Patrol at the U.S.-Mexican border and was sent back.

"He came back in through the Texas border, he is here illegally, and he's been here in the Tampa Bay area since March of this year," Gaultieri said at the time of the man's arrest.

Molina-Salles admitted to running away because he was afraid he killed Hartwick. According to Sheriff Gaultieri, Salles did not have a driver's license and should not have been driving or working in the country.

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# Company leading Howard Frankland Bridge project had another fatality in 2021

Archer Western involved in several fatal workplace accidents since 2018

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## ARCHER WESTERN FATALITY

- "Failed to follow safety standards, provide training for workers"
- "Recognize and avoid unsafe working conditions"
- Didn't use proper "hand signals" to communicate with "crane operator"
- Used "damaged wire rope swing"

Pinellas County Sheriff Bob Gualtieri said the man suspected of a hit-and-run crash that killed a Pinellas County deputy Thursday night along I-275 was an undocumented migrant who was captured Friday morning. According to Sheriff Bob Gualtieri, Deputy Michael Hartwick, 51, was working a traffic detail on I-275 to provide safety and security for the ongoing construction along the road when Hartwick was hit and killed by Archer Western employee Juan Ariel Molina-Salles. FULL STORY: <https://wfts.tv/3LFmQcz>



By: Michael Paluska

Posted 5:26 PM, Sep 23, 2022 and last updated 6:05 PM, Sep 23, 2022

**PINELLAS COUNTY, Fla.** — Pinellas County Sheriff Bob Gualtieri said the man suspected of a hit-and-run crash that killed a Pinellas County deputy Thursday night along I-275 was an undocumented migrant who was captured Friday morning.

According to Sheriff Bob Gualtieri, Deputy Michael Hartwick, 51, was working a traffic detail on I-275 to provide safety and security for the ongoing

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The company was cited for serious safety violations in 2021 after an employee was crushed to death by falling concrete. The death happened during the Pinellas Gateway Expressway project on October 6, 2021.

According to the [Occupational Safety and Health Administration](#), a 47-year-old carpenter was working near a crane when a "twenty-eight-foot section of concrete fell onto and pinned the employee against the wall of the trench box. The employee was killed by chest injuries sustained."

The investigation concluded that Archer Western, "violated safety standards by allowing workers to remain in a crane load's danger zone."

The report stated that the victim was working with five other employees inside a trench box cutting concrete piles used to build footers for elevated lanes of the

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Director Danelle Jindra in Tampa, Florida. "Workers deserve to start each workday without worrying whether they will return home unharmed. Employers have an obligation to follow safety standards to protect their workers from all known hazards."

ABC Action News reporter Michael Paluska called and e-mailed Archer Western for comment Friday, but never heard back. At their office in Tampa, an employee said someone from Human Resources would come out and talk to us but never showed. They closed the blinds while we waited outside patiently for a comment.

In 2018, according to the Miami ABC affiliate, WPLG, Archer Western was cited after two workers died after a concrete barrier collapsed.

According to [WPLG](#), federal officials said a construction company did not do enough to protect its workers before a concrete barrier collapsed and killed two men along Interstate 95. The Florida Highway Patrol said Abel Orlando Zuniga-Fajardo, 37, and Osman Aldubin Montalvan-Ardon, 33, were in a trench repairing drainage pipes around 3 a.m. on February 4 when one of the cement retaining walls fell on top of them.

The Florida Department of Transportation has not responded to requests for comment on Friday's death or about Archer Western.

According to Gualtieri, the driver of the front loader, Molina-Salles, 32, of Honduras. Molina-Salles is an undocumented immigrant and faces a charge of leaving the scene of an accident with a death. It's punishable by up to 30 years

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Gualtieri said the Archer Western workers at the construction site [lied to law enforcement and gave fake names](#).

"There were a lot of people out there; the majority of them were lying to us. They were giving us false names and hindering the investigation," Gualtieri said. "You got a bunch of illegals working for this state contractor out there who shouldn't be here and shouldn't be working and shouldn't be out there doing this."

Archer Western has not responded to multiple requests for comment. When we went to their office in Tampa they closed the blinds and turned off the lights.

According to OSHA:

*Archer Western – De Moya JV II is a joint venture between Chicago's The Walsh Group, it's subsidiary Archer Western of Atlanta and The De Moya Group Inc. of Miami. The Florida Department of Transportation Pinellas Gateway Expressway is one of the largest Tampa Bay area construction projects to date. The two-part project consists of constructing two new two-lane elevated tolled roadways that will provide direct connections between U.S. 19 and I-275 and between the Bayside Bridge north of 49th Street North and I-275 in Pinellas County.*

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# Undocumented worker charged with hitting, killing Pinellas deputy scheduled to be arraigned

Co-defendant also scheduled for arraignment

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Photo by: WFTS



By: Rebekah Nelson

*Posted 5:28 AM, Nov 14, 2022 and last updated 5:49 AM, Nov 14, 2022*

**PINELLAS COUNTY, Fla.** — The man charged with a hit-and-run crash that killed a Pinellas County deputy in September has been scheduled to be arraigned on Monday, followed by a second suspect.

According to Sheriff Gualtieri, on September 23, Deputy Michael Hartwick, 51, was working a traffic detail on I-275 to provide safety and security for the ongoing construction along the road. Gualtieri said Deputy Hartwick arrived at the location around 10:40 p.m.

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The PCSO said Hartwick got out of his cruiser and walked around the front of his car onto the shoulder of the road. Gualtieri said a few minutes later, a frontloader with forklift-type arms passed by the area traveling approximately 20 miles per hour and escorted by a white pickup truck.

PCSO said the front loader hit and killed Deputy Hartwick instantly. The truck stopped, but Gualtieri said the front loader continued down the road before eventually pulling off to the side of the road.

According to Gualtieri, the driver of the front loader is Juan Ariel Molina-Salles, 32, of Honduras. After stopping, Molina-Salles allegedly took off his construction vest and hat and gave them to another worker, and asked him to get rid of both. Deputies said Molina-Salles then left the area, heading north.

The Pinellas County Sheriff's Office said that started a nine-hour manhunt with three helicopters, hundreds of law enforcement officers, and all the police K-9 units.

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## Transportation.

“They shouldn’t be out there, and they shouldn’t be doing this,” Gualtieri said.

As the manhunt continued, Gualtieri said they requested the aid of Pasco County bloodhound units to find the suspect. Gualtieri said Molina-Salles, at one point, tried to get his roommate in Tampa to pick him up after the deadly crash. However, the roommate, also an undocumented worker, turned around and refused to come get him when that person saw the law enforcement presence.

According to the sheriff, the move to bring in the bloodhounds paid off, and Molina-Salles was arrested.

Gualtieri said sheriff’s deputies couldn’t do much with the company employing the undocumented workers or with the workers themselves due to immigration law. The sheriff said Molina-Salles had entered the country once illegally and was deported back to Mexico but later returned through Eagle Pass, Texas, and had been in Tampa since March.

Sheriff Gualtieri said Molina-Salles faces a charge of leaving the scene of an accident with a death, and it’s punishable by up to 30 years in prison, with a minimum mandatory sentence of four years in prison if convicted. There’s also an immigration hold on Molina-Salles if he is given bond on the local charge.

The construction worker who allegedly took Molina-Salles’ gear is Elieser Aurelio Gomez-Zalaya, 31, who was also an undocumented immigrant from

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## PINELLAS COUNTY

## Gateway Expressway Project halted, governor's office investigating after Pinellas deputy's death

by: [Nathaniel Rodriguez](#)

Posted: Sep 23, 2022 / 04:07 PM EDT

Updated: Sep 23, 2022 / 05:43 PM EDT

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TAMPA, Fla. (WFLA) — Work on the Gateway Expressway Project has been halted after [a construction worker killed a Pinellas County deputy while driving a front end loader](#), according to a release.

The Pinellas County Sheriff's Office said Thursday night, Deputy Michael Hartwick was struck with a front end loader carrying a forklift operated by Juan Ariel Molina-Salles, 32, of Tampa, killing him instantly.



FDOT documents said the \$595 million project began on Aug. 21, 2017, [The project was meant to build](#) two new elevated four-lane rolled roadways, SR-686A and SR-690, and two new toll lanes of I-275 south of the Howard Frankland Bridge.

SR-686A was to extend between Bayside Bridge and just west of I-275, with construction focused in the median of Roosevelt Boulevard. SR-690 was supposed to be constructed from US-19 to west of I-275.

Work on the project has been halted as a result of Hartwick's death, according to a statement by the Joint Venture.



Juan Ariel Molina-Salles, left, and Elieser Aurelio Gomez-Zelaya, right (Credit: Pinellas County Sheriff's Office)

"Our deepest sympathy is extended to the family, friends, fellow law enforcement officers and co-workers of the deceased," the statement reads. "Work has been halted on the project site while the Joint Venture continues its investigation into the circumstances and details of this tragic incident. The Joint Venture is fully cooperating and assisting with the Pinellas County Sheriff's Office investigation."

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## BREAKING NEWS

## Construction worker who killed Pinellas deputy was undocumented, had fake name, sheriff says

by: [Athina Morris](#), [Nathaniel Rodriguez](#)

Posted: Sep 23, 2022 / 04:38 AM EDT

Updated: Sep 23, 2022 / 06:28 PM EDT

SHARE



TAMPA, Fla. (WFLA) — Two road construction workers are facing charges after one allegedly ran into a Pinellas County deputy with a forklift, killing him, and fled the scene.

The collision occurred just after 11 p.m. Thursday in the area of Interstate 275 and Roosevelt Boulevard.

×





Deputy Michael Hartwick. Source: Pinellas County Sheriff's Office

Pinellas Sheriff Bob Gualtieri said Deputy Michael Hartwick, a 51-year-old father, was in a construction zone, working a traffic detail when he was struck by a front end loader with a forklift.

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Hartwick had parked his cruiser to block two inside southbound lanes and was standing on the shoulder of the road, facing north when he was hit.

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The forklift operator allegedly continued driving for about a quarter of a mile before he pulled into a parking area, got out of the vehicle and told another construction worker about what happened. He gave the worker his helmet and vest and ran off on foot, Gualtieri said.

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The sheriff said they initially believed the forklift operator was named Victor Vazquez of Puerto Rico, but it turned out “Victor” was a 32-year-old undocumented immigrant named Juan Ariel Molina Salles, who was previously denied entry to the U.S. by Border Patrol at the U.S.-Mexican border and sent back.

“He came back in through the Texas border, he is here illegally, and he’s been here in the Tampa Bay area since March of this year,” the sheriff said.

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Gualtieri said about 100 officers and K9 teams spent hours searching the area for Molina-Salles.

"After a nine hour manhunt conducted by local law enforcement agencies, PCSO K9 and our flight unit, Molina was located by the Pasco County Sheriff's Office bloodhound hiding in a brush area," the sheriff's office said in a release. "He was taken into custody and charged with one count leaving the scene of a crash involving death."

However, the investigation was hurt by workers who were lying to authorities or not answering their questions.

"All of these people are working for Archer Western, which is a contractor apparently doing work for the Florida Department of Transportation out of Tampa," the sheriff said. "This company's employing all these illegals, and they're all out there lying, giving us fake names, fake IDs, a lot of fake IDs out of North Carolina."

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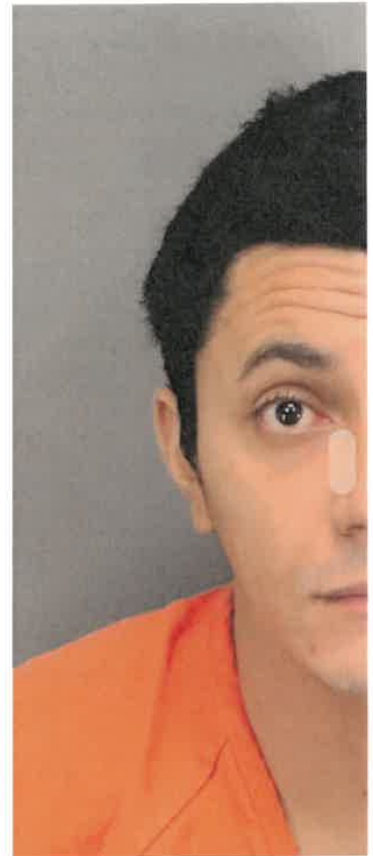
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According to Gualtieri, Molina Salles fled because he was afraid after he killed Hartwick. The sheriff said the suspect also didn't have a driver's license and should not have been driving, much less working.

"He has no qualifications to drive a front loader, and he said what he told these people is that back in Honduras, he worked some construction, and he knows how to operate this thing so they said go ahead," he said. "Is that really what these contractors are doing? Is that how they're doing business?"

Gualtieri said the migrant didn't even give the employer a driver's license, just a fake North Carolina ID card.



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### Gateway Expressway Project halted after Pinellas deputy killed by construction worker: release >

Gualtieri said Hartwick had worked for the sheriff's office for 19 years. He was assigned to the patrol division, and worked the night shift for the North District Station.

He is survived by his mother and adult children, according to the sheriff.

"All I can say is here we go again. This is 18 months after [Deputy Magli](#) was killed," Gualtieri said. "We go 110 years in the Pinellas County Sheriff's Office with no line-of-duty deaths, now we have two in 18 months."

### Masonic fraternity brothers pay respects to slain Pinellas County deputy >

St. Petersburg Ken Welch said he was saddened by Hartwick's death and expressed his condolences to the deputy's family.

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"These men and women put their lives on the line day in and day out and it's imperative to us avoid avoidable accidents that caused this tragedy," Welch said. "Our entire St. Pete family sends our love and prayers to Deputy Hardwick's friends and family may your PCSO family remain strong and protected."

Archer Western – de Moya Joint Venture II, the company handling the Gateway Expressway Project, said it is cooperating with the investigations. Gualtieri said ICE would be notified of the situation as well since the sheriff's office has no jurisdiction on undocumented immigrants and homeland security matters.

The Florida Department of Transportation issued the following statement in response to the Deputy's death.

*The Florida Department of Transportation (FDOT) offers our heartfelt condolences to Deputy Hartwick's family and the entire law enforcement community. From all accounts, Deputy Hartwick was a model law enforcement officer, and we stand willing and able to assist the Pinellas County Sheriff's Office in any way possible. FDOT and its contractors follow strict hiring procedures. While it appears that these hiring procedures were followed, including a federal E-Verify clearance check, and the individuals in question passed this federal clearance, the Department is initiating an internal review on this project contract. FDOT will also continue to support law enforcement efforts as investigations continue.*

- FLORIDA DEPARTMENT OF TRANSPORTATION

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# EXHIBIT B



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

AFFIDAVIT OF JOHN STEWART

COMES NOW the affiant, John Stewart, who, under the penalty of perjury, hereby swears and affirms as follows:

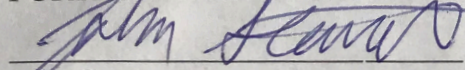
1. My name is John Stewart, and I reside at 2130 Burlington Ave North, St. Petersburg, FL 33713.
2. I have lived in Pinellas County for 62 years.
3. I am aware of the case of the *State of Florida v. Juan Ariel Molina-Salles*, as I have seen and heard news coverage beginning from his arrest in September of 2022 and continuing to the present day, seeing coverage as recently as last week.
4. I remember the news coverage at the time was heavily focused on the fact that Mr. Molina-Salles was alleged to have been in the country illegally when the deputy was killed in the construction accident.
5. News articles and tv and internet coverage was heavy and constant, especially in the first few weeks and months after the accident. The headlines read things like "A migrant killed a deputy" and "worker[], who was in the U.S. illegally, killed a Pinellas deputy."
6. There was at least one press conference where the Pinellas Sheriff's Office noted that the construction company had hired "a bunch" of migrants.
7. I have learned that Governor DeSantis brought up the case specifically in the gubernatorial debate against Charlie Christ in October of 2022.
8. Through the ongoing news coverage, I learned that this was not the first time the construction company was alleged to have been hiring undocumented workers. I learned that in 2021 the company had an undocumented worker who was killed in a construction



accident and that as a result of that the Pinellas Park Police Department reported Archer Western to Immigration and Customs Enforcement.

9. At the end of 2024, this case was listed as one of the top 5 cases in Tampa Bay to watch for 2025.
10. In light of the recent local and national news regarding illegal immigration, Mr. Molina-Salles' case has garnered renewed press attention and coverage. I have recently learned that this case was mentioned just last week at Governor DeSantis' press conference as he signed the immigration bill produced out of the February 2025 special session.
11. As a longtime resident of Pinellas County, the current media coverage is showing bias against immigrants in general, especially those accused of committing crimes.
12. In addition to the general anti-immigrant bias in the community, the current and past media coverage has been specifically directed at Mr. Molina-Salles.
13. It is my understanding that he is charged with Leaving the Scene of an Accident with Death. He is not charged with any kind of traffic homicide.
14. Yet nearly all the news coverage - on tv, the internet, and in the newspaper - refers to him has "killing" a deputy. And every article mentions his alleged illegal status, and the tone and tenor of the coverage is that he is already guilty because he was here illegally.
15. In light of all of the foregoing, it does not seem possible that Mr. Molina-Salles could select and receive a fair and impartial jury in Pinellas County.
16. I am available to testify to the contents of this affidavit if necessary.

FURTHER AFFIANT SAYETH NAUGHT.

  
John Stewart

SWORN and SUBSCRIBED to on 2-17, 2025, under penalty of perjury.

# EXHIBIT C

**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**

**AFFIDAVIT OF CRYSTAL ALCALDE**

COMES NOW the affiant, Crystal Alcalde, who, under the penalty of perjury, hereby swears and affirms as follows:

1. My name is Crystal Alcalde, and I am employed as an investigator with the Office of the Public Defender. I have been so employed since August of 2023.
2. I also live in Pinellas County and have lived here since August of 2023.
3. I was assigned to work as an assistant investigator in the above captioned case a few days after I started, in August of 2023.
4. Since that time, I have reviewed and heard news coverage about Mr. Molina-Salles, starting with his arrest in September of 2022, and continuing to the present day. I have seen coverage as recently as this morning, February 18, 2025.
5. The news coverage that I have seen and reviewed has been heavily focused on the fact that Mr. Molina-Salles was alleged to have been in the country illegally when the deputy was killed in the construction accident.
6. News articles and tv and internet coverage has been sustained and pervasive. The headlines that I collected included, among others: "A migrant killed a deputy" and "worker[], who was in the U.S. illegally, killed a Pinellas deputy" and "migrant killed Pinellas deputy."
7. There was at least one press conference where the Pinellas Sheriff's Office noted that the construction company had hired "a bunch" of migrants.
8. At the end of 2024, this case was listed in the Tampa Bay Times as one of the top 5 cases in Tampa Bay to watch for 2025.

9. Further, in light of the recent local and national news regarding illegal immigration, Mr. Molina-Salles' case has garnered renewed press attention and coverage in the last months and weeks. Indeed, this case was mentioned just last week at a press conference on the immigration bill that was produced out of the February 2025 special session.
10. The media coverage I have reviewed, especially in recent weeks, demonstrates heightened immigration tension that is specifically directed at Mr. Molina-Salles and the facts of his case.
11. For example, though Mr. Molina-Salles is not charged with any degree of homicide, nearly all the news coverage - on tv, on the internet, and in the newspaper - refers to him has "killing" a deputy. Every article mentions his alleged illegal status, and the tone and tenor of the coverage is that he is already guilty because he was here illegally.
12. As part of my role as an investigator, I have helped with jury selection on two first degree murder cases, one of which resolved on the morning of trial. The other was a three-week long insanity trial where I watched and assisted with jury selection, helped to assess pre-trial publicity, and reviewed juror profiles for possible impartiality.
13. In light of all the foregoing, it does not seem possible that Mr. Molina-Salles could select and receive a fair and impartial jury in Pinellas County.
14. I am available to testify to the contents of this affidavit if necessary.

FURTHER AFFIANT SAYETH NAUGHT.

  
Crystal Alcalde

SWORN and SUBSCRIBED to on 2/18, 2025, under penalty of perjury.



EN EL TRIBUNAL DE CIRCUITO DEL SEXTO CIRCUITO JUDICIAL  
EN FUNCIÓN Y SERVICIO DEL CONDADO DE PINELLAS, FLORIDA  
DIVISIÓN PENAL

ESTADO DE LA FLORIDA

Nº de caso(s)

9122 22-09348

vs.

Juan Molina-Salles

Nº de identificación personal/SPN:

Alias

Acusado(a)

**FORMULARIO DECLARATORIO**

1. Yo, Juan Molina Salles, el (la) Acusado(a) aquí nombrado(a), por la presente retiro mi declaración de No Culpable y presento una declaración de Culpable ☒ No Me Opongo ☐ una Admisión ☐ a la(s) acusación(es) de \_\_\_\_\_ en el (los) caso(s) antedicho(s). La declaración es para una(s) acusación(es) disminuida(s) \_\_\_\_\_.
2. Entiendo que una declaración de No Culpable niega mi culpabilidad, una declaración de No Me Opongo significa que no impugno las pruebas en mi contra y una declaración de Culpable o una Admisión de haber quebrantado la libertad a prueba/detención domiciliaria admite mi culpabilidad. Entiendo que si el Tribunal acepta mi declaración, no se celebrará ni juicio ni una vista probatoria y se me dictará la sentencia a base de mi declaración.
3. Entiendo que es posible que el Juez me interrogue acerca del (los) delito(s) y la presentación de la declaración y que es posible que cualquier respuesta falsa se utilice en mi contra por medio de un procesamiento por perjurio.
4. Entiendo que si el Juez acepta mi declaración, renuncio los siguientes derechos:
- El derecho a un juicio ante un jurado o, por el quebrantamiento de la libertad a prueba/detención domiciliaria, el derecho a una vista ante un juez.
  - El derecho a que me represente un abogado en todas las etapas del proceso y el derecho a que se me nombre un abogado si no dispongo de los medios para contratarlo.
  - El derecho a carear y contrainterrogar a los testigos en el juicio o la vista por quebrantamiento de la libertad a prueba/detención domiciliaria.
  - El derecho a obligar la comparecencia de testigos en el juicio o en la vista por quebrantamiento de la libertad a prueba/detención domiciliaria.
  - El derecho a no atestiguar o no ser obligado a autoincriminarme.
  - El derecho a exigir que la Fiscalía compruebe mi culpabilidad más allá de duda razonable o, si me acusan de quebrantar la libertad a prueba/detención domiciliaria, el derecho a obligar que la Fiscalía compruebe que la quebranté intencionalmente por el peso mayor de las pruebas.
  - El derecho a apelar cualquier asunto relacionado al fallo dentro de 30 días, incluyendo la cuestión de culpabilidad o inocencia, a menos que se haya reservado expresamente. Me reservo el derecho a una revisión por medio del reclamo secundario pertinente.
5. Entiendo la(s) acusación(es) que se ha(n) levantado en mi contra y a la(s) cual(es) me estoy declarando. Si es pertinente a mi caso, mi abogado ha repasado conmigo la hoja de puntuación de pautas de sentencia. Mi abogado también me ha explicado lo siguiente:
- Los elementos esenciales de la(s) acusación(es) a la(s) cual(es) me declaro.
  - Cualquier defensa posible que tenga en cuanto a la(s) acusación(es) a la(s) que me declaro.
  - La pena mínima permitida por las pautas para la sentencia y la pena máxima establecida por ley por la(s) acusación(es) a la(s) que me declaro que son: 30 years to 30 years
  - Cualquier penalidad mínima obligatoria establecida por ley por la(s) acusación(es) a la(s) que me declaro que son: OK 10.373 years to 30 years

JM  
Iniciales del  
acusado(a)

Juan Molina Salles

22-09348

6. Entiendo que si se me dicta la sentencia como un ( ) **Delincuente habitual de delitos graves**, ( ) **Delincuente habitual de delitos graves y violentos**, ( ) **Tres veces delincuente de delitos graves y violentos**, ( ) **Delincuente violento profesional**, o ( ) **Reincidente liberado de prisión**, **NO** aplicará a mi sentencia la recomendación estatutaria de la hoja de puntuación. Si tengo el derecho a una notificación, la Fiscalía me ha entregado la notificación con la intención de aumentar la sentencia, o por la presente, renuncio el derecho de recibir dicha notificación. Reconozco que mis condenas previas por delitos graves reúnen los requisitos para la clasificación indicada, que no he sido indultado de los delitos relacionados a dichas condenas y que no se ha descartado ninguna condena en un proceso de pos condena.

7. Entiendo que el Departamento Correccional es el único encargado de conceder el tiempo sobre acreditado o cualquier tipo de liberación anticipada. También entiendo que según la índole del delito al que me declaro, puede que **NO** tenga derecho al tiempo sobre acreditado o a los programas de liberación que reducen el plazo de la pena dictada. Entiendo que cualquier información que he recibido en cuanto al tiempo sobre acreditado o la liberación anticipada no forma parte en absoluto de cualquier diálogo o convenio declaratorio.

8. Asiento esta declaración porque reconozco mi culpabilidad o reconozco que esta declaración es lo que más me conviene. Nadie me ha presionado ni obligado a que asiente esta declaración en contra de mi voluntad y nadie me ha prometido nada para inducirme a asentarla; sin embargo, hay un acuerdo que la sentencia que se me dictará consta de:

cap of 20 years in the department of corrections

que ( ) incluye un plazo mínimo obligatorio de \_\_\_\_\_.

9. No estoy consciente de ninguna prueba real divulgada por la Fiscalía cuyo análisis de ADN pudiera exonerarme. No estoy consciente de la existencia conocida de alguna prueba real que contenga ADN que pudiera exonerarme.

10. No exijo que la Fiscalía le informe al Juez los hechos en que se basa la acusación antes de que éste acepte mi acuerdo declaratorio, y estoy de acuerdo con que el Juez se base en cualquier declaración o affidavit de motivo fundado en el expediente judicial como el fundamento fáctico para justificar la aceptación de mi acuerdo declaratorio.

11. No padezco actualmente de ningún trastorno mental, emocional o físico que perjudique mi comprensión de este acuerdo declaratorio y no estoy bajo los efectos de alcohol, drogas o medicamento en este momento salvo \_\_\_\_\_

12. Mi preparación académica consiste en 6<sup>m</sup> años escolares.

13. Entiendo que si no soy ciudadano(a) de los Estados Unidos, puede que esta declaración ocasione la consecuencia adicional de cambiarme el estado inmigratorio, incluso la deportación y la expulsión de los Estados Unidos. Entiendo que si necesito tiempo adicional para hablar de este asunto con un abogado, debo pedirlo en este momento, y el tribunal debe concederme un plazo razonable para consultar con un abogado antes de aceptar mi declaración.

14. Entiendo que si alguna vez he sido condenado(a) o me he declarado Culpable o No Me Opongo de un delito de violencia sexual o motivación sexual, o si se me exige inscribirme como un agresor(a) sexual, o si alguna vez me han puesto bajo la custodia del Departamento de Niños y Familias para una evaluación de depredador de violencia sexual, me podrían sujetar a un procedimiento de reclusión civil para los depredadores de violencia sexual como resultado de esta declaración.

15. Si asiento la declaración a un delito que requiere la suspensión o la revocación automática y obligatoria de la licencia de conducir, sin importar si la revocación la efectúa el tribunal o una agencia ajena, entiendo que es posible que esta declaración resulte en la suspensión o la revocación automática y obligatoria de mi licencia de conducir.

16. Entiendo que si estoy bajo libertad vigilada (parole)/libertad condicional, es posible que esta declaración me cause la revocación de dicha libertad y que me devuelvan a la prisión para completar la sentencia de la cual fui excarcelado. Además entiendo que si estoy bajo libertad a prueba/detención domiciliaria, puede que la presente declaración resulte en la revocación de dicha libertad y que se me imponga una sentencia separada hasta la pena máxima por el delito relacionado a dicha libertad.

JM  
Iniciales del  
acusado(a)

Juan Molina Salles

Nº de Caso:

22 09348

17. Entiendo que si el Juez me permite permanecer en libertad en espera de la sentencia, debo comunicar cualquier cambio de dirección a mi abogado, mi fiador o mi agente de libertad bajo palabra de honor y al Tribunal.

18. Entiendo que se dictará la sentencia el March 4, 2025 a las 830 AM/PM.

**Investigación previa a la sentencia:**

19. Entiendo que si me dictan sentencia por el primer delito mayor o como Delincuente habitual de delitos graves, Delincuente habitual de delitos graves y violentos, Tres veces delincuente de delitos graves y violentos, tengo el derecho a una Investigación previa a la sentencia. Además entiendo que si soy menor de edad y me procesan como adulto, tengo el derecho a que el Juez considere un Informe pre condenatorio preparado por las autoridades de menores de edad, el cual asistirá al Juez al decidir si se me debe imponer sanciones de adultos o juveniles. Por la presente renuncio mi derecho a una Investigación previa a la sentencia o un Informe pre condenatorio para así proceder directamente a dictar sentencia.

**Crédito por el plazo cumplido en la cárcel del condado**

20. Entiendo que conforme al presente convenio declaratorio acordado, recibiré crédito por el plazo de encarcelamiento en una instalación del condado antes de la imposición de la sentencia según lo estipulado en esta sección. También entiendo que renuncio cualquier derecho a crédito por encarcelamiento por el (los) caso(s) arriba nombrado(s), aparte de lo que se acuerda explícitamente abajo como parte del convenio declaratorio acordado.

Número(s) de caso(s)*	Crédito por encarcelamiento
22-09348	881

\*Apunte todos los números de casos a los cuales aplica este convenio.

**Restitución:**

21. Acuerdo restituir el monto indicado en el Apéndice de Restitución anexo como la página 4 de 4. Si no se ha determinado el monto de la restitución en este momento, entiendo que dispongo de 30 días a partir de la fecha que se me envíe por correo o que se me entregue la notificación escrita con el monto preliminar de restitución, para proporcionarle al Tribunal una petición escrita para una audiencia de refutación de la cantidad preliminar de restitución. **No proporcionar la petición escrita para una audiencia de restitución dentro del plazo de 30 días que se especifica aquí, resultará en que quede fijada la cantidad preliminar de restitución como la cantidad final.**

( ) Se ha programado la audiencia de restitución para el \_\_\_\_\_, 20\_\_\_\_ a las \_\_\_\_\_ AM/PM.

( ) Por la presente renuncio el derecho a comparecer en la audiencia de restitución.

**Costos y multas:**

22. Si recibo la libertad a prueba o la detención domiciliaria, pagaré los costos de supervisión ordenados por este Tribunal a partir del primer día de dicha libertad.

23. Mi abogado ha repasado conmigo todos los costos legales aplicadas por el Tribunal. Mi abogado también me ha informado que tengo el derecho al anuncio individual en plena corte del monto de cada costo discrecional. Por la presente renuncio mi derecho a tal anuncio individual y me comprometo a pagar todas las multas y los costos indicados en las hojas adjuntas. El total de las multas y los costos es \_\_\_\_\_.

JM  
Iniciales del  
acusado(a)

Juan Molina Salles 22-09348  
Nº de Caso:**Honorarios y costos de abogado:**

24. Si se me nombró un abogado para que me representara, entiendo que el Tribunal aplicará una tarifa de solicitud como parte de mi sentencia o como requisito de la libertad a prueba, si no se pagó la tarifa de solicitud al momento de radicar el affidavit de indigencia en la Secretaría del Tribunal del Circuito. Entiendo que me aplicarán los costos y los honorarios de abogado conforme a la Sección 938.29, Leyes de la Florida. Entiendo que tengo el derecho a una audiencia ante el Tribunal para determinar la cantidad de honorarios y/o costos de abogado que excedan los honorarios y los costos mínimos establecidos en la Sección 938.29, Leyes de la Florida, y que renunciaré tal derecho si no entrego mi petición escrita al Tribunal para una audiencia de refutación dentro del plazo de 30 días a partir de la fecha que me envíen por correo o me entreguen el monto preliminar.
25. Entiendo además que se me aplicarán gravámenes en mi contra o mis bienes inmuebles por las multas, los honorarios de abogado o las costas procesales y judiciales que no se hayan pagado.

He leído o el intérprete suscrito me ha leído el presente formulario declaratorio, he entendido cada palabra y he discutido esto con mi abogado. Estoy completamente satisfecho con los servicios de mi abogado y pienso que he tenido suficiente tiempo para hablar de mi(s) caso(s) y la presente declaración con mi abogado.

JURAMENTADO, SUSCRITO Y REGISTRADO EN SESIÓN PÚBLICA en la presencia de mi abogado y el Juez este día \_\_\_\_\_ de \_\_\_\_\_, 20\_\_\_\_.

**X JUAN ARIEL MOLINA**  
Acusado(a)

Le he leído este formulario al (la) acusado(a) en \_\_\_\_\_  
(idioma)

Intérprete

**CERTIFICADO DEL ABOGADO**

Por la presente certifico que soy el abogado del (la) acusado(a) arriba nombrado(a) y que he discutido este caso con mi cliente y le he explicado los derechos, las defensas, los elementos y las pruebas relacionados a este caso. También he repasado con mi cliente todas las multas y las costas estatutarias obligatorias y discrecionales que se le imponen. He repasado las pruebas divulgadas por la Fiscalía, incluyendo un listado o una descripción de las pruebas reales. Repasé con mi cliente la índole de la evidencia divulgada en el intercambio de pruebas. No estoy consciente de la existencia de ninguna evidencia real cuyo análisis de ADN pudiera exonerar a mi cliente. Le he informado al (la) Acusado(a) de las consecuencias de deportación de esta declaración incluyendo si le obliga presuntamente al proceso de deportación bajo la Ley de Inmigración y Nacionalización. Me consta que el (la) acusado(a) comprende el presente formulario declaratorio, sus derechos y las consecuencias de su declararse y que asienta libre, voluntaria e inteligentemente esta declaración. Me consta que el (la) acusado(a) no está bajo los efectos de ninguna sustancia o que no padece de ninguna enfermedad mental o emocional que le impida entender el presente proceso.

Abogado del (la) acusado(a)

Por la presente certifico que no tengo conocimiento de ninguna prueba real cuyo análisis de ADN pudiera exonerar al (la) acusado(a) antes mencionado(a).

Fiscal Auxiliar

Por la presente concluyo que el (la) Acusado(a) antes mencionado(a), el día de hoy, cambió libre, voluntaria e inteligentemente su declaración judicial al (los) caso(s) arriba citado(s).

Juez del Circuito



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

**CASE NO.: 22-09348-CF  
SECTION: T  
JUDGE: Siracusa**

**STATE OF FLORIDA,**

**Vs.**

**JUAN ARIEL MOLINA-SALLES**

**REQUEST FOR JUDICIAL NOTICE**

Juan Ariel Molina Salles, by and through the undersigned counsel and pursuant to sections 90.202 and 90.203, Florida Statutes, respectfully requests that this Court take Judicial Notice of the following:

1. *State of Florida v. Jeremiah Aldred*, 21-00506-CF, 27.75 months DOC
  - a. Scoresheet
  - b. Arrest Warrant
  - c. Judgment and Sentence
2. *State of Florida v. David Bell*, 21-07358-CF – 8 years DOC with 4 year minimum mandatory
  - a. Scoresheet
  - b. Judgment and Sentence
  - c. Complaint/Arrest Affidavit/Citation for 21-07358 and AEUQFJE
3. *State of Florida v. Michael Broughton*, 21-07761-CF – 4 years DOC minimum mandatory
  - a. Scoresheet
  - b. Judgment and Sentence
  - c. Complaint/Arrest Affidavit
4. *State of Florida v. Zachary Caride*, 20-11768-CF – 7 years DOC with 4 year minimum mandatory
  - a. Scoresheet
  - b. Arrest Warrant
  - c. Judgment and Sentence
5. *State of Florida v. Nicole Carlson*, 24-3442-CF – 8 years DOC followed by 7 years probation
  - a. Scoresheet

- b. Judgment and Sentence
  - c. Complaint/Arrest Affidavit/Citation for 24-3442-CF; AJ91HXE; AJ91HWE
- 6. *State of Florida v. John Dennelly*, 22-11937-CF, 6 years DOC with four year minimum mandatory followed by 4 years probation
  - a. Scoresheet
  - b. Complaint/Arrest Affidavit
  - c. Judgment and Sentence
- 7. *State of Florida v. Derek Dious*, 21-09904-CF, 2 years DOC followed by 10 years probation with early termination after 5
  - a. Scoresheet
  - b. Arrest Warrant
  - c. Judgement and Sentence
- 8. *State of Florida v. William Gallahue, Jr.*, 20-11709-CF – 12 years DOC with 4 year minimum mandatory
  - a. Scoresheet
  - b. Complaint/Arrest Affidavit
  - c. Judgment and Sentence
- 9. *State of Florida v. Scott Herndon*, 22-11389-CF, 1 year community control followed by 3 years drug offender probation
  - a. Scoresheet
  - b. Judgment and Sentence
  - c. Complaint/Arrest Affidavit
- 10. *State of Florida v. Jerrod Holle*, 21-01504-CF – 2 years community control followed by 2 years of probation
  - a. Plea form
  - b. Judgment/Order of Probation
  - c. Complaint/Arrest Affidavit
- 11. *State of Florida v. Christian Hooks*, 23-06855-CF – 5 years DOC followed by 5 years probation
  - a. Scoresheet
  - b. Judgement and Sentence
  - c. Complaint/Arrest Affidavit/Citation for 23-06855 and AHC405E
- 12. *State of Florida v. Cheddy Lewis*, 21-112147-CF, 1 year community control, followed by 3 years probation
  - a. Scoresheet
  - b. Complaint/Arrest Affidavit
  - c. Judgement and Sentence
- 13. *State of Florida v. Mark McKeown*, 23-109654-CF, 10 years probation

- a. Scoresheet
  - b. Complaint/Arrest Affidavit
  - c. Judgment and Sentence
14. *State of Florida v. Jakil Powell*, 23-04743-CF – 30 months DOC
- a. Scoresheet
  - b. Judgment and Sentence
  - c. Complaint/Arrest Affidavit
15. *State of Florida v. Timothy Rush*, 23-02449-CF, 4 years probation
- a. Scoresheet
  - b. Complaint/Arrest Affidavit
  - c. Judgment and Sentence
16. *State of Florida v. Twanda Shaw*, 23-05782-CF – 7 years DOC with 4 year minimum mandatory
- a. Scoresheet
  - b. Judgment and Sentence
  - c. Complaint/Arrest Affidavit
17. *State of Florida v. Keith White*, 20-1706-CF, 10 years DOC, reversed by 2<sup>nd</sup> DCA for departure error, resentenced to 5 years DOC with four year minimum mandatory
- a. Scoresheet
  - b. Complaint/Arrest Affidavit
  - c. Judgment and Sentence

Respectfully submitted,

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

**s/Nichole Blaquiere**  
NICHOLE BLACQUIERE  
Fla. Bar Number: 88262

**s/Jonathan Duncan**  
JONATHAN DUNCAN  
Fla. Bar Number: #58532

ASSISTANT PUBLIC  
DEFENDERS  
SIXTH JUDICIAL CIRCUIT  
County Justice Center  
14250 49th Street North  
Clearwater, FL 33762

Pubdef-efiling@co.pinellas.fl.us  
(727)464-6516

**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 March 3, 2025.

**s/Maria DeLiberato**  
MARIA DELIBERATO  
Fla. Bar Number: 664251  
PUBLIC DEFENDER  
SIXTH JUDICIAL CIRCUIT

County Justice Center  
14250 49th Street North  
Clearwater, FL 33762  
Pubdef-  
efiling@co.pinellas.fl.us  
(727)464-6516

B

IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT  
OF FLORIDA IN AND FOR PINELLAS COUNTY

STATE OF FLORIDA

VS.

21-00506-CF  
FELONY INFORMATION

ISSUE  
CAPIAS

**JEREMIAH ALDRED**  
PID 3187709  
W/M; DOB: 04/12/84

LEAVING THE SCENE OF A  
CRASH INVOLVING DEATH, 1°F

IN THE NAME AND BY THE AUTHORITY FOR THE STATE OF FLORIDA:

BERNIE McCABE, State Attorney for the Sixth Judicial Circuit of Florida, in and for Pinellas County, prosecuting for the State of Florida, in the said County, under oath, Information makes that

JEREMIAH ALDRED

in the County of Pinellas and State of Florida, on the 15th day of October, in the year of our Lord, two thousand seventeen, was the driver of a motor vehicle which was involved in a crash involving the death of Diana Chambers, and the said JEREMIAH ALDRED did willfully fail to stop the vehicle at the scene of the crash or, as close thereto as possible, or remain at the scene of the crash until he had fulfilled the requirements of Florida Statute 316.062, to-wit: did not give his name and address, and the registration number of the vehicle he was driving, and did not render reasonable assistance to persons injured in the crash; contrary to Chapter 316.027(2)(c), Florida Statutes, and against the peace and dignity of the State of Florida. [T1B]/7

ARISES OUT OF \_\_\_\_\_

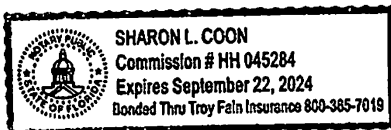
STATE OF FLORIDA  
PINELLAS COUNTY

Personally appeared before me, BERNIE McCABE, State Attorney for the Sixth Judicial Circuit of Florida, in and for Pinellas County, or his duly designated Assistant State Attorney, who being first duly sworn, says that the allegations as set forth in the foregoing information are based upon facts that have been sworn to as true, and which if true, would constitute the offense therein charged; hence this information is filed in good faith in instituting this prosecution, and that he has received testimony under oath from the material witness or witnesses for the offense.

The foregoing instrument was acknowledged before me  
by means of ☐ physical presence or ☐ online  
notarization this JAN 13 2021  
by D.R. Ellis, who  
is personally known to me and who did take an oath.

[Signature]  
Assistant State Attorney for the Sixth  
Judicial Circuit of the State of Florida,  
Prosecuting for said State

NOTARY PUBLIC



FH17-004037 NAF20-01818-B-ERE/01 add

FILED  
CRIMINAL COURT RECORDS  
2021 JAN 15 PM 2:36  
KIM BURKE  
CLERK OF CIRCUIT COURT  
AND COMPTROLLER

116  
1-13-21

COUNTY COURT OR CIRCUIT COURT - CRIMINAL DIVISION  
PINELLAS COUNTY, FLORIDA

STATE OF FLORIDA :  
V. : WITNESS AFFIDAVIT  
JEREMIAH ALDRED :

BEFORE ME, A NOTARY PUBLIC, personally appeared Corporal Travis Donakowski, who being duly sworn says:

Your Affiant is a sworn law enforcement officer with the Florida Highway Patrol. Your Affiant reviewed reports and evidence and found as follows:

On October 15, 2017, at approximately 4:58 p.m., on the I-275 North entrance ramp south of 22nd Avenue South, in Pinellas County, Florida, there was a single vehicle rollover crash. The vehicle, a 1992 Ford Ranger truck with Florida Tag HMSA61 attached, was registered to JEREMIAH ALDRED. Diana Chambers went through the windshield and died shortly thereafter. Passenger Jonathan Messler was out of the vehicle and survived with brain trauma. Michael Hedgepeth, drove up on the scene first, and in a sworn statement described JEREMIAH ALDRED and stated that JEREMIAH ALDRED was seen by Mr. Hedgepeth exiting the driver's side door of the flipped over truck at which time, Mr. Hedgepeth asked JEREMIAH ALDRED to help Mr. Hedgepeth tend to Jonathan Messler, at which time JEREMIAH ALDRED ran from the vehicle. Mr. Hedgepeth was able to pick out JEREMIAH ALDRED from a photo pack; however, he did indicate he was not 100% sure.

Your Affiant reviewed cell phone records from the cell phone belonging to JEREMIAH ALDRED at the time as well as that belonging

to his mother, Shelly Aldred. The cell phone records show that JEREMIAH ALDRED'S cell phone was in the vicinity of the crash at the time of the crash, made a phone to Mrs. Aldred's cell phone at which time Mrs. Aldred's cell phone left the vicinity of her home and went to the vicinity of JEREMIAH ALDRED'S cell phone at which time JEREMIAH ALDRED'S cell phone and Mrs. Aldred's cell phone returned to the home that they both share.

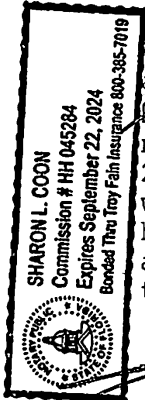
JEREMIAH ALDRED was interviewed by sworn Law Enforcement Officers with the Florida Highway Patrol at which time he denied driving the vehicle, denied being at the scene of the crash, claimed that he was home all afternoon and could not explain the cell phone data. JEREMIAH ALDRED indicated that the victim, Diana Chambers, who was friends with Jonathan Messler left with Jonathan Messler in JEREMIAH ALDRED'S vehicle the morning of the crash, October 15, 2017. Mrs. Aldred's statements were consistent with JEREMIAH ALDRED'S statements, neither of whom could explain the cell phone data.

Jonathan Messler was interviewed; however, after his brain injury, he claims that he could remember absolutely nothing from the day of the crash. He lives with JEREMIAH ALDRED. Jonathan Messler confirmed that he knew the victim, Diana Chambers.

Diana Chambers' family informed law enforcement officers that Ms. Chambers did not know how to drive a stick shift. The 1992 Ford Ranger was a stick shift. Ms. Chambers had bruising consistent with being on the passenger side of the shifter during the crash not the driver's side.

JEREMIAH ALDRED

WHEREFORE, your Affiant respectfully requests the issuance of a Capias so that JEREMIAH ALDRED may be made to answer to the charge of Leaving the Scene of a Crash Involving Death, pursuant to Chapter 316.027(2)(c), Florida Statutes.



The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 13 day of Jan, 2021 by Travis Donakowski, who is personally known to me or has produced \_\_\_\_\_ as identification and who did take an oath.

NOTARY PUBLIC

[Signature]  
AFFIANT

11305 N. McKinley Palm Springs FL  
AFFIANT'S ADDRESS 70612

813-632-2626  
AFFIANT'S TELEPHONE NUMBER

County Court or Circuit Court -  
Criminal Division, Pinellas County, Florida NAF20-01818-B T-ERE/0113ad30

FINDING OF PROBABLE CAUSE

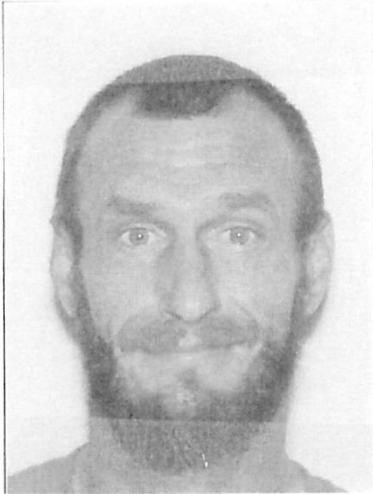
I, Kimberly TUDP have reviewed this affidavit and do find there is probable cause to hold and bind over for trial the defendant named in this affidavit.

Clerk of this Court is hereby directed to ISSUE CAPIAS for arrest of Defendant
JEREMIAH ALDRED
Defendant is to be admitted to Bail in the sum of \$ <u>150,000.00</u> including surcharge
Other conditions of release: _____ <u>-GPS monitor, no driving</u>
<u>[Signature]</u> Circuit/County Judge

[Signature]  
JUDGE  
1/13/2021  
DATE

JEREMIAH ALDRED



PERSONAL DATA INFORMATION SHEET			
ALL INFORMATION MUST BE PROVIDED BY THE INVESTIGATING OFFICER I			
*Note: Starred lines are required for computer warrant entries. *FCIC System (local) **NCIC System			
* Defendant's Full Name: <i>Jeremiah Joseph AIDred</i>			
* Alias:		* SSN: [REDACTED]	
		* SID #: <i>FLH A436-</i> [REDACTED]	
Last Known Address: <i>7501 142<sup>nd</sup> Ave Lot 741 Largo, FL 33771</i>			
Place of Employment: (company) (business address)			
*DOB: <i>4/12/84</i>	*SEX: <i>M</i>	*RACE: <i>W</i>	FINGERPRINTS AVAILABLE: YES <input type="checkbox"/> NO <input type="checkbox"/>
**HT: <i>6'03"</i>	**WT: <i>180</i>	**HAIR: <i>Brown</i> I EYES: <i>Blue</i>	
OTHER FEATURES: (BEARD, MARKS, SCARS, TATTOOS) <i>Brown Beard Full</i>			
Per FLCrRule 3.121 attach photo - SOPICS preferred! Originating Source of PHOTO:  <input type="checkbox"/> SOPICS Docket #  <input type="checkbox"/> FL DL # DAVID Photo confirmed accurate by:  <input type="checkbox"/> Other State DL # State  <input type="checkbox"/> Other Photo Source #  <input type="checkbox"/> NO PHOTO AVAILABLE — Explanation For No Photo:			
* AGENCY: <i>Florida Highway Patrol</i>		OFFENSE NUMBER: <i>FHPCTOFF-108218</i>	
* INVESTIGATING OFFICER: <i>Cpl. Travis Donakowski / 41026</i>			

IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT,  
IN AND FOR PINELLAS COUNTY FLORIDA  
DIVISION: FELONY

UCN : 522021CF000506000APC

REF No. : 21-00506-CF - B

OBTS NUMBER \_\_\_\_\_

STATE OF FLORIDA  
VS.

**JEREMIAH ALDRED**  
Defendant

PID: 3187709

SS# [REDACTED]

## JUDGMENT

The Defendant, **JEREMIAH ALDRED**, being personally before this court represented by **JULIA B SEIFER-SMITH**, Assistant Public Defender, and **RACHEL WISE**, Assistant Public Defender, the attorneys of record, and the state represented by **BENJAMIN KANOSKI**, Assistant State Attorney, and having:

entered a plea of guilty to the following crime(s)

COUNT	CRIME	OFFENSE STATUTE NUMBER (S)	DEGREE OF CRIME
01	LEAVING THE SCENE OF A CRASH INVOLVING DEATH	316.027/921.0021	1F

  X   and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED  
THAT the Defendant is ADJUDICATED GUILTY of the above crime(s).

ICD: JDMT (35706349)

RETURN TO:  
CRIMINAL COURT RECORDS

Defendant : JEREMIAH ALDRED

UCN : 522021CF000506000APC  
REF No. : 21-00506-CF - B

\_\_\_\_\_ and good cause being shown; IT IS ORDERED THAT ADJUDICATION  
OF GUILT BE WITHHELD as to Count(s) \_\_\_\_\_

Sentence Deferred  
Until Later Date  
(Check if Applicable)

\_\_\_\_\_ The Court hereby defers imposition of sentence until \_\_\_\_\_  
(Date)

The Defendant in Open Court was advised of the right to appeal from this Judgment by filing notice of appeal with the Clerk of the Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The Defendant was also advised of the right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in open court in Pinellas County, Florida on **March 7, 2023**.

\_\_\_\_\_  
JUDGE

FINGERPRINTS OF THE DEFENDANT

1. R. Thumb	2. R. Index	3. R. Middle	4. R. Ring	5. R. Little
				
6. L. Thumb	7. L. Index	8. L. Middle	9. L. Ring	10. L. Little
				

Fingerprints taken by:

\_\_\_\_\_  
(Name and Title)

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, **JEREMIAH ALDRED**, and that they were placed thereon by the defendant in my presence in open court this day.

\_\_\_\_\_  
JUDGE

Michael F. Andrews, Circuit Judge

**SENTENCE**

(as to Count 01 )

The defendant, being personally before the court, accompanied by the defendant's attorneys of record, **JULIA B SEIFER-SMITH, Assistant Public Defender**, and **RACHEL WISE, Assistant Public Defender**, and having been adjudicated guilty, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

**It Is the Sentence Of the Court That:**

The Defendant pay total statutory costs in the amount of **\$760.00**, inclusive of a **\$50.00** Indigent Criminal Defense Fee as required by s. 27.52 F.S., Investigative Costs in the amount of **\$60.00** pursuant to s. 938.27 F.S., **\$100.00** as a Cost of Prosecution assessment.

The Defendant **pay attorney fees and costs of defense as determined by the Court.**

The Defendant is **committed to the custody of the Department of Corrections.**

Unless otherwise prohibited by law, the Sheriff is authorized to release the Defendant on electronic monitoring or other sentencing programs subject to the Sheriff's discretion.

**To Be Imprisoned:**

The Defendant is to be imprisoned for a term of **24.75 MONTHS.**

**SPECIAL PROVISIONS**

By appropriate notation, the following provisions apply to the sentence imposed:

**Mandatory/Minimum Provisions:**

**No Mandatory/Minimum provisions are imposed on this count.**

**Other Provisions:**

**Please see the last page of this document for other provisions.**

**Other Provisions: (continued)**

**Jail Credit**

**It is further ordered that the defendant shall be allowed a total of 500 DAYS as credit for time incarcerated before imposition of this sentence.**

**Immigration Detainer**

**It is further ordered that, as per s. 908.104(3)(b), F.S., the secure correctional facility in which the defendant is to be confined shall reduce the defendant's sentence by a period of not more than 12 days on the facility's determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody.**

**Consecutive/Concurrent As  
to Other Convictions**

**It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run concurrent with the following:  
Specific sentences : 22-02280-CF**

**It is further ordered that:**

**Restitution is ordered as follows:**

**\$3502.00 to PINELLAS COUNTY SHERIFF'S OFFICE  
10750 ULMERTON RD  
LARGO, FL 33778.**

**Restitution to State:**

If applicable, you must make payment of any debt due and owing to the state under section 960.17 and 948.03(1)(h) Florida Statutes. The amount of such debt shall be determined by the Court at a later date upon final payment of the Crimes Compensation Trust Fund on behalf of the victim.

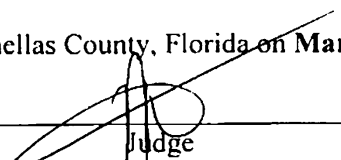
In the event the above sentence is to the Department of Corrections, the Sheriff of Pinellas County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing a notice of appeal within 30 days from this date with the Clerk of the Court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the state on showing of indigency.

In imposing this sentence, the court further orders:

**The defendant shall pay a \$7.00 fee to the Pinellas County Sheriff's Office for DNA testing. The defendant shall receive DNA testing prior to release from custody. Your driver's license is revoked for 3 YEARS.**

**DONE AND ORDERED** in open court at Clearwater, Pinellas County, Florida on **March 7, 2023.**

  
\_\_\_\_\_  
Judge  
Michael F. Andrews, Circuit Judge

# Rule 3.992(a) Criminal Punishment Code Scoresheet

The Criminal Punishment Code Scoresheet Preparation Manual is available at: [http://www.dc.state.fl.us/pub/sen\\_cpcm/index.html](http://www.dc.state.fl.us/pub/sen_cpcm/index.html)

1. DATE OF SENTENCE <b>3/7/23</b>	2. PREPARER'S NAME KANOSKI	3. COUNTY PINELLAS	4. SENTENCING JUDGE ANDREWS
5. NAME (LAST, FIRST, M.I.) ALDRED, JEREMIAH	6. DOB 4/12/1984	8. RACE WHITE	10. PRIMARY OFF. DATE 10/15/2017
	7. DC #	9. GENDER MALE	11. PRIMARY DOCKET # 21-00506CFANO
			12. PLEA <input checked="" type="checkbox"/> TRIAL <input type="checkbox"/>

## I. PRIMARY OFFENSE: Qualifier:

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
1	316.027(2)(C)	LEAVE CRASH W/DEATH	7	56
(Level - Points: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=116)				
Prior capital felony doubles Primary Offense points <input type="checkbox"/>				I. 56.0000

## II. ADDITIONAL OFFENSE(S): Supplemental page attached ☐

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	COUNTS	POINTS	TOTAL
22-02280CFANO	3	893.13(6)(A)	3		2	2.4	4.8
DESCRIPTION	POCS						
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
(Level – Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)							
Prior capital felony doubles Additional Offense points <input type="checkbox"/>						Supplemental page points	

## III. VICTIM INJURY:

	Number	Total		Number	Total
2 <sup>nd</sup> Degree Murder	240 X	=	Slight	4 X	=
Death	120 X	=	Sex Penetration	80 X	=
Severe	40 X	=	Sex Contact	40 X	=
Moderate	18 X	=			

III. \_\_\_\_\_

## IV. PRIOR RECORD: Supplemental page attached ☐

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	DESCRIPTION	NUMBER	POINTS	TOTAL
5/MM	VARIOUS	M		VARIOUS	1	X 0.2	= 0.2000
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
(Level - Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)							

Supplemental page points

IV. 0.2000

Page 1 Subtotal: 61.0000

NAME (LAST, FIRST, MI. I.) ALDRED, JEREMIAH	DOCKET # 21-00506CFANO
--	---------------------------

Page 1 Subtotal: 61.0000

**V. Legal Status Violation = 4 Points**

- ☐ Escape  
 ☐ Fleeing  
 ☐ Failure to Appear  
 ☐ Supersedeas bond  
 ☐ Incarceration  
 ☐ Pretrial intervention or diversion program  
☐ Court imposed post prison release community supervision resulting in a conviction

V. \_\_\_\_\_

**VI. Community Sanction Violation before the court for sentencing**

VI. \_\_\_\_\_

- ☐ Probation  
 ☐ Community Control  
 ☐ Pretrial intervention or diversion  
☐ 6 points for any violation other than new felony conviction X \_\_\_\_\_ each successive violation OR  
☐ New felony conviction = 12 points X \_\_\_\_\_ each successive violation if new offense results in conviction before or at same time as sentence for violation of probation OR  
☐ 12 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern when the violation is not based solely on failure to pay costs, fines, or restitution OR  
☐ New felony conviction = 24 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern if new offense results in a conviction before or at the same time for violation of probation

**VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 points**

VII. \_\_\_\_\_

**VIII. Prior Serious Felony = 30 points**

VIII. \_\_\_\_\_

**Subtotal Sentence Points** 61.0000

**IX. Enhancements (only if primary offense qualifies for enhancement)**

Law Enf. Protect.  <input type="checkbox"/> x 1.5 <input type="checkbox"/> x 2.0 <input type="checkbox"/> x 2.5	Drug Trafficker  <input type="checkbox"/> x 1.5	Motor Vehicle Theft  <input type="checkbox"/> x 1.5	Criminal Gang Offense  <input type="checkbox"/> x 1.5	Domestic Violence in the Presence of Related Child (offenses committed on or after 03-12-07)  <input type="checkbox"/> x 1.5	Adult-on-Minor Sex Offense (offenses committed on or after 10-1-14)  <input type="checkbox"/> x 2.0
---	---	---	---	---	--

Enhanced Subtotal Sentence Points

IX. \_\_\_\_\_

**TOTAL SENTENCE POINTS** 61.0000

**SENTENCE COMPUTATION**

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction. If the total sentence points are 22 points or less, see Section 775.082(10), Florida Statutes, to determine if the court must sentence the offender to a non-state prison sanction.

If total sentence points are greater than 44:

$$\frac{61.0000}{\text{total sentence points}} \text{ minus } 28 = \frac{33.0000}{\text{total sentence points}} \times .75 = \frac{24.750000}{\text{Lowest permissible prison sentence in months}}$$

If total sentence points are 60 points or less than and court makes findings pursuant to both Florida Statutes 948.20 and 397.334(3), the court may place the defendant into a treatment-based drug court program.

The maximum sentence for each individual felony offense is the statutory maximum as provided in s. 775.082, F.S., unless the lowest permissible sentence listed above exceeds the statutory maximum for that offense. If the lowest permissible sentence exceeds the statutory maximum for an individual felony offense, the lowest permissible sentence replaces the statutory maximum and must be imposed for that offense. See *State v. Gabriel*, 314 So. 3d 1243 (Fla.2021). Sentences for multiple felony offenses may be imposed concurrently or consecutively. If total sentence points are greater than or equal to 363, a life sentence may be imposed.

Primary offense:

LEAVE CRASH W/DEATH 30 years

Additional offense:

POCS Maximum sentence in years

Additional offense:

Description Maximum sentence in years

Additional offense:

Description Maximum sentence in years

Description Maximum sentence in years

Total maximum sentence in years for all counts above if consecutive sentence imposed: 40 years

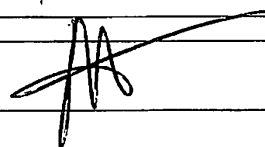
**TOTAL SENTENCE IMPOSED**

<input checked="" type="checkbox"/> State Prison <input type="checkbox"/> County Jail <input type="checkbox"/> Community Control <input type="checkbox"/> Probation	<input type="checkbox"/> Life <input type="checkbox"/> Time Served <input type="checkbox"/> Modified	Years _____ Months <u>24.75</u> Days _____
--	--	--

Please check if sentenced as ☐ habitual offender, ☐ habitual violent offender, ☐ violent career offender, ☐ prison release reoffender, or a ☐ mandatory minimum applies.

☐ Mitigated Departure ☐ Plea Bargain ☐ Prison Diversion Program  
Other Reason \_\_\_\_\_

**JUDGE'S SIGNATURE**



Michael F. Andrews, Circuit Judge



## Rule 3.992(d) Supplemental Criminal Punishment Code Scoresheet

NAME (LAST, FIRST, MI. I.) ALDRED, JEREMIAH	DOCKET # 21-00506CFANO	DATE OF SENTENCE <del>2/27/2023</del> 03/07/2023
--	---------------------------	---

## X. ADDITIONAL OFFENSE(S):

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	COUNTS	POINTS	TOTAL
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							

(Level – Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

II. \_\_\_\_\_

## IV. PRIOR RECORD:

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	DESCRIPTION	NUMBER	POINTS	TOTAL
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	

(Level – Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

IV. \_\_\_\_\_

## Reasons for Departure – Mitigating Circumstances

(reasons may be checked here or written on the scoresheet)

- ☐ Legitimate, uncoerced plea bargain.  
☐ The defendant was an accomplice to the offense and was a relatively minor participant in the criminal conduct.  
☐ The capacity of the defendant to appreciate the criminal nature of the conduct or to conform that conduct to the requirements of law was substantially impaired.  
☐ The defendant requires specialized treatment for a mental disorder that is unrelated to substance abuse or addiction, or for a physical disability, and the defendant is amenable to treatment.  
☐ The need for payment of restitution to the victim outweighs the need for a prison sentence.  
☐ The victim was an initiator, willing participant, aggressor, or provoker of the incident.  
☐ The defendant acted under extreme duress or under the domination of another person.  
☐ Before the identity of the defendant was determined, the victim was substantially compensated.  
☐ The defendant cooperated with the State to resolve the current offense or any other offense.  
☐ The offense was committed in an unsophisticated manner and was an isolated incident for which the defendant has shown remorse.  
☐ At the time of the offense the defendant was too young to appreciate the consequences of the offense.  
☐ The defendant is to be sentenced as a youthful offender.  
☐ The defendant is amenable to the services of a post adjudicatory treatment-based drug court program and is otherwise qualified to participate in the program.  
☐ The defendant was making a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose.

Pursuant to 921.0026(3) the defendant's substance abuse or addiction does not justify a downward departure from the lowest permissible sentence, except for the provisions of s. 921.0026(2)(m).

UCN: 522021CF007358XXXXCF

FL0521400

## COMPLAINT/ARREST AFFIDAVIT – CIRCUIT/COUNTY COURT – PINELLAS COUNTY, FLORIDA

OBTS #		REPORT # 2020-032366		DOCKET # 1871148	
Person ID 2446930			SSN# [REDACTED]		
Charge Description <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Warrant <input type="checkbox"/> Traffic <input type="checkbox"/> Ordinance			Traffic Citation # (if any)		Court Case #
Charge LEAVING SCENE OF AN CRASH INVOLVING DEATH			AEUQFJE		21-07358-CF-1
Defendant's Name (Last, First, Middle)		DOB	Sex	Race	Ht
BELL, DAVID GREGORY		04/02/1984	M	B	510
Weight		Hair	Eyes	Skin	
200		BLK	BRO	MED	
Alias	DL #	State	Scars/Marks/Tattoos/Physical Features		
	B400167841220	FL			
Local Address (Street, City, State, Zip Code)		Telephone	Place of Birth		Citizenship
922 11TH STREET SOUTH ST PETERSBURG FL 33705		7276861744	DELAWARE		US
Permanent Address (Street, City, State, Zip Code)		Telephone	Employed by / School		
922 11TH STREET SOUTH ST PETERSBURG FL 33705		7276861744			
Weapon Seized Type		Indication of Drug Influence	Y N UNK	Indication of Mental Health Issues	Y N UNK
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>		<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	
Co-Defendant's Name (Last, First, Middle)		DOB	Sex	Race	In Custody <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
STEPHANY MARIE WILES		03/11/1997	F	W	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Co-Defendant's Name (Last, First, Middle)		DOB	Sex	Race	In Custody <input type="checkbox"/> Yes <input type="checkbox"/> No
					<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor

The undersigned swears that he/she has reasonable grounds to believe that the above named defendant on the 08 day of SEPTEMBER, 2020, at approximately 9:15 PM, at 125 5TH STREET SOUTH, in Pinellas County did:

THEN AND THERE DRIVE A VEHICLE, TO-WIT: 1982 BLUE GMC 2500 PICKUP, FL TAG [REDACTED], WHICH WAS INVOLVED IN A CRASH INVOLVING DEATH TO CINDY SUE CARPENTER, AND THE SAID DEFENDANT DID WILLFULLY FAIL TO STOP SAID VEHICLE AT THE SCENE OF THE CRASH UNTIL HE HAD FULFILLED THE REQUIREMENTS OF FSS 316.062, TO-WIT: DID NOT GIVE HIS NAME AND ADDRESS AND THE REGISTRATION NUMBER OF THE VEHICLE HE WAS DRIVING AND DID NOT RENDER REASONABLE ASSISTANCE TO PERSONS INJURED IN THE CRASH.

DEF WAS DRIVING THE ABOVE DESCRIBED VEHICLE AND HAD ENTERED THE WALLS FARGO BANK DRIVE THRU LOCATED AT 125 5TH STREET SOUTH. DEF ENTERED THE DRIVE THRU HEADING THE WRONG WAY. THE VICTIM, CARPENTER, WHO WAS TRYING TO STAY OUT OF THE RAIN, WAS LYING IN THE DRIVE THRU, UNDER A BLANKET WHEN SHE WAS RUN OVER. BANK SURVEILLANCE VIDEO SHOWS THE BLUE TRUCK HEADING THE WRONG WAY IMMEDIATELY AFTER THE VICTIM WAS RUN OVER. THE TRUCK IS OCCUPIED BY A BLACK MALE DRIVER AND A WHITE FEMALE PASSENGER. THE 911 CALL LED US TO THE DEF'S ADDRESS WHERE THE TRUCK WAS FOUND. THE DEF ADMITTED TO OFFICER RICKY CARTER THAT HE DROVE THROUGH THE BANK DRIVE THRU THAT NIGHT. FURTHER INVESTIGATION CONFIRMED THE TRUCK TO HAVE CLEANING MARKS UNDERNEATH IT. FURTHER, THE FEMALE PASSENGER, STEPHANIE WILES, CALLED 911 TO REPORT A PERSON HAVING A MEDICAL EPISODE AT THE BANK. CELL PHONE TOWER RECORDS SHOW WILES' PHONE TO BE OPERATED AT THE INTERSECTION RIGHT NEXT TO THE BANK AT THE TIME OF THE CRASH.

Contrary to Florida Statute/Ordinance 316.027(2)(C) *PSK*

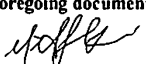
ARREST DATE: 8/5/2021 Time 11:55 AM Aggravating/Mitigating Factors \_\_\_\_\_

Booking Officer: PATRICK 58099 Amount of Bond 50,000 Bond Out Date \_\_\_\_\_ Time \_\_\_\_\_ ☐ a.m. ☐ p.m.

Victim Notified of Advisory? ☐ Yes ☐ No Injuries to Victim? ☐ Yes ☐ No Medical Treatment to Victim? ☐ Yes ☐ No

The Court reviewed this complaint and finds there: ☐ is probable cause ☐ is not probable cause to detain defendant ☐ Bond Action, if any: \_\_\_\_\_

The probable cause determination is passed for: ☐ 24 Hrs ☐ 24 Hrs on showing of extraordinary circumstances Received by Booking: 8/5/2021 1:57:46 PM

Pursuant to F.S. 92.525 and under penalty of perjury, I declare that I have read the foregoing document and that the facts in it are true.  Declarant Signature _____ OFFICER MICHAEL JOCKERS 28526 Printed Name _____		ST. PETERSBURG POLICE Agency _____ 01055030 Declarant ID# _____	
		REQUEST FOR INVESTIGATIVE COSTS, F.S. 938.27(1) DATE 09/08/2020 OFFICER M. JOCKERS HOURS 80 X PAY RATE 25.00 OR COST \$2,000.00 OTHER – Describe _____ Continuation sheet <input type="checkbox"/> Yes <input type="checkbox"/> No TOTAL \$ 2,000.00	

**Defendant** BELL, DAVID GREGORY **Court Case No:** 21-07358-CF-1

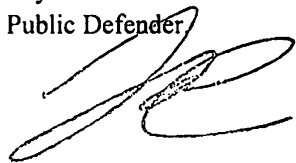
**ADVISORY AND SOLVENCY HEARING**

The above named Defendant came before me for Advisory and Solvency hearing and was advised by me of the charge(s) against him; his right to remain silent; that any statements by him may be used against him; his right to counsel, and, if he is financially unable to afford counsel, that counsel forthwith will be appointed; of his right to communicate with his counsel, family or friends, and that reasonable implementation will be afforded him to contact the foregoing.

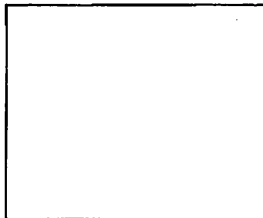
**I FURTHER CERTIFY THAT:**

- ☐ A. Defendant has advised the Court that he has retained counsel or will retain counsel.
- ☐ B. The Court investigated Defendant's solvency and found the Defendant financially able to secure counsel.
- ☐ C. The Court investigated Defendant's solvency and provisionally appointed the Public Defender.
- ☐ D. The Defendant waived the right to counsel at the first appearance only.

\_\_\_\_\_  
DATE AND TIME

  
\_\_\_\_\_  
JUDGE

- ☐ I hereby waive the right to counsel at the first appearance only.
- ☐ I, having been found solvent and financially able to secure counsel, hereby waive counsel until my attorney files an appearance in this case or until I file a written request for a review of my solvency and ability to secure counsel.



Thumb Print

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

I HEREBY acknowledge receipt of a copy of the foregoing Complaint and Advisory.

\_\_\_\_\_  
DEFENDANT'S SIGNATURE      DEFENDANT'S ATTORNEY'S SIGNATURE      DATE



2020-032366

AEUQFIE

## FLORIDA UNIFORM TRAFFIC CITATION

COUNTY OF <b>04 PINELLAS</b>	<input type="checkbox"/> (1) FHP <input checked="" type="checkbox"/> (2) P.D. <input type="checkbox"/> (3) S.O. <input type="checkbox"/> (4) OTHER	
CITY (IF APPLICABLE) <b>64 ST. PETERSBURG</b>	AGENCY NAME <b>ST. PETERSBURG POLICE DE</b> AGENCY # <b>0464</b>	
IN THE COURT DESIGNATED BELOW THE UNDERSIGNED CERTIFIES THAT HE/SHE HAS JUST AND REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE THAT ON		
<b>COMPLAINT</b> (Retained By Court)		
DAY OF WEEK <b>TUE</b>	MONTH <b>9</b>	DAY <b>8</b> YEAR <b>2020</b> 9:15 PM
NAME (PRINT) FIRST MIDDLE LAST <b>DAVID GREGORY BELL</b>		
STREET <b>922 11TH STREET SOUTH</b>		
IF DIFFERENT THAN ONE ON DRIVER LICENSE "X" HERE <input type="checkbox"/>		
CITY <b>ST PETERSBURG</b>	STATE <b>FL</b>	ZIP CODE <b>33705</b>
TELEPHONE NUMBER	DATE OF BIRTH <b>4 2 1984</b>	RACE <b>B</b> SEX <b>M</b> HGT <b>5' 10"</b>
DRIVER LICENSE NUMBER <b>B 4 0 0 1 6 7 8 4 1 2 2 0</b>	STAT <b>FL</b> CLASS <b>E</b> CDL LICENSE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO YR LICENSE EXP. <b>2027</b>	COMMERCIAL VEHICLE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
YR VEHICLE <b>1982</b> MAKE <b>GMC</b> STYLE <b>PK</b> COLOR <b>BLU</b>	PLACARDED HAZ MATERIAL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
VEHICLE LICENSE <b>1 R S T 3 0</b> TRAILER TAG N <b>FL</b> YEAR TAG EXP. <b>2021</b>	> 16 PASSENGERS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
UPON A PUBLIC STREET OR HIGHWAY, OR OTHER LOCATION, NAMELY <b>125 N 5TH ST 27.769682 -82.640570- TRAVELING</b>		
N		
MOTORCYCLE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
Companion UIC <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
FT _____ MILES _____ * OF NODE _____		
DID UNLAWFULLY COMMIT THE FOLLOWING OFFENSE. CHECK ONLY ONE OFFENSE EACH CITATION.		
<input type="checkbox"/> UNLAWFUL SPEED _____ MPH SPEED APPLICABLE _____ MPH ( <input type="checkbox"/> INTERSTATE <input type="checkbox"/> SCHOOL ZONE <input type="checkbox"/> CONSTRUCTION WORKERS PRESENT )		
SPEED MEASUREMENT DEVICE:		
<input checked="" type="checkbox"/> CARELESS DRIVING <input type="checkbox"/> CHILD RESTRAINT <input type="checkbox"/> EXPIRED DRIVER LICENSE SIX (6) MONTHS OR LESS		
<input type="checkbox"/> VIOLATION OF TRAFFIC CONTROL DEVICE <input type="checkbox"/> SAFETY BELT VIOLATION <input type="checkbox"/> EXPIRED DRIVER LICENSE MORE THAN SIX (6) MONTHS		
<input type="checkbox"/> FAILURE TO STOP AT A TRAFFIC SIGNAL <input type="checkbox"/> IMPROPER OR UNSAFE EQUIPMENT <input type="checkbox"/> NO VALID DRIVER LICENSE		
<input type="checkbox"/> IMPROPER LANE CHANGE OR COURSE <input type="checkbox"/> EXPIRED TAG SIX (6) MONTHS OR LESS <input type="checkbox"/> DRIVING WHILE LICENSE SUSPENDED OR REVOKED		
<input type="checkbox"/> NO PROOF OF INSURANCE <input type="checkbox"/> EXPIRED TAG MORE THAN SIX (6) MONTHS <input type="checkbox"/> DRIVING UNDER THE INFLUENCE		
<input type="checkbox"/> VIOLATION OF RIGHT-OF-WAY <input type="checkbox"/> IMPROPER PASSING <input type="checkbox"/> Passenger Under 18 Yrs		
BAL _____		
OTHER VIOLATIONS OR COMMENTS PERTAINING TO OFFENSE		
<b>CARELESS DRIVING</b>		
RE-EXAM <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
DL SEIZED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
<input type="checkbox"/> AGGRESSIVE DRIVING		
IN VIOLATION OF STATE STATUTE		
SECTION <b>316.1925</b> SUB-SECTION		
CRASH <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PROPERTY DAMAGE <input type="checkbox"/> YES \$ _____ <input checked="" type="checkbox"/> NO	INJURY TO ANOTHER <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
SERIOUS INJURY TO ANOTHER <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		FATAL <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> CRIMINAL VIOLATION. COURT APPEARANCE REQUIRED AS INDICATED BELOW		
<input checked="" type="checkbox"/> INFRACTION. COURT APPEARANCE REQUIRED AS INDICATED BELOW		
<input type="checkbox"/> INFRACTION WHICH DOES NOT REQUIRE APPEARANCE IN COURT		
<b>AEUQFIE</b>		
CIVIL PENALTY IS _____		
COURT INFORMATION		
DATE _____ TIME _____		
CALL OF COURT		
COURT <b>14250 49TH STREET NORTH</b>		
LOCATION <b>CLEARWATER FL</b>		
33762 (727) 464-7000 HTTP://WWW.PINELLASCLERK.ORG		
Additional Comments.		
DRIVER DROVE THE WRONG WAY THROUGH A BANK DRIVE THRU, RUNNING OVER A HOMELESS PERSON SLEEPING UNDER A BLANKET, THEN FLED		

ARREST DELIVERED TO **MAX** DATE **8/5/2021**

I AGREE AND PROMISE TO COMPLY AND ANSWER TO THE CHARGES AND INSTRUCTIONS SPECIFIED IN THIS CITATION. WILLFUL REFUSAL TO ACCEPT AND SIGN THE CITATION MAY RESULT IN ARREST. I UNDERSTAND MY SIGNATURE IS NOT AN ADMISSION OF GUILT OR WAIVER OF RIGHTS. IF YOU NEED REASONABLE FACILITY ACCOMMODATIONS TO COMPLY WITH THIS CITATION, CONTACT THE CLERK OF THE COURT.

ARRESTED

X SIGNATURE OF VIOLATOR (SIGNATURE IS REQUIRED IF INFRACTION REQUIRES APPEARANCE IN COURT)

*[Signature]* OFC. **MICHAEL JOCKERS** 28526 28526 THI  
BADGE NO ID NO TROOP UNIT

☒ I CERTIFY THIS CITATION WAS DELIVERED TO THE PERSON CITED ABOVE AND CERTIFY THE CHARGE ABOVE

Additional Officer

NAME OF OFFICER \_\_\_\_\_ BADGE NO ID NO TROOP UNIT

## COMPLAINT

WHEN PRESENTED TO VIOLATOR, THE FOLLOWING AMOUNT WAS ENTERED.

PAY A CIVIL PENALTY IN THE AMOUNT OF \$

CASE NO. \_\_\_\_\_ DOCKET NO. \_\_\_\_\_ PAGE NO. \_\_\_\_\_

DATE	COURT ACTION AND OTHER ORDERS
	BAIL FIXED AT \$ _____ OR CASH DEPOSIT OF \$ _____
	SIGNATURE OF PERSON GIVING BAIL _____
	SIGNATURE OF PERSON TAKING BAIL _____
	FINE IN THE AMOUNT _____ RECEIVED AS _____
	COURT _____ SIGNATURE OF CLERK _____
	CONTINUANCE TO _____ REASON _____
	CONTINUANCE _____ REASON _____
	BOND _____
	WARRANT _____
	VIOLATOR FAILED TO APPEAR-DRIVER LICENSE SUS _____
	VIOLATOR ARRAIGNED _____ (DATE) _____
	PLEA: _____
	FINDIN _____
	ADJUDICATIO _____
	SENTENCE: _____ COST _____
	JAILE _____ DAYS _____
	DRIVER IMPROVEMENT _____
	OTHER _____
	DRIVER LICENSE SUSPENDED OR _____ DAY
	RECOMMEND DRIVER LICENSE _____ DAY
	RECOMMEND RE- _____
	SIGNATURE OF JUDGE _____
	TESTIMONY - JUDGE'S NOTES (OR OTHER COURT _____)
	APPEAL BOND _____
	VIOLATOR'S FINGERPRINT WHEN _____



UTC Court Information Report										
ST. PETERSBURG POLICE DEPARTMENT										
AGENCY CASE # <b>2020-032366</b>			CITATION # <b>AEUQFIE</b>		DATE <b>09/08/2020</b>		CITATION TIME <b>9:15 PM</b>			
VIOLATOR										
NAME (PRINT) FIRST <b>DAVID</b>			MIDDLE <b>GREGORY</b>		LAST <b>BELL</b>			SUFFIX		
STREET <b>922 11TH STREET SOUTH</b>			CITY <b>ST PETERSBURG</b>		STATE <b>FL</b>	ZIP CODE <b>33705</b>		TELEPHONE		
DL # <b>B400167841220</b>			STATE <b>FL</b>	CLASS <b>E</b>	YEAR <b>1982</b>	MAKE <b>GMC</b>	TAG # <b>IRST30</b>	STATE <b>FL</b>	TAG EXP. <b>09/26/202</b>	
ROADWAY INFORMATION										
<b>125 N 5TH ST 27.769682 -82.640570- TRAVELING N</b>										
VIOLATION										
FSS # <b>316.1925</b>										
OFFENSE TYPE <b>CARELESS DRIVING</b>			VIOL SPEED	POSTED?	SCHOOL?	WORKERS?	CRASH? <b>YES</b>	SPEED MEASUREMENT DEVICE		
REPORTING OFFICER										
RANK OFFICER	FIRST MICHAEL	MIDDLE F	LAST JOCKERS	BADGE # 28526	ID # 28526	SECONDARY OFFICER		FIRST	LAST	
								BADGE #	ID #	
COURT NARRATIVE										
DEF DROVE THE WRONG WAY THROUGH A BANK DRIVE THRU, RUNNING OVER A HOMELESS PERSON WHO WAS ASLEEP UNDER A BLANKET, KILLING THE PEDESTRIAN. DEF FLED. VEH WAS EVENTUALLY FOUND. DEF ADMITTED TO DRIVING THROUGH DRIVE THRU TO ANOTHER OFFICER.										
WITNESSES										
FIRST NAME		MIDDLE NAME		LAST NAME		SUFFIX		DATE OF BIRTH		OFC. ID/BADGE #
CURRENT ADDRESS			CITY		STATE	ZIP	PHONE NUMBER		EMAIL ADDRESS	
FIRST NAME		MIDDLE NAME		LAST NAME		SUFFIX		DATE OF BIRTH		OFC. ID/BADGE #
CURRENT ADDRESS			CITY		STATE	ZIP	PHONE NUMBER		EMAIL ADDRESS	
FIRST NAME		MIDDLE NAME		LAST NAME		SUFFIX		DATE OF BIRTH		OFC. ID/BADGE #
CURRENT ADDRESS			CITY		STATE	ZIP	PHONE NUMBER		EMAIL ADDRESS	
FIRST NAME		MIDDLE NAME		LAST NAME		SUFFIX		DATE OF BIRTH		OFC. ID/BADGE #
CURRENT ADDRESS			CITY		STATE	ZIP	PHONE NUMBER		EMAIL ADDRESS	

BURKE, CLERK OF COURT AND COMPTROLLER PINELLAS COUNTY, FL BY DEPUTY CLERK:  
CLKPR12

1

IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT,  
IN AND FOR PINELLAS COUNTY FLORIDA  
DIVISION: FELONY

UCN : 522021CF007358000APC

REF No. : 21-07358-CF - K

OBTs NUMBER \_\_\_\_\_

STATE OF FLORIDA  
VS.

DAVID GREGORY BELL  
Defendant

PID: 2446930

SS# [REDACTED]

### JUDGMENT

The Defendant, **DAVID GREGORY BELL**, being personally before this court represented by **CHARLES A GREENE JR** the attorney of record, and the state represented by **BENJAMIN KANOSKI**, Assistant State Attorney, and having:

entered a plea of guilty to the following crime(s)

COUNT	CRIME	OFFENSE STATUTE NUMBER (S)	DEGREE OF CRIME
01	LEAVING THE SCENE OF A CRASH INVOLVING DEATH	316.027	1F

X and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED  
THAT the Defendant is ADJUDICATED GUILTY of the above crime(s).

ICD: JDMT (34859309)  
RETURN TO:

Defendant : DAVID GREGORY BELL

UCN : 522021CF007358000APC

REF No. : 21-07358-CF - K

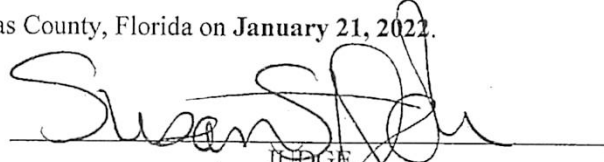
\_\_\_\_\_ and good cause being shown; IT IS ORDERED THAT ADJUDICATION  
OF GUILT BE WITHHELD as to Count(s) \_\_\_\_\_

Sentence Deferred  
Until Later Date  
(Check if Applicable)











\_\_\_\_\_ The Court hereby defers imposition of sentence until \_\_\_\_\_  
(Date)

The Defendant in Open Court was advised of the right to appeal from this Judgment by filing notice of appeal with the Clerk of the Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The Defendant was also advised of the right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in open court in Pinellas County, Florida on **January 21, 2022**.

  
JUDGE

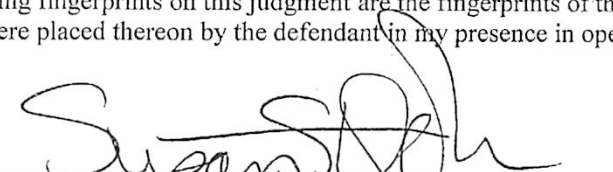
FINGERPRINTS OF THE DEFENDANT

1. R. Thumb 	2. R. Index 	3. R. Middle 	4. R. Ring 	5. R. Little 
6. L. Thumb 	7. L. Index 	8. L. Middle 	9. L. Ring 	10. L. Little 

Fingerprints taken by:

Dep. Thompson 5813  
(Name and Title)

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, **DAVID GREGORY BELL**, and that they were placed thereon by the defendant in my presence in open court this day.

  
JUDGE

Defendant: DAVID GREGORY BELL

UCN: 522021CF007358000APC  
REF No.: 21-07358-CF - K

OBTS Number \_\_\_\_\_

## SENTENCE

(as to Count 01 )

The defendant, being personally before the court, accompanied by the defendant's attorney of record, **CHARLES A GREENE JR**, and having been adjudicated guilty, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

### It Is the Sentence Of the Court That:

The Defendant pay total statutory costs in the amount of **\$2700.00**, inclusive of a **\$50.00** Indigent Criminal Defense Fee as required by s. 27.52 F.S., Investigative Costs in the amount of **\$2000.00** pursuant to s. 938.27 F.S., **\$100.00** as a Cost of Prosecution assessment. These assessments are hereby imposed as liens.

The Defendant pay attorney fees and costs of defense as determined by the Court.

The Defendant is committed to the custody of the Department of Corrections.

Unless otherwise prohibited by law, the Sheriff is authorized to release the Defendant on electronic monitoring or other sentencing programs subject to the Sheriff's discretion.

### To Be Imprisoned:

The Defendant is to be imprisoned for a term of **8 YEARS**.

## SPECIAL PROVISIONS

By appropriate notation, the following provisions apply to the sentence imposed:

### Mandatory/Minimum Provisions:

<b>Driver Leaving Scene Involving Death</b>	<b>It is further ordered that the 4 year mandatory minimum imprisonment provision of 316.027(2)(c), Florida Statutes, is imposed.</b>
---	---

### Other Provisions:

Please see the last page of this document for other provisions.



Defendant: DAVID GREGORY BELL

UCN: 522021CF007358000APC  
REF No.: 21-07358-CF - K

OBTS Number \_\_\_\_\_

**Other Provisions: (continued)**

**Jail Credit**

It is further ordered that the defendant shall be allowed a total of 170 DAYS as credit for time incarcerated before imposition of this sentence.

**Immigration Detainer**

It is further ordered that, as per s. 908.104(3)(b), F.S., the secure correctional facility in which the defendant is to be confined shall reduce the defendant's sentence by a period of not more than 12 days on the facility's determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody.

**Consecutive/Concurrent As  
to Other Convictions**

It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run concurrent with the following:  
Specific sentences : 20-04930-CF

**It is further ordered that:**

**Restitution is ordered in an amount to be determined. A status check is set as follows: Restitution Status Check March 4, 2022 at 8:30 AM.**

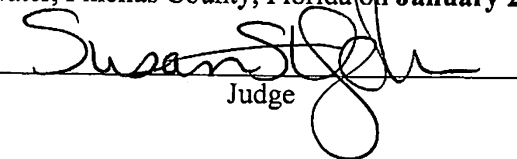
Restitution to State:

If applicable, you must make payment of any debt due and owing to the state under section 960.17 and 948.03(1)(h) Florida Statutes. The amount of such debt shall be determined by the Court at a later date upon final payment of the Crimes Compensation Trust Fund on behalf of the victim.

In the event the above sentence is to the Department of Corrections, the Sheriff of Pinellas County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing a notice of appeal within 30 days from this date with the Clerk of the Court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the state on showing of indigency.

DONE AND ORDERED in open court at Clearwater, Pinellas County, Florida on January 21, 2022.

  
Judge

# Rule 992(a) Criminal Punishment Code Scoresheet

The Criminal Punishment Code Scoresheet Preparation Manual is available at: [http://www.dc.state.fl.us/pub/sen\\_cpcm/index.html](http://www.dc.state.fl.us/pub/sen_cpcm/index.html)

1. DATE OF SENTENCE <b>1/21/22</b>	2. PREPARER'S NAME KANOSKI	3. COUNTY PINELLAS	4. SENTENCING JUDGE ST. JOHN	
5. NAME (LAST, FIRST, M.I.) BELL, DAVID G.	6. DOB 4/2/1984	8. RACE BLACK	10. PRIMARY OFF. DATE 9/8/2020	12. PLEA <input checked="" type="checkbox"/> TRIAL <input type="checkbox"/>
	7. DC #	9. GENDER MALE	11. PRIMARY DOCKET # 21-07358CFANO	

## I. PRIMARY OFFENSE: Qualifier:

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
1	316.027(2)(C)	LEAVE CRASH W/DEATH	7	56

(Level - Points: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=116)

Prior capital felony doubles Primary Offense points ☐

I. 56.0000

## II. ADDITIONAL OFFENSE(S): Supplemental page attached ☐

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	COUNTS	POINTS	TOTAL
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

Prior capital felony doubles Additional Offense points ☐

Supplemental page points \_\_\_\_\_  
II. \_\_\_\_\_

## III. VICTIM INJURY:

	Number	Total		Number	Total
2 <sup>nd</sup> Degree Murder	240 X	=	Slight	4 X	=
Death	120 X	=	Sex Penetration	80 X	=
Severe	40 X	=	Sex Contact	40 X	=
Moderate	18 X	=			

III. \_\_\_\_\_

## IV. PRIOR RECORD: Supplemental page attached ☐

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	DESCRIPTION	NUMBER	POINTS	TOTAL
3	893.13(6)(A)	3		POSS.CONTROL.SUBS/OTHER	2	X 1.6	= 3.2000
3	893.13(6)(A)	1		POSS.MARIJUANA OVR 20 G	1	X 0.5	= 0.5000
2	790.23(3)	5		FEL/DELI W/GUN/CONC WPN	2	X 3.6	= 7.2000
5/MM	VARIOUS	M		VARIOUS	8	X 0.2	= 1.6000
					X		=
					X		=
					X		=
					X		=
					X		=

(Level - Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

Supplemental page points \_\_\_\_\_  
IV. 12.5000  
Page 1 Subtotal: 68.5000

NAME (LAST, FIRST, MI. I.)  
BELL, DAVID G.

DOCKET #  
21-07358CFANO

Page 1 Subtotal: 68.5000

**V. Legal Status Violation = 4 Points**

- ☐ Escape ☐ Fleeing ☐ Failure to Appear ☐ Supersedeas bond ☐ Incarceration ☐ Pretrial intervention or diversion program  
☐ Court imposed post prison release community supervision resulting in a conviction

V. \_\_\_\_\_

**VI. Community Sanction Violation before the court for sentencing**

VI. \_\_\_\_\_

- ☐ Probation ☐ Community Control ☐ Pretrial intervention or diversion  
☐ 6 points for any violation other than new felony conviction X \_\_\_\_\_ each successive violation OR  
☐ New felony conviction = 12 points X \_\_\_\_\_ each successive violation if new offense results in conviction before or at same time as sentence for violation of probation OR  
☐ 12 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern when the violation is not based solely on failure to pay costs, fines, or restitution OR  
☐ New felony conviction = 24 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern if new offense results in a conviction before or at the same time for violation of probation

**VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 points**

VII. \_\_\_\_\_

**VIII. Prior Serious Felony = 30 points**

VIII. \_\_\_\_\_

Subtotal Sentence Points 68.5000

**IX. Enhancements (only if primary offense qualifies for enhancement)**

Law Enf. Protect.	Drug Trafficker	Motor Vehicle Theft	Criminal Gang Offense	Domestic Violence in the Presence of Related Child (offenses committed on or after 03-12-07)	Adult-on-Minor Sex Offense (offenses committed on or after 10-1-14)
<input type="checkbox"/> x 1.5 <input type="checkbox"/> x 2.0 <input type="checkbox"/> x 2.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 2.0

Enhanced Subtotal Sentence Points

IX. \_\_\_\_\_

TOTAL SENTENCE POINTS

68.5000

**SENTENCE COMPUTATION**

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction. If the total sentence points are 22 points or less, see Section 775.082(10), Florida Statutes, to determine if the court must sentence the offender to a non-state prison sanction.

If total sentence points are greater than 44:

$\frac{68.5000}{\text{total sentence points}} \text{ minus } 28 = \frac{40.5000}{\text{total sentence points}} \times .75 = \frac{30.3750}{\text{Lowest permissible prison sentence in months}}$

If total sentence points are 60 points or less than and court makes findings pursuant to both Florida Statutes 948.20 and 397.334(3), the court may place the defendant into a treatment-based drug court program.

The maximum sentence is up to the statutory maximum for the primary and any additional offenses as provided in s.775.082, F.S., unless the lowest permissible sentence under the code, exceeds the statutory maximum. Such sentences may be imposed concurrently or consecutively. If the total sentence points are greater than or equal to 363, a life sentence may be imposed.

30  
maximum sentence in years

**TOTAL SENTENCE IMPOSED**

- ☒ State Prison ☐ Life  
☐ County Jail ☐ Time Served  
☐ Community Control  
☐ Probation ☐ Modified

Years

8

Months

Days

Please check if sentenced as ☐ habitual offender, ☐ habitual violent offender, ☐ violent career offender, ☐ prison release reoffender, or a ☐ mandatory minimum applies.

☐ Mitigated Departure ☒ Plea Bargain ☐ Prison Diversion Program

Other Reason \_\_\_\_\_

JUDGE'S SIGNATURE

*Susan S. [Signature]*

# Rule 3.992 Supplemental Criminal Punishment Code Scoresheet

NAME (LAST, FIRST, MI. I.) BELL, DAVID G.	DOCKET # 21-07358CFANO	DATE OF SENTENCE 12/17/2021
--	---------------------------	--------------------------------

## X. ADDITIONAL OFFENSE(S):

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	COUNTS	POINTS	TOTAL
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

II. \_\_\_\_\_

## IV. PRIOR RECORD:

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	DESCRIPTION	NUMBER	POINTS	TOTAL
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	

(Level - Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

IV. \_\_\_\_\_

## Reasons for Departure - Mitigating Circumstances (reasons may be checked here or written on the scoresheet)

- ☐ Legitimate, uncoerced plea bargain.
- ☐ The defendant was an accomplice to the offense and was a relatively minor participant in the criminal conduct.
- ☐ The capacity of the defendant to appreciate the criminal nature of the conduct or to conform that conduct to the requirements of law was substantially impaired.
- ☐ The defendant requires specialized treatment for a mental disorder that is unrelated to substance abuse or addiction, or for a physical disability, and the defendant is amenable to treatment.
- ☐ The need for payment of restitution to the victim outweighs the need for a prison sentence.
- ☐ The victim was an initiator, willing participant, aggressor, or provoker of the incident.
- ☐ The defendant acted under extreme duress or under the domination of another person.
- ☐ Before the identity of the defendant was determined, the victim was substantially compensated.
- ☐ The defendant cooperated with the State to resolve the current offense or any other offense.
- ☐ The offense was committed in an unsophisticated manner and was an isolated incident for which the defendant has shown remorse.
- ☐ At the time of the offense the defendant was too young to appreciate the consequences of the offense.
- ☐ The defendant is to be sentenced as a youthful offender.
- ☐ The defendant is amenable to the services of a post adjudicatory treatment-based drug court program and is otherwise qualified to participate in the program.
- ☐ The defendant was making a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose.

Pursuant to 921.0026(3) the defendant's substance abuse or addiction does not justify a downward departure from the lowest permissible sentence, except for the provisions of s. 921.0026(2)(m).

UCN: 522021CF007761XXXXCF

FL0521100

**COMPLAINT/ARREST AFFIDAVIT – CIRCUIT/COUNTY COURT – PINELLAS COUNTY, FLORIDA**

OBTS #					REPORT # 20-76016	DOCKET # 1872090														
Person ID	1966132				SSN#	[REDACTED]														
Charge Description	<input checked="" type="checkbox"/> Felony	<input type="checkbox"/> Misdemeanor	<input type="checkbox"/> Warrant	<input type="checkbox"/> Traffic	<input type="checkbox"/> Ordinance	Traffic Citation # (if any)	Court Case #													
Charge	LEAVING SCENE OF AN CRASH INVOLVING DEATH					AEUWMRE	21-07761-CF-1													
Defendant's Name (Last, First, Middle)	BROUGHTON, MICHAEL WAYNE				DOB	05/24/1980	Sex	M	Race	W	Ht	511	Wt	150	Hair	BRO	Eyes	BRO	Skin	LGT
Alias	DL # B623-559-80-184-0				State	FL	Scars/Marks/Tattoos/Physical Features													
Local Address (Street, City, State, Zip Code)	8101 23RD AVE N ST. PETERSBURG FL 33710					Telephone			Place of Birth	FL	Citizenship	US								
Permanent Address (Street, City, State, Zip Code)	8101 23RD AVE N ST. PETERSBURG FL 33710					Telephone			Employed by / School											
Weapon Seized Type	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				Indication of Drug Influence	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK	Indication of Mental Health Issues	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK	Indication of Alcohol Influence	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> UNK										
Co-Defendant's Name (Last, First, Middle)						DOB		Sex		Race		In Custody	<input type="checkbox"/> Yes <input type="checkbox"/> No							
												<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor								
Co-Defendant's Name (Last, First, Middle)						DOB		Sex		Race		In Custody	<input type="checkbox"/> Yes <input type="checkbox"/> No							
												<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor								

The undersigned swears that he/she has reasonable grounds to believe that the above named defendant on the 11 day of DECEMBER, 2020

at approximately 12:30 AM, at 62ND AVE N/ 55TH ST N, PINELLAS PARK, FL, 33781, in Pinellas County did:

\*\*\*\*\*AMENDED AFFIDAVIT\*\*\*\*\*

THEN AND THERE DRIVE A VEHICLE, TO-WIT: 1997 TOYOTA PICK-UP TRUCK WHICH WAS INVOLVED IN A CRASH INVOLVING DEATH TO JASON PRINE, AND THE SAID DEFENDANT DID WILLFULLY FAIL TO STOP SAID VEHICLE AT THE SCENE OF THE CRASH UNTIL HE HAD FULFILLED THE REQUIREMENTS OF FSS 316.062, TO-WIT: DID NOT GIVE HIS NAME AND ADDRESS AND THE REGISTRATION NUMBER OF THE VEHICLE HE WAS DRIVING AND DID NOT RENDER REASONABLE ASSISTANCE TO PERSONS INJURED IN THE CRASH.

CITATION #: AEUWMRE COURT: CALL OF COURT

THE DEFENDANT WAS THE DRIVER OF A VEHICLE THAT WAS INVOLVED IN A TWO VEHICLE CRASH THAT OCCURRED IN THE ROADWAY. AS A RESULT OF THE CRASH, THE VICTIM SUFFERED FATAL INJURIES AT THE SCENE OF THE CRASH. THE DEFENDANT FAILED TO REMAIN AT SCENE OF THE CRASH AND FLED THE SCENE IN HIS VEHICLE WITHOUT REMAINING ON SCENE OR SUMMONING ASSISTANCE. THERE IS INDICATION THAT THE DEFENDANT WAS IMPAIRED BY ALCOHOL AT THE TIME OF THE CRASH AS WELL. THE DEFENDANT OWNS A VEHICLE THAT IS TITLED IN HIS NAME THAT HE WAS KNOWN TO DRIVE AT THE TIME OF THE CRASH AND MATCHES THE DESCRIPTION OF THE SUSPECT VEHICLE PROVIDED BY WITNESSES. THE DEFENDANT IS ALSO KNOWN TO FREQUENT THE AREA IN WHICH THE CRASH OCCURRED. THE DEFENDANT WAS IDENTIFIED AS THE DRIVER OF THE VEHICLE BY A PASSENGER WHO WAS IN THE VEHICLE AT THE TIME OF THE CRASH. THE PASSENGER IDENTIFIED THE DEFENDANT AS THE DRIVER DURING THREE SEPARATE AUDIO RECORDED INTERVIEWS AND PROVIDED INTIMATE DETAILS OF THE CRASH SCENE THAT ARE NOT KNOWN TO THE PUBLIC.

Contrary to Florida Statute/Ordinance 316.027(2)(C) - F1

ARREST DATE: 8/18/2021 Time 4:36 PM Aggravating/Mitigating Factors \_\_\_\_\_

Booking Officer: COLBASSANI, C 59312 Amount of Bond AMENDED Bond Out Date \_\_\_\_\_ Time \_\_\_\_\_ ☐ a.m. ☐ p.m.

Victim Notified of Advisory? ☐ Yes ☐ No Injuries to Victim? ☐ Yes ☐ No Medical Treatment to Victim? ☐ Yes ☐ No

The Court reviewed this complaint and finds there: ☐ is probable cause ☐ is not probable cause to detain defendant ☐ Bond Action, if any: \_\_\_\_\_

The probable cause determination is passed for: ☐ 24 Hrs ☐ 24 Hrs on showing of extraordinary circumstances Received by Booking: 8/19/2021 3:13:23 PM

Pursuant to F.S. 92.525 and under penalty of perjury, I declare that I have read the foregoing document and that the facts in it are true.

*Jacob Rolleston*

Declarant Signature

PINELLAS PARK POLICE

Agency

OFFICER JACOB ROLLESTON 519

03023017

Printed Name

Declarant ID#

**REQUEST FOR INVESTIGATIVE COSTS, F.S. 938.27(1)**

DATE	OFFICER	HOURS X PAY RATE	OR	COST
08/18/2021	ROLLESTON	20	25.00	\$500.00
08/18/2021	HEVEL	10	25.00	250

OTHER – Describe FORENSICS CALLOUT 150.00

Continuation sheet ☐ Yes ☐ No

TOTAL \$ 900.00

**Defendant** BROUGHTON, MICHAEL WAYNE **Court Case No:** 21-07761-CF-1

**ADVISORY AND SOLVENCY HEARING**

The above named Defendant came before me for Advisory and Solvency hearing and was advised by me of the charge(s) against him; his right to remain silent; that any statements by him may be used against him; his right to counsel, and, if he is financially unable to afford counsel, that counsel forthwith will be appointed; of his right to communicate with his counsel, family or friends, and that reasonable implementation will be afforded him to contact the foregoing.

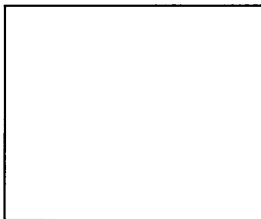
**I FURTHER CERTIFY THAT:**

- ☐ A. Defendant has advised the Court that he has retained counsel or will retain counsel.
- ☐ B. The Court investigated Defendant's solvency and found the Defendant financially able to secure counsel.
- ☐ C. The Court investigated Defendant's solvency and provisionally appointed the Public Defender.
- ☐ D. The Defendant waived the right to counsel at the first appearance only.

\_\_\_\_\_  
DATE AND TIME

\_\_\_\_\_  
JUDGE

- ☐ I hereby waive the right to counsel at the first appearance only.
- ☐ I, having been found solvent and financially able to secure counsel, hereby waive counsel until my attorney files an appearance in this case or until I file a written request for a review of my solvency and ability to secure counsel.



Thumb Print

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

I HEREBY acknowledge receipt of a copy of the foregoing Complaint and Advisory.

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

\_\_\_\_\_  
DEFENDANT'S ATTORNEY'S SIGNATURE

\_\_\_\_\_  
DATE

1

IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT,  
IN AND FOR PINELLAS COUNTY FLORIDA  
DIVISION: FELONY

UCN : 522021CF007761000APC

REF No. : 21-07761-CF - I

OBTs NUMBER \_\_\_\_\_

STATE OF FLORIDA  
VS.

MICHAEL WAYNE BROUGHTON  
Defendant

PID: 1713726

SS# [REDACTED]

### JUDGMENT

The Defendant, MICHAEL WAYNE BROUGHTON, being personally before this court represented by ANDREW HEBERT and JAY A HEBERT ESQ the attorneys of record, and the state represented by ALEXANDRA SPADARO, Assistant State Attorney, and ALEC WAID, Assistant State Attorney, and having:

entered a plea of guilty to the following crime(s)

COUNT	CRIME	OFFENSE STATUTE NUMBER (S)	DEGREE OF CRIME
01	LEAVING THE SCENE OF A CRASH INVOLVING DEATH	316.027	1F

X and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED  
THAT the Defendant is ADJUDICATED GUILTY of the above crime(s).

Defendant : MICHAEL WAYNE BROUGHTON

UCN : 522021CF007761000APC  
REF No. : 21-07761-CF - I

\_\_\_\_\_ and good cause being shown; IT IS ORDERED THAT ADJUDICATION  
OF GUILT BE WITHHELD as to Count(s) \_\_\_\_\_

Sentence Deferred  
Until Later Date  
(Check if Applicable)











\_\_\_\_\_ The Court hereby defers imposition of sentence until \_\_\_\_\_  
(Date)

The Defendant in Open Court was advised of the right to appeal from this Judgment by filing notice of appeal with the Clerk of the Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The Defendant was also advised of the right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in open court in Pinellas County, Florida on **August 15, 2023**.

\_\_\_\_\_  
JUDGE

FINGERPRINTS OF THE DEFENDANT

1. R. Thumb	2. R. Index	3. R. Middle	4. R. Ring	5. R. Little
				
6. L. Thumb	7. L. Index	8. L. Middle	9. L. Ring	10. L. Little
				

Fingerprints taken by:

08-17 R. A. [Signature] #60590  
(Name and Title)

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, **MICHAEL WAYNE BROUGHTON**, and that they were placed thereon by the defendant in my presence in open court this day.

\_\_\_\_\_  
JUDGE



Defendant: MICHAEL WAYNE BROUGHTON

UCN: 522021CF007761000APC  
REF No.: 21-07761-CF - I

OBTS Number \_\_\_\_\_

## **SENTENCE**

(as to Count 01 )

The defendant, being personally before the court, accompanied by the defendant's attorneys of record, **ANDREW HEBERT**, and **JAY A HEBERT ESQ**, and having been adjudicated guilty, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

### **It Is the Sentence Of the Court That:**

The Defendant pay total statutory costs in the amount of **\$1550.00**, inclusive of, Investigative Costs in the amount of **\$900.00** pursuant to s. 938.27 F.S., **\$100.00** as a Cost of Prosecution assessment.

The Defendant is committed to the custody of the Department of Corrections.

Unless otherwise prohibited by law, the Sheriff is authorized to release the Defendant on electronic monitoring or other sentencing programs subject to the Sheriff's discretion.

### **To Be Imprisoned:**

The Defendant is to be imprisoned for a term of **4 YEARS**.

## **SPECIAL PROVISIONS**

By appropriate notation, the following provisions apply to the sentence imposed:

### **Mandatory/Minimum Provisions:**

**Driver Leaving Scene Involving  
Death**

It is further ordered that the 4 year mandatory minimum imprisonment provision of 316.027(2)(c), Florida Statutes, is imposed.

### **Other Provisions:**

Please see the last page of this document for other provisions.

Defendant: MICHAEL WAYNE BROUGHTON

UCN: 522021CF007761000APC  
REF No.: 21-07761-CF - I

OBTS Number \_\_\_\_\_

**Other Provisions: (continued)**

**Jail Credit**

It is further ordered that the defendant shall be allowed a total of 19 DAYS as credit for time incarcerated before imposition of this sentence.

**Immigration Detainer**

It is further ordered that, as per s. 908.104(3)(b), F.S., the secure correctional facility in which the defendant is to be confined shall reduce the defendant's sentence by a period of not more than 12 days on the facility's determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody.

**Consecutive/Concurrent As  
to Other Convictions**

It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run concurrent with the following:  
Specific sentences : 21-07741-CF

**It is further ordered that:**

**Restitution is not applicable in this case.**

Restitution to State:

If applicable, you must make payment of any debt due and owing to the state under section 960.17 and 948.03(1)(h) Florida Statutes. The amount of such debt shall be determined by the Court at a later date upon final payment of the Crimes Compensation Trust Fund on behalf of the victim.

In the event the above sentence is to the Department of Corrections, the Sheriff of Pinellas County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing a notice of appeal within 30 days from this date with the Clerk of the Court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the state on showing of indigency.

In imposing this sentence, the court further orders:

**The defendant shall pay a \$7.00 fee to the Pinellas County Sheriff's Office for DNA testing. Your driver's license is revoked for 3 YEARS.**

DONE AND ORDERED in open court at Clearwater, Pinellas County, Florida on **August 15, 2023.**

\_\_\_\_\_  
Judge

# Form 5.992(a) Criminal Punishment Code Scoresheet

The Criminal Punishment Code Scoresheet Preparation Manual is available at: [http://www.dc.state.fl.us/pub/sen\\_cpcm/index.html](http://www.dc.state.fl.us/pub/sen_cpcm/index.html)

1. DATE OF SENTENCE <del>8/11/2021</del> <b>8/15/23</b>	2. PREPARER'S NAME <del>AW</del> <b>Spodaro</b>	3. COUNTY PINELLAS	4. SENTENCING JUDGE <del>S. ST. JOHN</del> <b>Helinger</b>
5. NAME (LAST, FIRST, M.I.) BROUGHTON, MICHAEL	6. DOB 5/24/1980	8. RACE WHITE	10. PRIMARY OFF. DATE 8/10/2021
	7. DC #	9. GENDER MALE	11. PRIMARY DOCKET # 21-07761-CF
			12. PLEA TRIAL <input checked="" type="checkbox"/>

## I. PRIMARY OFFENSE: Qualifier:

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
1	316.027(2)(C)	LEAVE CRASH W/DEATH	7	56

(Level - Points: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=116)

Prior capital felony doubles Primary Offense points ☐

I. 56.0000

## II. ADDITIONAL OFFENSE(S): Supplemental page attached ☐

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	COUNTS	POINTS	TOTAL
21-07741-CF	3	784.03(2)	1		1	0.7	0.7
DESCRIPTION	2+ SIMPLE BATTERY						
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

Prior capital felony doubles Additional Offense points ☐

Supplemental page points

II. 0.7000

## III. VICTIM INJURY:

	Number	Total		Number	Total
2 <sup>nd</sup> Degree Murder	240 X	=	Slight	4 X 1	= 4
Death	120 X	=	Sex Penetration	80 X	=
Severe	40 X	=	Sex Contact	40 X	=
Moderate	18 X	=			

III. 4.0000

## IV. PRIOR RECORD: Supplemental page attached ☐

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	DESCRIPTION	NUMBER	POINTS	TOTAL
5/MM	VARIOUS	M		VARIOUS	9	X 0.2	= 1.8000
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	

(Level - Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

Supplemental page points

IV. 1.8000

Page 1 Subtotal: 62.5000

NAME (LAST, FIRST, MI. I.)  
BROUGHTON, MICHAEL

DOCKET #  
21-07761-CF

Page 1 Subtotal: 62.5000

**V. Legal Status Violation = 4 Points**

- ☐ Escape ☐ Fleeing ☐ Failure to Appear ☐ Supersedeas bond ☐ Incarceration ☐ Pretrial intervention or diversion program  
☐ Court imposed post prison release community supervision resulting in a conviction

V. \_\_\_\_\_

**VI. Community Sanction Violation before the court for sentencing**

VI. \_\_\_\_\_

- ☐ Probation ☐ Community Control ☐ Pretrial intervention or diversion  
☐ 6 points for any violation other than new felony conviction X \_\_\_\_\_ each successive violation OR  
☐ New felony conviction = 12 points X \_\_\_\_\_ each successive violation if new offense results in conviction before or at same time as sentence for violation of probation OR  
☐ 12 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern when the violation is not based solely on failure to pay costs, fines, or restitution OR  
☐ New felony conviction = 24 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern if new offense results in a conviction before or at the same time for violation of probation

**VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 points**

VII. \_\_\_\_\_

**VIII. Prior Serious Felony = 30 points**

VIII. \_\_\_\_\_

Subtotal Sentence Points 62.5000

**IX. Enhancements (only if primary offense qualifies for enhancement)**

Law Enf. Protect.	Drug Trafficker	Motor Vehicle Theft	Criminal Gang Offense	Domestic Violence in the Presence of Related Child (offenses committed on or after 03-12-07)	Adult-on-Minor Sex Offense (offenses committed on or after 10-1-14)
<input type="checkbox"/> x 1.5 <input type="checkbox"/> x 2.0 <input type="checkbox"/> x 2.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 2.0

Enhanced Subtotal Sentence Points

IX. \_\_\_\_\_

**TOTAL SENTENCE POINTS**

62.5000

**SENTENCE COMPUTATION**

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction. If the total sentence points are 22 points or less, see Section 775.082(10), Florida Statutes, to determine if the court must sentence the offender to a non-state prison sanction.

If total sentence points are greater than 44:

$$\frac{62.5000}{\text{total sentence points}} \text{ minus } 28 = \frac{34.5000}{\text{total sentence points}} \times .75 = \frac{25.875000}{\text{Lowest permissible prison sentence in months}}$$

If total sentence points are 60 points or less than and court makes findings pursuant to both Florida Statutes 948.20 and 397.334(3), the court may place the defendant into a treatment-based drug court program.

The maximum sentence is up to the statutory maximum for the primary and any additional offenses as provided in s.775.082, F.S., unless the lowest permissible sentence under the code, exceeds the statutory maximum. Such sentences may be imposed concurrently or consecutively. If the total sentence points are greater than or equal to 363, a life sentence may be imposed.

35  
maximum sentence in years

**TOTAL SENTENCE IMPOSED**

	Years	Months	Days
<input checked="" type="checkbox"/> State Prison	<u>4</u>		
<input type="checkbox"/> County Jail			
<input type="checkbox"/> Community Control			
<input type="checkbox"/> Probation <input type="checkbox"/> Modified			

Please check if sentenced as ☐ habitual offender, ☐ habitual violent offender, ☐ violent career offender, ☐ prison release reoffender, or a ☐ mandatory minimum applies.

☐ Mitigated Departure ☐ Plea Bargain ☐ Prison Diversion Program

Other Reason \_\_\_\_\_

4 yr Min /  
Man  
on 21077611  
25.875M  
on 2107741  
Concurrent

**JUDGE'S SIGNATURE**

# Rule 3.992, Supplemental Criminal Punishment Code Scoresheet

NAME (LAST, FIRST, MI. I.) BROUGHTON, MICHAEL	DOCKET # 21-07761-CF	DATE OF SENTENCE 8/31/2021
--	-------------------------	-------------------------------

## X. ADDITIONAL OFFENSE(S):

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	COUNTS	POINTS	TOTAL
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

II. \_\_\_\_\_

## IV. PRIOR RECORD:

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	DESCRIPTION	NUMBER	POINTS	TOTAL
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	

(Level - Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

IV. \_\_\_\_\_

## Reasons for Departure - Mitigating Circumstances (reasons may be checked here or written on the scoresheet)

- ☐ Legitimate, uncoerced plea bargain.
- ☐ The defendant was an accomplice to the offense and was a relatively minor participant in the criminal conduct.
- ☐ The capacity of the defendant to appreciate the criminal nature of the conduct or to conform that conduct to the requirements of law was substantially impaired.
- ☐ The defendant requires specialized treatment for a mental disorder that is unrelated to substance abuse or addiction, or for a physical disability, and the defendant is amenable to treatment.
- ☐ The need for payment of restitution to the victim outweighs the need for a prison sentence.
- ☐ The victim was an initiator, willing participant, aggressor, or provoker of the incident.
- ☐ The defendant acted under extreme duress or under the domination of another person.
- ☐ Before the identity of the defendant was determined, the victim was substantially compensated.
- ☐ The defendant cooperated with the State to resolve the current offense or any other offense.
- ☐ The offense was committed in an unsophisticated manner and was an isolated incident for which the defendant has shown remorse.
- ☐ At the time of the offense the defendant was too young to appreciate the consequences of the offense.
- ☐ The defendant is to be sentenced as a youthful offender.
- ☐ The defendant is amenable to the services of a post adjudicatory treatment-based drug court program and is otherwise qualified to participate in the program.
- ☐ The defendant was making a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose.

Pursuant to 921.0026(3) the defendant's substance abuse or addiction does not justify a downward departure from the lowest permissible sentence, except for the provisions of s. 921.0026(2)(m).

CIRCUIT COURT - CRIMINAL DIVISION, PINELLAS COUNTY, FLORIDA

WARRANT

STATE OF FLORIDA : 20-11768-CF

V. : LEAVING THE SCENE OF  
CRASH INVOLVING DEATH

ZACHARY LEGEND CARIDE :  
PID 310377402  
W/M; DOB: 08/03/1996

FILED  
CRIMINAL COURT  
CUSTOMER SERVICE  
2020 DEC 18 PM 1:25  
KEN BURKE  
CLERK OF CIRCUIT COURT  
AND COMPTROLLER

IN THE NAME OF THE STATE OF FLORIDA,  
TO ALL AND SINGULAR THE SHERIFFS AND INVESTIGATORS OF THE STATE  
ATTORNEY,

WHEREAS, Detective Christopher Lemmon, Tarpon Springs  
Police Department, has this day made oath before this Court that  
on November 27, 2020, in the County and District aforesaid,  
ZACHARY LEGEND CARIDE was the driver of a motor vehicle, a 2016  
Hyundai Accent bearing Florida tag GHBT13, which was involved in  
a crash involving the death of Terry Bruillard (W/F; DOB:  
04/15/1961), and the said ZACHARY LEGEND CARIDE (W/M; DOB:  
08/03/1996) did willfully fail to stop the vehicle at the scene  
of the crash or, as close thereto as possible, or return or  
remain at the scene of the crash until he had fulfilled the  
requirements of Florida Statute 316.062, to-wit: did not give  
his name and address, and the registration number of the vehicle  
he was driving, and did not render reasonable assistance to  
persons injured in the crash; and was driving while under the  
influence as set out in Florida Statute 316.193(1); contrary to

RECEIVED THIS WARRANT

On the \_\_\_\_ day of \_\_\_\_\_

and executed same on the \_\_\_\_\_

by arresting the within named \_\_\_\_\_

IN THE CIRCUIT COURT OF THE  
SIXTH JUDICIAL CIRCUIT

Pinellas County  
Florida  
STATE OF FLORIDA

VS

and having him now before the Court.

ZACHARY LEGEND CARIDE

\_\_\_\_\_  
ARRESTING OFFICER

WARRANT

LEAVING THE SCENE OF A  
CRASH INVOLVING DEATH

Filed this \_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_, 2020.

Chapter 316.027(2)(c), Florida Statutes, in such case made and provided, and against the peace and dignity of the State of Florida. [T1B]/7

These are, therefore, to command you to arrest instanter the said ZACHARY LEGEND CARIDE and bring him before me to be dealt with according to law.

Given under my hand and seal this 18th day of December, 2020.

BOND SET IN THIS CASE IN THE  
AMOUNT \$150,000.

Other conditions of release:

no driving

  
JUDGE OF THE CIRCUIT COURT

TS20-032616    NAF20-04127-A    C-BK/1218SEW12



RECEIVED THIS WARRANT

On the \_\_\_\_\_ day of \_\_\_\_\_

and executed same on the \_\_\_\_\_

by arresting the within named  
\_\_\_\_\_

IN THE CIRCUIT COURT OF THE  
SIXTH JUDICIAL CIRCUIT

Pinellas County  
Florida  
STATE OF FLORIDA

VS

and having him now before the Court.

ZACHARY LEGEND CARIDE

\_\_\_\_\_  
ARRESTING OFFICER

WARRANT

LEAVING THE SCENE OF A  
CRASH INVOLVING DEATH

Filed this \_\_\_\_\_ day of

\_\_\_\_\_, 2020.

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA IN AND FOR PINELLAS COUNTY

FILED  
CRIMINAL COURT  
CUSTOMER SERVICE  
2020 DEC 18 PM 1:25  
KEN BURKE  
CLERK OF CIRCUIT COURT  
AND COMPTROLLER

STATE OF FLORIDA :  
COMPLAINT  
V. :  
LEAVING THE SCENE OF A  
CRASH INVOLVING DEATH, 1° F  
ZACHARY LEGEND CARIDE :  
PID 310377402  
W/M; DOB: 08/03/96

BEFORE ME, A JUDGE OF THE CIRCUIT COURT, in and for said County, personally came Detective Christopher Lemmon, who, being duly sworn, says that on November 27, 2020, in the County aforesaid, one ZACHARY LEGEND CARIDE (W/M; DOB: 08/03/1996) was the driver of a motor vehicle, a 2016 Hyundai Accent bearing Florida tag #GHBT13, which was involved in a crash involving the death of Terry Bruillard (W/F; DOB: 04/15/1961), and the said ZACHARY LEGEND CARIDE did willfully fail to stop the vehicle at the scene of the crash or, as close thereto as possible, or return or remain at the scene of the crash until he had fulfilled the requirements of Florida Statute 316.062, to-wit: did not give his name and address, and the registration number of the vehicle he was driving, and did not render reasonable assistance to persons injured in the crash; and was driving while under the influence as set out in Florida Statute 316.193(1); contrary to Chapter 316.027(2)(c), Florida Statutes, in such case made and provided, and against the peace and dignity of the State of Florida.

Your Affiant, Christopher Frederick Lemmon, is a sworn law enforcement officer employed by the Tarpon Springs Police Department in the capacity of a detective. Your Affiant has been employed as a law enforcement officer with the Tarpon Springs Police Department since October 18, 2012, and is now assigned as a Detective. Prior to being employed as a police officer with the Tarpon Springs Police Department, your Affiant obtained a Bachelor of Arts degree in English from Washington State University in May of 2006. In 2010, your Affiant obtained a Juris Doctorate degree from St. Thomas University School of Law. In 2012, your Affiant received his law enforcement certification from Pasco-Hernando College in Dade City, Florida.

On November 27, 2020, at approximately 4:59 a.m. your Affiant was alerted to an accident between a motorist and a bicycle at the intersection of U.S. Alternate 19 and Wood Dove Avenue. The complainant, Gary Granaas (W/M; DOB: 01/28/1970) contacted 911 and reported he had just witnessed a vehicle strike a bicyclist and then observed the vehicle flee from the scene of the accident at a high rate of speed. Gary Granaas advised the driver of the vehicle failed to stop at the scene of the accident and made no attempt to render aid to the bicyclist. At approximately 0512hrs the bicyclist was declared deceased at the scene of the accident. The bicyclist was later identified as Terry Bruillard.

Your Affiant responded to the scene of the accident and found remnants of the suspect vehicle scattered across the roadway as a result of the collision between the suspect vehicle and the bicyclist. Your Affiant located a side mirror with a part number of E13027492 on the roadway where the collision occurred. The part had the Hyundai logo emblazoned on it and an online search revealed the part corresponded to a 2012-2017 Hyundai Accent. A motor and pump assembly with a part number of 98510-1W010 was also found at the scene of the accident. Your Affiant researched this part and determined it was also equipped on vehicles manufactured by Hyundai. An examination of the debris at the scene of the accident also resulted in the discovery of what appeared to be a section of the suspect vehicle's front bumper. The discovery of this piece was consistent with the fact the suspect vehicle had sustained significant front end damage from the collision with the bicyclist.

Your Affiant was informed by Sgt. Taureen Mathis that Gary Granaas had not only witnessed the accident, but also had a video recording of the accident. Gary Granaas's vehicle was equipped with a camera mounted to his dashboard, which continually recorded as he drove. Your Affiant reviewed the video from this camera and was able to confirm the suspect vehicle was a light colored Hyundai that appeared consistent in

appearance with a Hyundai Accent. The video showed the suspect vehicle passed Gary Granaas's vehicle as they were traveling southbound on U.S. Alternate 19 and approaching Holiday Lake Drive. Upon passing Gary Granas's vehicle, the suspect vehicle's right turn signal was actively blinking and then as the vehicle proceeded through the intersection with Holiday Lake Dr. the left turn signal was activated. The suspect vehicle didn't turn off of U.S. Alt. 19 even though the turn signals for the vehicle had been activated. As the suspect vehicle continued traveling southbound on U.S. Alernate 19, the video showed the vehicle driving on the solid double-yellow centerline and then drifted across the lane of traffic into the designated bicycle lane on the west side of the roadway. The suspect vehicle was captured on video traveling in the bicycle lane for approximately 225 feet and drifted back into the appropriate southbound lane of travel. The video then showed the suspect vehicle continued southbound on U.S. Alternate 19 and again drifted over the solid white fog line along the west side of the road. The collision between the suspect vehicle and the bicyclist was evident on the video due to visible sparks emanating from the passenger side of the suspect vehicle as it struck the bicycle. The suspect vehicle's brake lights became illuminated immediately following the collision, but the video showed the vehicle didn't stop and continued traveling

southbound. The video showed the suspect vehicle eventually came to a stop approximately 400 feet from the impact point with the bicyclist and stopped on the paved shoulder portion of the road.

The video revealed Gary Granaas reacted to the collision by stopping just south of the scene of the accident and then conducting a U-turn to check on the welfare of the bicyclist. When Gary Granaas returned to the scene, his camera captured a mangled bicycle at the entrance way onto Wood Dove Avenue and a debris field from the collision between the bicycle and the suspect vehicle. After approximately 43 seconds had elapsed from the time of the collision, the video showed Gary Granaas began driving toward the stopped suspect vehicle, which was still stationary in the shoulder south of the scene of the accident. The video revealed the suspect vehicle immediately reacted by merging back onto U.S. Alternate 19 and fled southbound at approximately 68 miles per hour. The speed limit on this portion of the highway is 45 miles per hour. The suspect vehicle disappeared from the camera's viewpoint as the vehicle traveled southbound past Oscar Hill Road.

Your Affiant assisted in an intensive search for the suspect vehicle, but the efforts were unsuccessful in locating the suspect vehicle. On November 28, 2020, at approximately 10:40 p.m. Officer Palmer was monitoring traffic on U.S.

Alternate 19 near East Tarpon Avenue when she observed beige Hyundai Accent travel northbound past her location. Your Affiant was advised by Officer Palmer she noticed the vehicle had the same distinct dark colored marking on its rear driver side door that had been visible on the camera footage from Gary Granaas's vehicle. Officer Palmer also indicated she observed the vehicle was missing its passenger side mirror and had extensive front end damage, which was consistent with the damage believed to have been incurred by the suspect vehicle from its collision with the bicyclist. Officer Palmer conducted a traffic stop on the vehicle on Jordana Way within the Park at Wellington Apartments complex. The driver of the vehicle was subsequently identified as ZACHARY LEGEND CARIDE and the only passenger within the vehicle was identified as Megan Maloney.

Megan Maloney informed Officer Palmer she was the registered owner of the stopped 2016 Hyundai Accent and identified ZACHARY LEGEND CARIDE as her boyfriend. Megan Maloney provided consent to have her vehicle searched and processed, in reference to our investigation into the death of Terry Bruillard.

Your Affiant was advised by Officer Palmer she interviewed ZACHARY LEGEND CARIDE and he denied any involvement in the accident, which had resulted in the death of Terry Bruillard. Officer Palmer disclosed to your Affiant that ZACHARY LEGEND CARIDE had indicated he was at a hotel located on Clearwater

Beach sleeping at the time of the accident. Your Affiant was told by Officer Palmer that ZACHARY LEGEND CARIDE had advised the extensive visible front end damage to the vehicle predated the time of the accident.

Your Affiant was advised by Officer Gassen when he interviewed Megan Maloney at the scene of the traffic stop she denied any involvement in the hit and run accident or any knowledge that her vehicle had been involved. Megan Maloney consented to have her iPhone XR forensically examined. Your Affiant reviewed the Cellebrite download of Megan Maloney's iPhone XR and at the time of the accident her phone's device location was the Beachview Hotel located at 325 South Gulfview Boulevard. The location data obtained from Megan Maloney's phone corroborated her account that she had been present at the Beachview Hotel at the time of the accident.

On December 3, 2020, your Affiant reviewed surveillance footage from cameras positioned throughout the Beachview Hotel property. The video showed on November 26, 2020, at approximately 11:15 p.m. Megan Maloney parked her Hyundai Accent in the hotel's parking lot and ZACHARY LEGEND CARIDE exited the vehicle from the front passenger seat. They both then proceeded into the hotel and took an elevator to get to their room. On November 27, 2020, at approximately 1:56 a.m. ZACHARY LEGEND CARIDE was captured by a camera, monitoring the hotel's parking



lot, entering into the Hyundai Accent by himself and then departing from the hotel in the vehicle. The video clearly showed when ZACHARY LEGEND CARIDE departed from the hotel's parking lot the Hyundai Accent was equipped with a passenger side mirror. At approximately 5:36 a.m. the Hyundai Accent was captured by the hotel's cameras returning and the vehicle was missing its passenger side mirror and had extensive damage to its front end. A review of the video revealed ZACHARY LEGEND CARIDE exited from the vehicle by himself and then proceeded into the lobby of the hotel. An interior camera monitoring the elevator appeared to show ZACHARY LEGEND CARIDE holding his iPhone 6s as he entered into the elevator to go to his hotel room.

On December 16, 2020, at approximately 2:05 p.m. your Affiant conducted an interview with Megan Maloney at the Tarpon Springs Police Department. Megan Maloney informed your Affiant that after her vehicle was seized by Tarpon Springs Police Department on November 28, 2020, she departed from the traffic stop in an Uber with ZACHARY LEGEND CARIDE. She advised your Affiant that while being transported in the Uber that ZACHARY LEGEND CARIDE confided in her that he had struck the bicyclist while operating her vehicle and had fled from the scene of the accident. Megan Maloney told your Affiant that ZACHARY LEGEND CARIDE apologized

while they were being transported in the Uber for his role in her vehicle being seized.

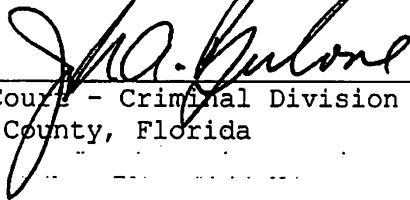
Your Affiant was advised by Megan Maloney that on December 13, 2020, at approximately 8:06 p.m. she made contact with ZACHARY LEGEND CARIDE at Sims Park located in New Port Richey, Florida. Your Affiant learned that ZACHARY LEGEND CARIDE told Megan Maloney that he "doesn't know what the fuck happened" the morning of the accident. Megan Maloney questioned whether he was "fucked up" at the time of the accident and he replied, "I must have been". She advised ZACHARY LEGEND CARIDE that she read in the newspaper that someone had followed him back to his hotel from the scene of the accident. ZACHARY LEGEND CARIDE characterized that assertion as a "lie" and stated "no one followed me back". He reiterated that "when I say that, I know", in reference to whether he was followed from the scene of the accident. ZACHARY LEGEND CARIDE advised that he can say anything when confronted about his involvement in the accident like he was "in the passenger seat" or his phone was "left" in the car. ZACHARY LEGEND CARIDE told Megan Maloney that "you are the only thing that connects anything together" and implored her to not cooperate with law enforcement.

WHEREFORE, your Affiant respectfully requests this Honorable Court to issue a Capias for the arrest of ZACHARY LEGEND CARIDE for the offense of leaving the scene of a crash with death so that he may be made to answer to the charge.




AFFIANT

Sworn to and subscribed before me  
this 18 day of December, 2020.



Circuit Court - Criminal Division  
Pinellas County, Florida

TS20-032616 NAF20-04127-A C-BK/1218SEW11

PERSONAL DATA INFORMATION SHEET			
ALL INFORMATION MUST BE PROVIDED BY THE INVESTIGATING OFFICER			
*Note: Starred lines are required for computer warrant entries. *FCIC System (local) **NCIC System			
* Defendant's Full Name: Zachary Legend Caride			
* Alias: Click here to enter text.		* SSN: [REDACTED]	<div style="writing-mode: vertical-rl; transform: rotate(180deg);"> <b>FILED</b>            CRIMINAL COURT            CUSTOMER SERVICE            2020 DEC 18 PM 1:26            KEN BUEKE            CLERK OF CIRCUIT COURT            AND COUNTY         </div>
		* SID #: C630992962831	
Last Known Address: 3336 ELKRIDGE DR HOLIDAY, FL 34691			
Place of Employment: UNEMPLOYED			
(company)		(business address)	
*DOB: 08/03/1996	*SEX: M	*RACE: W	FINGERPRINTS AVAILABLE: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
**HT: 5'08	**WT: 180	**HAIR: BRO	EYES: BRO
OTHER FEATURES: (BEARD, MARKS, SCARS, TATTOOS) Click here to enter text.			
Per FLCrRule 3.121 attach photo - SOPICS preferred Originating Source of PHOTO:			
<input type="checkbox"/> SOPICS Docket # Click here to enter text. <input checked="" type="checkbox"/> FL DL # C630992962831 DAVID Photo confirmed accurate by: Click here to enter text.			
<input type="checkbox"/> Other State DL # Click here to enter text. State Click here to enter text.			
<input type="checkbox"/> Other Photo Source # Click here to enter text. Click here to enter text.			
<input type="checkbox"/> NO PHOTO AVAILABLE -- Explanation For No Photo: Click here to enter text.			
*AGENCY: TARPON SPRINGS POLICE DEPT.		OFFENSE NUMBER: TS20-32616	
*INVESTIGATING OFFICER: LEMMON			

BURKE, CLERK OF COURT AND COMPTROLLER PINELLAS COUNTY, FL BY DEPUTY CLERK:  
CLKDU08

1

IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT,  
IN AND FOR PINELLAS COUNTY FLORIDA  
DIVISION: FELONY

UCN : 522020CF011768000APC

REF No. : 20-11768-CF - A

OBTs NUMBER .....

STATE OF FLORIDA  
VS.

ZACHARY L CARIDE  
Defendant

PID: 310377402

SS# [REDACTED]

### JUDGMENT

The Defendant, ZACHARY L CARIDE, being personally before this court represented by LORI MAHIN, Assistant Public Defender, the attorney of record, and the state represented by ROBERT BRUCE, Assistant State Attorney, and having:

entered a plea of guilty to the following crime(s)

COUNT	CRIME	OFFENSE STATUTE NUMBER (S)	DEGREE OF CRIME
01	LEAVING THE SCENE OF A CRASH INVOLVING DEATH	316.027	1F

X and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED  
THAT the Defendant is ADJUDICATED GUILTY of the above crime(s).

ICD: JDMT (34775921)

RETURN TO:

Defendant : ZACHARY L CARIDE

UCN : 522020CF011768000APC  
REF No. : 20-11768-CF - A

\_\_\_\_\_ and good cause being shown; IT IS ORDERED THAT ADJUDICATION  
OF GUILT BE WITHHELD as to Count(s) \_\_\_\_\_

Sentence Deferred  
Until Later Date  
(Check if Applicable)






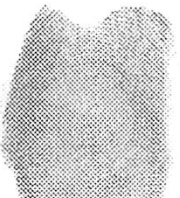




\_\_\_\_\_ The Court hereby defers imposition of sentence until \_\_\_\_\_  
(Date)

The Defendant in Open Court was advised of the right to appeal from this Judgment by filing notice of appeal with the Clerk of the Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The Defendant was also advised of the right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in open court in Pinellas County, Florida on **December 3, 2021**.

Nancy Hloase  
JUDGE

FINGERPRINTS OF THE DEFENDANT

1. R. Thumb	2. R. Index	3. R. Middle	4. R. Ring	5. R. Little
				
6. L. Thumb	7. L. Index	8. L. Middle	9. L. Ring	10. L. Little
				

Fingerprints taken by:

Dep. Burge AJ 60593  
(Name and Title)

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, ZACHARY L CARIDE, and that they were placed thereon by the defendant in my presence in open court this day.

Nancy Hloase  
JUDGE

Defendant: ZACHARY L. CARIDE

UCN: 522020CF011768000APC  
REF No.: 20-11768-CF - A

OBT Number .....

## **SENTENCE**

(as to Count 01 )

The defendant, being personally before the court, accompanied by the defendant's attorney of record, **LORI MAHIN, Assistant Public Defender**, and having been adjudicated guilty, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

### **It Is the Sentence Of the Court That:**

The Defendant pay total statutory costs in the amount of **\$700.00**, inclusive of a **\$50.00** Indigent Criminal Defense Fee as required by s. 27.52 F.S., **\$100.00** as a Cost of Prosecution assessment. These assessments are hereby imposed as liens.

The Defendant **pay attorney fees and costs of defense as determined by the Court.**

The Defendant is **committed to the custody of the Department of Corrections.**

Unless otherwise prohibited by law, the Sheriff is authorized to release the Defendant on electronic monitoring or other sentencing programs subject to the Sheriff's discretion.

### **To Be Imprisoned:**

The Defendant is to be imprisoned for a term of **7 YEARS.**

## **SPECIAL PROVISIONS**

By appropriate notation, the following provisions apply to the sentence imposed:

### **Mandatory/Minimum Provisions:**

**Driver Leaving Scene Involving  
Death**

**It is further ordered that the 4 year mandatory minimum imprisonment provision of 316.027(2)(c), Florida Statutes, is imposed.**

### **Other Provisions:**

**Please see the last page of this document for other provisions.**

**Other Provisions: (continued)**

**Jail Credit**

It is further ordered that the defendant shall be allowed a total of 312 DAYS as credit for time incarcerated before imposition of this sentence.

**Immigration Detainer**

It is further ordered that, as per s. 908.104(3)(b), F.S., the secure correctional facility in which the defendant is to be confined shall reduce the defendant's sentence by a period of not more than 12 days on the facility's determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody.

**It is further ordered that:**

**Restitution is not applicable in this case.**

Restitution to State:

If applicable, you must make payment of any debt due and owing to the state under section 960.17 and 948.03(1)(h) Florida Statutes. The amount of such debt shall be determined by the Court at a later date upon final payment of the Crimes Compensation Trust Fund on behalf of the victim.

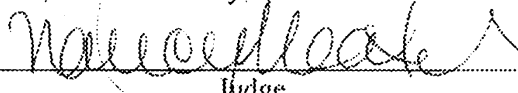
In the event the above sentence is to the Department of Corrections, the Sheriff of Pinellas County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing a notice of appeal within 30 days from this date with the Clerk of the Court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the state on showing of indigency.

In imposing this sentence, the court further orders:

**Your driver's license is revoked for 3 YEARS.**

DONE AND ORDERED in open court at Clearwater, Pinellas County, Florida on **December 3, 2021.**

  
\_\_\_\_\_  
Judge



# Rule 992(a) Criminal Punishment Code Scoresheet

The Criminal Punishment Code Scoresheet Preparation Manual is available at: [http://www.dc.state.fl.us/pub/sen\\_cpcm/index.html](http://www.dc.state.fl.us/pub/sen_cpcm/index.html)

1. DATE OF SENTENCE <b>12/3/21</b>	2. PREPARER'S NAME KANOSKI	3. COUNTY PINELLAS	4. SENTENCING JUDGE BURGESS	
5. NAME (LAST, FIRST, M.I.) CARIDE, ZACHARY L.	6. DOB 8/3/1996	8. RACE WHITE	10. PRIMARY OFF. DATE 11/27/2020	12. PLEA <input checked="" type="checkbox"/> TRIAL <input type="checkbox"/>
	7. DC #	9. GENDER MALE	11. PRIMARY DOCKET # 2011768CFANO	

**I. PRIMARY OFFENSE:** Qualifier: \_\_\_\_\_

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
1	316.027(1)(B)	LEAVE CRASH W/DEATH	8	74

(Level - Points: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=116)

Prior capital felony doubles Primary Offense points ☐

**I. 74.0000**

**II. ADDITIONAL OFFENSE(S):** Supplemental page attached ☐

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	COUNTS	POINTS	TOTAL
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

Prior capital felony doubles Additional Offense points ☐

Supplemental page points \_\_\_\_\_

**II. \_\_\_\_\_**

**III. VICTIM INJURY:**

	Number	Total		Number	Total
2 <sup>nd</sup> Degree Murder	240 X	=	Slight	4 X	=
Death	120 X	=	Sex Penetration	80 X	=
Severe	40 X	=	Sex Contact	40 X	=
Moderate	18 X	=			

**III. \_\_\_\_\_**

**IV. PRIOR RECORD:** Supplemental page attached ☐

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	DESCRIPTION	NUMBER	POINTS	TOTAL
3	893.13(6)(A)	3		POSS.CONTROL.SUBS/OTHER	1	X 1.6	= 1.6000
3	539.001(8)(B)8 A	1		FALS INF. TO PWNBRKR<\$3	1	X 0.5	= 0.5000
2	812.019(1)	5		TRAFFIC IN STOLEN PROPE	1	X 3.6	= 3.6000
5/MM	VARIOUS	M		VARIOUS	4	X 0.2	= 0.8000
					X		=
					X		=
					X		=
					X		=
					X		=

(Level - Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

Supplemental page points \_\_\_\_\_

**IV. 6.5000**

**Page 1 Subtotal: 80.5000**

<b>NAME (LAST, FIRST, MI. I.)</b> CARIDE, ZACHARY L.	<b>DOCKET #</b> 2011768CFANO
---	---------------------------------

Page 1 Subtotal: 80.5000

**V. Legal Status Violation = 4 Points**

☐ Escape  
 ☐ Fleeing  
 ☐ Failure to Appear  
 ☐ Supersedeas bond  
 ☐ Incarceration  
 ☐ Pretrial intervention or diversion program  
☐ Court imposed post prison release community supervision resulting in a conviction

V. \_\_\_\_\_

**VI. Community Sanction Violation before the court for sentencing**

☐ Probation  
 ☐ Community Control  
 ☐ Pretrial intervention or diversion  
☐ 6 points for any violation other than new felony conviction X \_\_\_\_\_ each successive violation OR  
☐ New felony conviction = 12 points X \_\_\_\_\_ each successive violation if new offense results in conviction before or at same time as sentence for violation of probation OR  
☐ 12 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern when the violation is not based solely on failure to pay costs, fines, or restitution OR  
☐ New felony conviction = 24 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern if new offense results in a conviction before or at the same time for violation of probation

VI. \_\_\_\_\_

**VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 points**

VII. \_\_\_\_\_

**VIII. Prior Serious Felony = 30 points**

VIII. \_\_\_\_\_

Subtotal Sentence Points 80.5000

**IX. Enhancements (only if primary offense qualifies for enhancement)**

Law Enf. Protect <input type="checkbox"/> x 1.5 <input type="checkbox"/> x 2.0 <input type="checkbox"/> x 2.5	Drug Trafficker <input type="checkbox"/> x 1.5	Motor Vehicle Theft <input type="checkbox"/> x 1.5	Criminal Gang Offense <input type="checkbox"/> x 1.5	Domestic Violence in the Presence of Related Child (offenses committed on or after 03-12-07) <input type="checkbox"/> x 1.5	Adult-on-Minor Sex Offense (offenses committed on or after 10-1-14) <input type="checkbox"/> x 2.0
--	---	---	---	---	--

Enhanced Subtotal Sentence Points \_\_\_\_\_

**TOTAL SENTENCE POINTS** 80.5000

IX. \_\_\_\_\_

**SENTENCE COMPUTATION**

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction. If the total sentence points are 22 points or less, see Section 775.082(10), Florida Statutes, to determine if the court must sentence the offender to a non-state prison sanction.

If total sentence points are greater than 44:

$$\frac{80.5000}{\text{total sentence points}} \text{ minus } 28 = \frac{52.5000}{\text{total sentence points}} \times .75 = \frac{39.375000}{\text{Lowest permissible prison sentence in months}}$$

If total sentence points are 60 points or less than and court makes findings pursuant to both Florida Statutes 948.20 and 397.334(3), the court may place the defendant into a treatment-based drug court program.

The maximum sentence is up to the statutory maximum for the primary and any additional offenses as provided in s.775.082, F.S., unless the lowest permissible sentence under the code, exceeds the statutory maximum. Such sentences may be imposed concurrently or consecutively. If the total sentence points are greater than or equal to 363, a life sentence may be imposed.

30  
maximum sentence in years

**TOTAL SENTENCE IMPOSED**

	Years	Months	Days
<input checked="" type="checkbox"/> State Prison <input type="checkbox"/> Life <input type="checkbox"/> County Jail <input type="checkbox"/> Time Served <input type="checkbox"/> Community Control <input type="checkbox"/> Probation <input type="checkbox"/> Modified	<u>7</u>		

Please check if sentenced as ☐ habitual offender, ☐ habitual violent offender, ☐ violent career offender, ☐ prison release reoffender, or a ☐ mandatory minimum applies.

☐ Mitigated Departure  
 ☐ Plea Bargain  
 ☐ Prison Diversion Program  
 Other Reason \_\_\_\_\_

<b>JUDGE'S SIGNATURE</b>	
--------------------------	--

AG  
 3y AL Rev  
 4y Min Max

# Rule 3.992 Supplemental Criminal Punishment Code Scoresheet

NAME (LAST, FIRST, MI. I.) CARIDE, ZACHARY L.	DOCKET # 2011768CFANO	DATE OF SENTENCE <del>2/2/2021</del> 12/3/21
--	--------------------------	---

## X. ADDITIONAL OFFENSE(S):

DOCKET #	FEL/MM DEGREE	F S #	OFFENSE LEVEL	QUALIFY: A/S/C/R	COUNTS	POINTS	TOTAL
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							

(Level – Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

II. \_\_\_\_\_

## IV. PRIOR RECORD:

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	DESCRIPTION	NUMBER	POINTS	TOTAL
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	

(Level – Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

IV. \_\_\_\_\_

## Reasons for Departure – Mitigating Circumstances (reasons may be checked here or written on the scoresheet)

- ☐ Legitimate, uncoerced plea bargain.
- ☐ The defendant was an accomplice to the offense and was a relatively minor participant in the criminal conduct.
- ☐ The capacity of the defendant to appreciate the criminal nature of the conduct or to conform that conduct to the requirements of law was substantially impaired.
- ☐ The defendant requires specialized treatment for a mental disorder that is unrelated to substance abuse or addiction, or for a physical disability, and the defendant is amenable to treatment.
- ☐ The need for payment of restitution to the victim outweighs the need for a prison sentence.
- ☐ The victim was an initiator, willing participant, aggressor, or provoker of the incident.
- ☐ The defendant acted under extreme duress or under the domination of another person.
- ☐ Before the identity of the defendant was determined, the victim was substantially compensated.
- ☐ The defendant cooperated with the State to resolve the current offense or any other offense.
- ☐ The offense was committed in an unsophisticated manner and was an isolated incident for which the defendant has shown remorse.
- ☐ At the time of the offense the defendant was too young to appreciate the consequences of the offense.
- ☐ The defendant is to be sentenced as a youthful offender.
- ☐ The defendant is amenable to the services of a post adjudicatory treatment-based drug court program and is otherwise qualified to participate in the program.
- ☐ The defendant was making a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose.

Pursuant to 921.0026(3) the defendant's substance abuse or addiction does not justify a downward departure from the lowest permissible sentence, except for the provisions of s. 921.0026(2)(m).

UCN: 522024CF003442XXXXCF

FL0521100

## COMPLAINT/ARREST AFFIDAVIT – CIRCUIT/COUNTY COURT – PINELLAS COUNTY, FLORIDA

OBTS #	REPORT # 2024-00018244	DOCKET # 1960990
Person ID 312171618	SSN [REDACTED]	
Charge Description <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Warrant <input type="checkbox"/> Traffic <input type="checkbox"/> Ordinance	Traffic Citation # (if any)	Court Case #
Charge LEAVING SCENE OF AN CRASH INVOLVING DEATH		24-03442-CF-1
Defendant's Name (Last, First, Middle) CARLSON, NICOLE JENNIFER	DOB 01/18/1998	Sex F
	Race W	Ht 5'3
	Wt 120	Hair BRO
	Eyes BRO	Skin 
Alias	DL # C642630985180	State FL
Scars/Marks/Tattoos/Physical Features		
Local Address (Street, City, State, Zip Code) 190 112TH AVE N APT 605 ST PETERSBURG FL 33716	Telephone 2079441355	Place of Birth MA
Permanent Address (Street, City, State, Zip Code) 190 112TH AVE N APT 605 ST PETERSBURG FL 33716	Telephone 2079441355	Citizenship USA
Employed by / School USHA		
Weapon Seized Type <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Indication of Drug Influence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK	Indication of Mental Health Issues <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK
Indication of Alcohol Influence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK		
Co-Defendant's Name (Last, First, Middle)	DOB	Sex
		Race
		In Custody <input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Co-Defendant's Name (Last, First, Middle)	DOB	Sex
		Race
		In Custody <input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
The undersigned swears that he/she has reasonable grounds to believe that the above named defendant on the 31 day of MARCH, 2024, at approximately 1:04 PM, at 62ND AVE N / 44TH ST N, in Pinellas County did: THEN AND THERE DRIVE A VEHICLE, TO-WIT: (2020 HYUNDAI ACCENT FL TAG BS49BN) WHICH WAS INVOLVED IN A CRASH INVOLVING DEATH TO (MICHAEL VILAYSACK), AND THE SAID DEFENDANT DID WILLFULLY FAIL TO STOP SAID VEHICLE AT THE SCENE OF THE CRASH UNTIL HE HAD FULFILLED THE REQUIREMENTS OF FSS 316.062, TO-WIT: DID NOT GIVE (SELECT: HER) NAME AND ADDRESS AND THE REGISTRATION NUMBER OF THE VEHICLE HE WAS DRIVING AND DID NOT RENDER REASONABLE ASSISTANCE TO PERSONS INJURED IN THE CRASH. ON 03/31/2024, AT 0104 HOURS, THE DEFENDANT WAS IN PHYSICAL CONTROL OF HER 2020 HYUNDAI ACCENT EASTBOUND ON 62ND AVE N. WHILE DRIVING EASTBOUND, THE DEFENDANT STRUCK THE VICTIM AS HE WAS WALKING EASTBOUND ON THE SHOULDER OF THE ROADWAY. THE VICTIM WAS VAULTED INTO THE AIR AND LANDED IN A DITCH ON THE SIDE OF THE ROADWAY. THE DEFENDANT CONTINUED EASTBOUND, DID NOT STOP TO RENDER AID, AND NEVER CALLED LAW ENFORCEMENT TO REPORT THE INCIDENT. THROUGH INVESTIGATIVE MEANS, THE DEFENDANT WAS OBSERVED VIA VIDEO SURVEILLANCE FLEEING THE SCENE AND EVENTUALLY TO HER APARTMENT AT 190 112TH AVENUE N, APARTMENT 605 IN ST PETERSBURG, FLORIDA. AFTER ARRIVING AT HER RESIDENCE, THE DEFENDANT TOOK NUMEROUS PICTURES AND VIDEO OF THE DAMAGE TO HER VEHICLE WITH HER CELL PHONE AND TEXTED THEM TO A WITNESS WHO CAME FORWARD TO LAW ENFORCEMENT. THE SAME WITNESS ALSO OBSERVED THE DEFENDANT GET INTO HER VEHICLE AND DEPART THE WITNESSE'S RESIDENCE APPROXIMATELY 10 MINUTES PRIOR TO THE CRASH OCCURRING AS THE SOLE OCCUPANT. THE VICTIM SUFFERED FATAL INJURIES ON IMPACT AND WAS NOT FOUND UNTIL APPROXIMATELY 8 HOURS LATER. CITATIONS ISSUED: LEAVING THE SCENE OF CRASH INVOLVING DEATH - AJ91HVE CARELESS DRIVING INVOLVING DEATH - AJ91HWE EXPIRED REGISTRATION LESS THAN 6 MONTHS - AJ91HXE Contrary to Florida Statute/Ordinance 316.027(2)(C) - F1 ARREST DATE: 4/12/2024 Time 4:18 PM . Aggravating/Mitigating Factors Booking Officer: KUNZ, K 57593 Amount of Bond ZERO Bond Out Date Time <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. Victim Notified of Advisory? <input type="checkbox"/> Yes <input type="checkbox"/> No Injuries to Victim? <input type="checkbox"/> Yes <input type="checkbox"/> No Medical Treatment to Victim? <input type="checkbox"/> Yes <input type="checkbox"/> No The Court reviewed this complaint and finds there: <input type="checkbox"/> is probable cause <input type="checkbox"/> is not probable cause to detain defendant <input type="checkbox"/> Bond Action, if any: The probable cause determination is passed for: <input type="checkbox"/> 24 Hrs <input type="checkbox"/> 24 Hrs on showing of extraordinary circumstances Received by Booking: 4/12/2024 4:34:09 PM Pursuant to F.S. 92.525 and under penalty of perjury, I declare that I have read the foregoing document and that the facts in it are true. Declarant Signature: Gary Caldwell PINELLAS PARK POLICE Agency OFFICER GARY CALDWELL JR 575 311262949 Printed Name Declarant ID# REQUEST FOR INVESTIGATIVE COSTS, F.S. 938.27(1) DATE 04/12/2024 OFFICER CALDWELL HOURS 70 X PAY RATE 25.00 OR COST \$1,750.00 OTHER – Describe Continuation sheet <input type="checkbox"/> Yes <input type="checkbox"/> No TOTAL \$1,750.00		

COCR59 (Revised 10/2014)

1092011 Copies to:

Court

**Defendant** CARLSON, NICOLE JENNIFER **Court Case No:** 24-03442-CF-1

**ADVISORY AND SOLVENCY HEARING**

The above named Defendant came before me for Advisory and Solvency hearing and was advised by me of the charge(s) against him; his right to remain silent; that any statements by him may be used against him; his right to counsel, and, if he is financially unable to afford counsel, that counsel forthwith will be appointed; of his right to communicate with his counsel, family or friends, and that reasonable implementation will be afforded him to contact the foregoing.

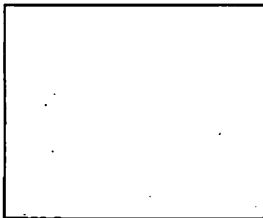
**I FURTHER CERTIFY THAT:**

- ☐ A. Defendant has advised the Court that he has retained counsel or will retain counsel.
- ☐ B. The Court investigated Defendant's solvency and found the Defendant financially able to secure counsel.
- ☐ C. The Court investigated Defendant's solvency and provisionally appointed the Public Defender.
- ☐ D. The Defendant waived the right to counsel at the first appearance only.

\_\_\_\_\_  
DATE AND TIME

\_\_\_\_\_  
JUDGE

- ☐ I hereby waive the right to counsel at the first appearance only.
- ☐ I, having been found solvent and financially able to secure counsel, hereby waive counsel until my attorney files an appearance in this case or until I file a written request for a review of my solvency and ability to secure counsel.



Thumb Print

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

I HEREBY acknowledge receipt of a copy of the foregoing Complaint and Advisory.

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

\_\_\_\_\_  
DEFENDANT'S ATTORNEY'S SIGNATURE

\_\_\_\_\_  
DATE



2024-00018244

AJ91HWE

## COMPLAINT

WHEN PRESENTED TO VIOLATOR, THE FOLLOWING AMOUNT WAS ENTERED.

PAY A CIVIL PENALTY IN THE AMOUNT OF \$

CASE NO. DOCKET NO. PAGE NO.

## FLORIDA UNIFORM TRAFFIC CITATION

COUNTY OF <b>04 PINELLAS</b>		(1) F.H.P. <input checked="" type="checkbox"/> (2) P.D. <input type="checkbox"/> (3) S.O. <input type="checkbox"/> (4) OTHER <input type="checkbox"/>	
CITY (IF APPLICABLE) <b>54 PINELLAS PARK</b>		AGENCY NAME <b>PINELLAS PARK POLICE DEPA</b>	
		AGENCY # <b>0454</b>	
IN THE COURT DESIGNATED BELOW THE UNDERSIGNED CERTIFIES THAT HE/SHE HAS JUST AND REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE THAT ON			
DAY OF WEEK <b>SUN</b>	MONTH <b>3</b>	DAY <b>31</b>	YEAR <b>2024</b>
TIME <b>1:04 AM</b>			
NAME (PRINT) FIRST <b>NICOLE</b>		MIDDLE <b>JENNIFER</b>	LAST <b>CARLSON</b>
STREET <b>600 S BETTY LN APT 14</b>			
CITY <b>CLEARWATER</b>		STATE <b>FL</b>	ZIP CODE <b>33756</b>
TELEPHONE NUMBER	DATE OF BIRTH	MO <b>1</b>	DAY <b>18</b>
	YR <b>1998</b>	RACE <b>W</b>	SEX <b>F</b>
	HGT <b>5' 03"</b>		
DRIVER LICENSE NUMBER	<b>C 6 4 2 6 3 0 9 8 5 1 8 0</b>		
STATE <b>FL</b>	CLASS <b>E</b>	CDL LICENSE <b>YES</b> <input checked="" type="checkbox"/> <b>NO</b> <input type="checkbox"/>	YR LICENSE EXP. <b>2031</b>
YR VEHICLE <b>2020</b>	MAKE <b>HYUN</b>	STYLE <b>4D</b>	COLOR <b>GRY</b>
VEHICLE LICENSE N <b>B S 4 9 B N</b>		TRAILER TAG N	STATE <b>FL</b>
YEAR TAG EXP. <b>2024</b>		> 18 PASSENGERS <b>YES</b> <input checked="" type="checkbox"/> <b>NO</b> <input type="checkbox"/>	
UPON A PUBLIC STREET OR HIGHWAY, OR OTHER LOCATION, NAMELY <b>62ND AVE N AT 44TH ST N</b>		MOTORCYCLE <b>YES</b> <input checked="" type="checkbox"/> <b>NO</b> <input type="checkbox"/>	
		Companion UTC <b>YES</b> <input checked="" type="checkbox"/> <b>NO</b> <input type="checkbox"/>	
FT _____ MILES _____ OF NODE _____			
DID UNLAWFULLY COMMIT THE FOLLOWING OFFENSE.			
UNLAWFUL SPEED _____ MPH SPEED APPLICABLE _____ MPH			
( INTERSTATE SCHOOL ZONE CONSTRUCTION WORKERS PRESENT )			
SPEED MEASUREMENT DEVICE:			
<input checked="" type="checkbox"/> CARELESS DRIVING			
VIOLATION OF TRAFFIC CONTROL DEVICE			
FAILURE TO STOP AT A TRAFFIC SIGNAL			
IMPROPER LANE CHANGE OR COURSE			
NO PROOF OF INSURANCE			
VIOLATION OF RIGHT-OF-WAY			
CHILD RESTRAINT			
SAFETY BELT VIOLATION			
IMPROPER OR UNSAFE EQUIPMENT			
EXPIRED TAG SIX (6) MONTHS OR LESS			
EXPIRED TAG MORE THAN SIX (6) MONTHS			
NO VALID DRIVER LICENSE			
DRIVING WHILE LICENSE SUSPENDED OR REVOKED			
DRIVING UNDER THE INFLUENCE			
Passenger Under 18 Yrs			
BAL _____			
OTHER VIOLATIONS OR COMMENTS PERTAINING TO OFFENSE:			
<b>- CARELESS DRIVING</b>			
RE-EXAM <b>YES</b> <input checked="" type="checkbox"/> <b>NO</b> <input type="checkbox"/>			
DL SEIZED <b>YES</b> <input checked="" type="checkbox"/> <b>NO</b> <input type="checkbox"/>			
AGGRESSIVE DRIVING		IN VIOLATION OF STATE STATUTE	
SECTION <b>316.1925</b>		SUB-SECTION	
CRASH <b>YES</b> <input checked="" type="checkbox"/> <b>NO</b> <input type="checkbox"/>	PROPERTY DAMAGE <b>YES \$ 8000</b> <input checked="" type="checkbox"/> <b>NO</b> <input type="checkbox"/>	INJURY TO ANOTHER <b>YES</b> <input checked="" type="checkbox"/> <b>NO</b> <input type="checkbox"/>	SERIOUS INJURY TO ANOTHER <b>YES</b> <input checked="" type="checkbox"/> <b>NO</b> <input type="checkbox"/>
FATAL <b>YES</b> <input checked="" type="checkbox"/> <b>NO</b> <input type="checkbox"/>			
<b>AJ91HWE</b>			
CIVIL PENALTY IS _____			
COURT INFORMATION			
DATE _____ TIME _____			
CALL OF COURT			
COURT <b>14250 49TH ST N</b>			
LOCATION <b>CLEARWATER FL</b>			
<b>33762 (727) 484-4848 WWW.MYPINELLASCLERK.ORG</b>			
Additional Comments:			

DATE	COURT ACTION AND OTHER ORDERS
BAIL FIXED AT \$ _____ OR CASH DEPOSIT OF \$ _____	
SIGNATURE OF PERSON GIVING BAIL	
SIGNATURE OF PERSON TAKING BAIL	
FINE IN THE AMOUNT OF _____ RECEIVED AS REQUIRED BY COURT SCHEDULE.	
SIGNATURE OF CLERK	
CONTINUANCE TO _____ REASON _____	
CONTINUANCE _____ REASON _____	
BOND ESTREATED	
WARRANT ISSUED	
VIOLATOR FAILED TO APPEAR-DRIVER LICENSE SUSPENDED	
VIOLATOR ARRAIGNED ON _____ (DATE)	
PLEA: _____	
FINDING: _____	
ADJUDICATION: _____	
SENTENCE: FINE _____ COST _____	
JAILED _____ DAYS	
DRIVER IMPROVEMENT SCHOOL	
OTHER	
DRIVER LICENSE SUSPENDED OR REVOKED FOR _____ DAYS	
RECOMMEND DRIVER LICENSE SUSPENSION FOR _____ DAYS	
RECOMMEND RE-TEST	
SIGNATURE OF JUDGE	
TESTIMONY - JUDGE'S NOTES (OR OTHER COURT ORDERS):	
APPEAL BOND OF _____	
VIOLATOR'S FINGERPRINT WHEN APPLICABLE →	

ARREST DELIVERED TO \_\_\_\_\_ DATE \_\_\_\_\_




Arrested

OFF. GARY CALDWELL 575 311262949

RANK NAME OF OFFICER

☒ I CERTIFY THIS CITATION WAS DELIVERED TO THE PERSON CITED ABOVE AND CERTIFY THE CHARGE ABOVE

Additional Officer:

PERSON INFORMATION					
FIRST NAME	MIDDLE NAME	LAST NAME		SUFFIX	
NICOLE	JENNIFER	CARLSON			
CURRENT ADDRESS (Number and Street)					
190 112TH AVE N APT 605					
CITY				STATE	ZIP CODE
ST PETERSBURG				FL - F	33716
PHONE NUMBER	D.O.B.	RACE	SEX	HEIGHT	
	01/18/1998	W	FEMAL	5' 03"	
DRIVER LICENSE NUMBER		DL STATE	DL CLASS	DL EXP	
C642630985180		FL - FL	E	01/18/2031	
VEHICLE INFORMATION					
YEAR	MAKE	COLOR	TAG #	STATE	TAG EXP
2020	HYUNDAI	GRAY -	BS49BN	FL -	01/18/2024
ROADWAY INFORMATION					
62ND AVE N AT 44TH ST N					
CITATIONS ISSUED					
CITATION #	FL STATUTE #		CRASH - LEAVING SCENE ON PUBLIC OR PRIVATE PROPERTY WITHOUT RENDERING AID (INVOLVING DEATH)		
AJ91HVE	316.027(2)				
					
CITATION #	FL STATUTE #		CARELESS DRIVING		
AJ91HWE	316.1925				
					
CITATION #	FL STATUTE #		OPERATING A MOTOR VEHICLE/USING A MOBILE HOME WITH AN EXPIRED REGISTRATION: EXPIRED 6 MONTH		
AJ91HXE	320.07(3)(A)				
					
WITNESS					
FIRST NAME	MIDDLE NAME	LAST NAME		SUFFIX	
MICHAEL	ALAN	VILAYSACK			
CURRENT ADDRESS			CITY	STATE	
3503 58TH AVE N LOT 51			SAINT PETERSBU	FL	
PHONE NUMBER	EMAIL ADDRESS		ZIP	ID/BADGE #	
			33714		
WITNESS					
FIRST NAME	MIDDLE NAME	LAST NAME		SUFFIX	
MICHAEL	ALAN	VILAYSACK			
CURRENT ADDRESS			CITY	STATE	
3503 58TH AVE N LOT 51			SAINT PETERSBU	FL	
PHONE NUMBER	EMAIL ADDRESS		ZIP	ID/BADGE #	
			33714		
WITNESS					
FIRST NAME	MIDDLE NAME	LAST NAME		SUFFIX	
MICHAEL	ALAN	VILAYSACK			
CURRENT ADDRESS			CITY	STATE	
3503 58TH AVE N LOT 51			SAINT PETERSBU	FL	
PHONE NUMBER	EMAIL ADDRESS		ZIP	ID/BADGE #	
			33714		
NARRATIVE					
<p>ON 03/31/2024, AT 0104 HOURS, NICOLE CARLSON WAS IN PHYSICAL CONTROL OF HER 2020 HYUNDAI ACCENT EASTBOUND IN THE 4400 BLOCK OF 62ND AVE N. WHILE DRIVING EASTBOUND, CARLSON STRUCK THE VICTIM, MICHAEL VILAYSACK, AS HE WAS WALKING EASTBOUND ON THE SHOULDER OF THE ROADWAY. VILAYSACK WAS VAULTED INTO THE AIR AND LANDED IN A DITCH ON THE SIDE OF THE ROADWAY. CARLSON CONTINUED EASTBOUND, DID NOT STOP TO RENDER AID, AND NEVER CALLED LAW ENFORCEMENT TO REPORT THE INCIDENT. THROUGH INVESTIGATIVE MEANS, CARLSON WAS OBSERVED VIA VIDEO SURVEILLANCE FLEEING THE SCENE AND EVENTUALLY TO HER APARTMENT AT 190 112TH AVENUE N, APARTMENT 605 IN ST PETERSBURG, FLORIDA. AFTER ARRIVING AT HER RESIDENCE, CARLSON TOOK NUMEROUS PICTURES AND VIDEO OF THE DAMAGE TO HER VEHICLE WITH HER CELL PHONE AND TEXTED THEM TO A WITNESS WHO CAME FORWARD TO LAW ENFORCEMENT. THE SAME WITNESS ALSO OBSERVED CARLSON GET INTO HER VEHICLE AND DEPART THE WITNESS'S RESIDENCE APPROXIMATELY 10 MINUTES PRIOR TO THE CRASH OCCURRING AS THE SOLE OCCUPANT. VILAYSACK SUFFERED FATAL INJURIES ON IMPACT AND WAS NOT FOUND UNTIL APPROXIMATELY 8 HOURS</p>					

**NARRATIVE**

ON 03/31/2024, AT 0104 HOURS, NICOLE CARLSON WAS IN PHYSICAL CONTROL OF HER 2020 HYUNDAI ACCENT EASTBOUND IN THE 4400 BLOCK OF 62ND AVE N. WHILE DRIVING EASTBOUND, CARLSON STRUCK THE VICTIM, MICHAEL VILAYSACK, AS HE WAS WALKING EASTBOUND ON THE SHOULDER OF THE ROADWAY. VILAYSACK WAS VAULTED INTO THE AIR AND LANDED IN A DITCH ON THE SIDE OF THE ROADWAY. CARLSON CONTINUED EASTBOUND, DID NOT STOP TO RENDER AID, AND NEVER CALLED LAW ENFORCEMENT TO REPORT THE INCIDENT. THROUGH INVESTIGATIVE MEANS, CARLSON WAS OBSERVED VIA VIDEO SURVEILLANCE FLEEING THE SCENE AND EVENTUALLY TO HER APARTMENT AT 190 112TH AVENUE N, APARTMENT 605 IN ST PETERSBURG, FLORIDA. AFTER ARRIVING AT HER RESIDENCE, CARLSON TOOK NUMEROUS PICTURES AND VIDEO OF THE DAMAGE TO HER VEHICLE WITH HER CELL PHONE AND TEXTED THEM TO A WITNESS WHO CAME FORWARD TO LAW ENFORCEMENT. THE SAME WITNESS ALSO OBSERVED CARLSON GET INTO HER VEHICLE AND DEPART THE WITNESS'S RESIDENCE APPROXIMATELY 10 MINUTES PRIOR TO THE CRASH OCCURRING AS THE SOLE OCCUPANT. VILAYSACK SUFFERED FATAL INJURIES ON IMPACT AND WAS NOT FOUND UNTIL APPROXIMATELY 8 HOURS

**NARRATIVE**

THE DRIVER WAS THE SUSPECT OF A HIT AND RUN FATALITY WHERE HER VEHICLE TAG WAS EXPIRED SINCE 01/2024

**REPORTING OFFICER**

FIRST NAME	MIDDLE NAME	LAST NAME	BADGE NO
GARY	D	CALDWELL	575

**OFFICER'S SIGNATURE**

*Gary Caldwell*

**SECONDARY OFFICER**

FIRST	LAST	BADGE #	ID #



BURKE, CLERK OF COURT AND COMPTROLLER PINELLAS COUNTY, FL BY DEPUTY CLERK:  
CLKSH01

1

IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT,  
IN AND FOR PINELLAS COUNTY FLORIDA  
DIVISION: FELONY

UCN : 522024CF003442000APC

REF No. : 24-03442-CF - D

OBTS NUMBER \_\_\_\_\_

STATE OF FLORIDA  
VS.

NICOLE CARLSON  
Defendant

PID: 312171618  
SS# [REDACTED]

## JUDGMENT

The Defendant, NICOLE CARLSON, being personally before this court represented by TISHA DEANNE, Assistant Public Defender, the attorney of record, and the state represented by KALEY TANASE, Assistant State Attorney, and having:

entered a plea of guilty to the following crime(s)

COUNT	CRIME	OFFENSE STATUTE NUMBER (S)	DEGREE OF CRIME
01	LEAVING THE SCENE OF A CRASH INVOLVING DEATH	316.027	1F

X and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED  
THAT the Defendant is ADJUDICATED GUILTY of the above crime(s).

ICD: JDMT (37228483)

RETURN TO:

CRIMINAL COURT RECORDS

Defendant : NICOLE CARLSON

UCN : 522024CF003442000APC

REF No. : 24-03442-CF - D

\_\_\_\_\_ and good cause being shown; IT IS ORDERED THAT ADJUDICATION  
OF GUILT BE WITHHELD as to Count(s) \_\_\_\_\_

Sentence Deferred  
Until Later Date  
(Check if Applicable)





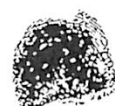





\_\_\_\_\_ The Court hereby defers imposition of sentence until \_\_\_\_\_  
(Date)

The Defendant in Open Court was advised of the right to appeal from this Judgment by filing notice of appeal with the Clerk of the Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The Defendant was also advised of the right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

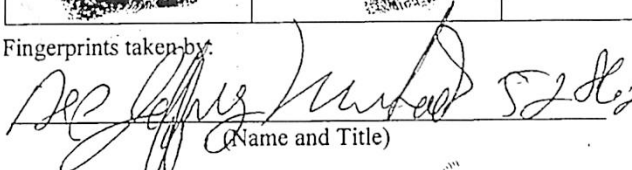
DONE AND ORDERED in open court in Pinellas County, Florida on January 17, 2025.

  
\_\_\_\_\_  
JUDGE

FINGERPRINTS OF THE DEFENDANT

1. R. Thumb	2. R. Index	3. R. Middle	4. R. Ring	5. R. Little
				
6. L. Thumb	7. L. Index	8. L. Middle	9. L. Ring	10. L. Little
				

Fingerprints taken by:

  
\_\_\_\_\_  
(Name and Title)

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, NICOLE CARLSON, and that they were placed thereon by the defendant in my presence in open court this day.

  
\_\_\_\_\_  
JUDGE

Defendant: NICOLE CARLSON

UCN: 522024CF003442000APC  
REF No.: 24-03442-CF - D

OBTS Number \_\_\_\_\_

## SENTENCE

(as to Count 01 )

The defendant, being personally before the court, accompanied by the defendant's attorney of record, **TISHA DEANNE, Assistant Public Defender**, and having been adjudicated guilty, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

### It Is the Sentence Of the Court That:

The Defendant pay total statutory costs in the amount of **\$2450.00**, inclusive of a **\$50.00** Indigent Criminal Defense Fee as required by s. 27.52 F.S., Investigative Costs in the amount of **\$1750.00** pursuant to s. 938.27 F.S., **\$100.00** as a Cost of Prosecution assessment.

The Defendant pay attorney fees and costs of defense as determined by the Court.

The Defendant is committed to the custody of the Department of Corrections.

Unless otherwise prohibited by law, the Sheriff is authorized to release the Defendant on electronic monitoring or other sentencing programs subject to the Sheriff's discretion.

### To Be Imprisoned:

The Defendant is to be imprisoned for a term of **8 YEARS**.

Followed by a period of **7 YEARS Probation** under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered.

In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

## SPECIAL PROVISIONS

By appropriate notation, the following provisions apply to the sentence imposed:

### Mandatory/Minimum Provisions:

**Driver Leaving Scene Involving  
Death**

**It is further ordered that the 4 year mandatory minimum imprisonment provision of 316.027(2)(c), Florida Statutes, is imposed.**

### Other Provisions:

**Please see the last page of this document for other provisions.**

Defendant: NICOLE CARLSON

UCN: 522024CF003442000APC  
REF No.: 24-03442-CF - D

OBTS Number \_\_\_\_\_

**Other Provisions: (continued)**

**Jail Credit**

**It is further ordered that the defendant shall be allowed a total of 281 DAYS as credit for time incarcerated before imposition of this sentence.**

**It is further ordered that:**

**Restitution is not applicable in this case.**

Restitution to State:

If applicable, you must make payment of any debt due and owing to the state under section 960.17 and 948.03(1)(h) Florida Statutes. The amount of such debt shall be determined by the Court at a later date upon final payment of the Crimes Compensation Trust Fund on behalf of the victim.

In the event the above sentence is to the Department of Corrections, the Sheriff of Pinellas County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing a notice of appeal within 30 days from this date with the Clerk of the Court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the state on showing of indigency.

In imposing this sentence, the court further orders:

**The defendant shall pay a \$7.00 fee to the Pinellas County Sheriff's Office for DNA testing. Your driver's license is revoked for 7 YEARS.**

DONE AND ORDERED in open court at Clearwater, Pinellas County, Florida on January 17, 2025.

Judge



# e 3.992(a) Criminal Punishment Code Scoresheet

The Criminal Punishment Code Scoresheet Preparation Manual is available at: [http://www.state.fl.us/pub/sen\\_cpcm/index.html](http://www.state.fl.us/pub/sen_cpcm/index.html)

1. DATE OF SENTENCE <b>1/17/2025</b>	2. PREPARER'S NAME <b>Tanase</b>	3. COUNTY <b>Pinellas</b>	4. SENTENCING JUDGE <b>Bulone</b>
5. NAME (LAST, FIRST, M.I.) <b>Carlson, Nicole, J.</b>	6. DOB <b>01/18/1998</b>	8. RACE <input type="checkbox"/> B <input checked="" type="checkbox"/> W <input type="checkbox"/> OTHER	10. PRIMARY OFF. DATE <b>03/31/2024</b>
	7. DC #	9. GENDER <input type="checkbox"/> M <input checked="" type="checkbox"/> F	11. PRIMARY DOCKET # <b>24-03442-CF</b>
		12. PLEA <input checked="" type="checkbox"/> TRIAL <input type="checkbox"/>	

I. PRIMARY OFFENSE: If Qualifier, please check ☐ A ☐ S ☐ C ☐ R (A=Attempt, S=Solicitation, C=Conspiracy, R=Reclassification)

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
<b>1</b>	<b>316.193(1)</b>	<b>Leaving the Scene of the Crash Involving Death</b>	<b>7</b>	<b>56</b>

(Level - Points: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=116)

Prior capital felony triples Primary Offense points ☐

II. ADDITIONAL OFFENSE(S): Supplemental page attached ☐

DOCKET#	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY A S C R	COUNTS	POINTS	TOTAL
				<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	x		=
DESCRIPTION							
				<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	x		=
DESCRIPTION							
				<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	x		=
DESCRIPTION							
				<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	x		=
DESCRIPTION							

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

Prior capital felony triples Additional Offense points ☐

Supplemental page points **II.**

III. VICTIM INJURY:

	Number	Total		Number	Total
2nd Degree Murder	240 x	=	Slight	4 x	=
Death	120 x	=	Sex Penetration	80 x	=
Severe	40 x	=	Sex Contact	40 x	=
Moderate	18 x	=			

III.

IV. PRIOR RECORD: Supplemental page attached ☐

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A S C R	DESCRIPTION	NUMBER	POINTS	TOTAL
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		X		=
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		X		=
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		X		=
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		X		=
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		X		=
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		X		=
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		X		=
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		X		=
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		X		=

(Level = Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

Supplemental page points

IV.

Page 1 Subtotal: **56**

Effective Date: For offenses committed under the Criminal Punishment Code effective for offenses committed on or after October 1, 1998 and subsequent revisions.

NAME (LAST, FIRST, MI)

Carlson, Nicole, J.

DOCKET #

24-03442-CF

Page 1 Subtotal: 56

## V. Legal Status violation = 4 Points

- ☐ Escape ☐ Fleeing ☐ Failure to appear ☐ Supersedeas bond ☐ Incarceration ☐ Pretrial intervention or diversion program  
☐ Court imposed or post prison release community supervision resulting in a conviction

V. \_\_\_\_\_

## VI. Community Sanction violation before the court for sentencing

- ☐ Probation ☐ Community Control ☐ Pretrial Intervention or diversion

VI. \_\_\_\_\_

- ☐ 6 points for any violation other than new felony conviction x \_\_\_\_\_ each successive violation OR  
☐ New felony conviction = 12 points x \_\_\_\_\_ each successive violation if new offense results in conviction before or at same time as sentence for violation of probation OR  
☐ 12 points x \_\_\_\_\_ each successive violation for a violent felony offender of special concern when the violation is not based solely on failure to pay costs, fines, or restitution OR  
☐ New felony conviction = 24 points x \_\_\_\_\_ each successive violation for a violent felony offender of special concern if new offense results in a conviction before or at the same time for violation of probation

## VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 Points

VII. \_\_\_\_\_

## VIII. Prior Serious Felony - 30 Points

VIII. \_\_\_\_\_

Subtotal Sentence Points \_\_\_\_\_

## IX. Enhancements (only if the primary offense qualifies for enhancement)

Law Enf. Protect.

Drug Trafficker

Motor Vehicle Theft

Criminal Gang Offense

Domestic Violence in the Presence of Related Child  
(offenses committed on or after 3/12/07)Adult-on-Minor Sex Offense  
(offenses committed on or after 10/1/14)

\_\_\_\_ x 1.5 \_\_\_\_ x 2.0 \_\_\_\_ x 2.5

\_\_\_\_ x 1.5

\_\_\_\_ x 1.5

\_\_\_\_ x 1.5

\_\_\_\_ x 1.5

\_\_\_\_ x 2.0

Enhanced Subtotal Sentence Points

IX. \_\_\_\_\_

TOTAL SENTENCE POINTS 56

## SENTENCE COMPUTATION

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction. If the total sentence points are 22 points or less, see Section 775.082(10), Florida Statutes, to determine if the court must sentence the offender to a non-state prison sanction.

If total sentence points are greater than 44:

56 minus 28 = 28 x .75 = 21 m  
 total sentence points lowest permissible prison sentence in months

If total sentence points are 60 points or less and court makes findings pursuant to both Florida Statute 948.20 and 397.334(3), the court may place the defendant into a treatment-based drug court program.

The maximum sentence is up to the statutory maximum for the primary and any additional offenses as provided in s. 775.082, F.S., unless the lowest permissible sentence under the Code exceeds the statutory maximum. Such sentences may be imposed concurrently or consecutively. If total sentence points are greater than or equal to 363, a life sentence may be imposed.

30 y

maximum sentence in years

## TOTAL SENTENCE IMPOSED

- ☒ State Prison ☐ Life  
☐ County Jail ☐ Time Served  
☐ Community Control  
☒ Probation ☐ Modified

Please check if sentenced as ☐ habitual offender, ☐ habitual violent offender, ☐ violent career criminal, ☐ prison releasee reoffender, THC, or a ☐ mandatory minimum applies.

☐ Mitigated Departure ☐ Plea Bargain ☐ Prison Diversion Program

Other Reason plea to cap 20 years

JUDGE'S SIGNATURE

Effective Date: For offenses committed under the Criminal Punishment Code effective for offenses committed on or after October 1, 1998, and subsequent revisions.

UCN: 522022CF011937XXXXCF

FL0520000

## COMPLAINT/ARREST AFFIDAVIT – CIRCUIT/COUNTY COURT – PINELLAS COUNTY, FLORIDA

OBTS #		REPORT # <b>SO22-384121</b>		DOCKET # <b>1915600</b>	
Person ID <b>1107393</b>		SSN# <span style="background-color: black; color: black;">[REDACTED]</span>			
Charge Description <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Warrant <input type="checkbox"/> Traffic <input type="checkbox"/> Ordinance		Traffic Citation # (if any)		Court Case #	
Charge <b>LEAVING SCENE OF AN CRASH INVOLVING DEATH</b>		<b>AH5KBQE</b>		<b>22-11937-CF-1</b>	
Defendant's Name (Last, First, Middle) <b>DENNELLY, JOHN MACKINNON</b>		DOB <b>02/19/1960</b>	Sex <b>M</b>	Race <b>W</b>	Ht <b>601</b>
Weight <b>230</b>		Hair <b>BAL</b>	Eyes <b>BLU</b>	Skin <b>MED</b>	
Alias	DL # <b>D540473600590</b>	State <b>FL</b>	Scars/Marks/Tattoos/Physical Features		
Local Address (Street, City, State, Zip Code) <b>13062 GULF BOULEVARD APT 6 MADEIRA BEACH FL 33708</b>		Telephone <b>727-210-9474</b>	Place of Birth <b>NY</b>		Citizenship <b>US</b>
Permanent Address (Street, City, State, Zip Code) <b>13062 GULF BOULEVARD APT 6 MADEIRA BEACH FL 33708</b>		Telephone <b>727-210-9474</b>	Employed by / School <b>SELF</b>		
Weapon Seized Type <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Indication of Drug Influence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK	Indication of Mental Health Issues <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK	Indication of Alcohol Influence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK	
Co-Defendant's Name (Last, First, Middle)		DOB	Sex	Race	In Custody <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Co-Defendant's Name (Last, First, Middle)		DOB	Sex	Race	In Custody <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor

The undersigned swears that he/she has reasonable grounds to believe that the above named defendant on the 06 day of DECEMBER, 2022, at approximately 7:47 PM, at GULF BOULEVARD & 108TH AVENUE, in Pinellas County did:

THEN AND THERE DRIVE A VEHICLE, TO-WIT: 2020 BLUE CHEVROLET SILVERADO WHICH WAS INVOLVED IN A CRASH INVOLVING DEATH TO FELICIA WHITE, AND THE SAID DEFENDANT DID WILLFULLY FAIL TO STOP SAID VEHICLE AT THE SCENE OF THE CRASH UNTIL HE HAD FULFILLED THE REQUIREMENTS OF FSS 316.062, TO-WIT: DID NOT GIVE HIS NAME AND ADDRESS AND THE REGISTRATION NUMBER OF THE VEHICLE HE WAS DRIVING AND DID NOT RENDER REASONABLE ASSISTANCE TO PERSONS INJURED IN THE CRASH.

\*\*\*\*\* SEE ATTACHMENT FOR DETAILED PROBABLE CAUSE. \*\*\*\*\*

*GPS*  
*cannot leave 601 ped*  
*Parquet search*

Contrary to Florida Statute/Ordinance 316.027(2)(C) - F1

ARREST DATE: 12/10/2022 Time 1:50 PM Aggravating/Mitigating Factors Prev DUI conviction #0800390341W

Booking Officer: BROTHWELL, M 59720 Amount of Bond 50,000.00 Bond Out Date \_\_\_\_\_ Time \_\_\_\_\_ ☐ a.m. ☐ p.m.

Victim Notified of Advisory? ☐ Yes ☐ No Injuries to Victim? ☐ Yes ☐ No Medical Treatment to Victim? ☐ Yes ☐ No

The Court reviewed this complaint and finds there: ☐ is probable cause ☐ is not probable cause to detain defendant ☐ Bond Action, if any: \_\_\_\_\_

The probable cause determination is passed for: ☐ 24 Hrs ☐ 24 Hrs on showing of extraordinary circumstances Received by Booking: 12/10/2022 2:34:37 PM

Pursuant to F.S. 92.525 and under penalty of perjury, I declare that I have read the foregoing document and that the facts in it are true.   PINELLAS COUNTY SHERIFF Declarant Signature _____ Agency _____ DEPUTY DAMON LANEY 58140 03190766 Printed Name _____ Declarant ID# _____		REQUEST FOR INVESTIGATIVE COSTS, F.S. 938.27(1)			
		DATE	OFFICER	HOURS X PAY RATE	OR COST
12/06/2022	D. LANEY	20 25.00	\$500.00		
12/06/2022	E. TEMPLE	20 25.00	500		
12/06/2022	J. MULLINS	7 25.00	175		
12/06/2022	T. REIDY	7 25.00	175		
OTHER – Describe _____					
Continuation sheet <input type="checkbox"/> Yes <input type="checkbox"/> No TOTAL \$ <u>\$1,350.00</u>					

**Probable Cause for the arrest of John Dennyly.**

THEN AND THERE DRIVE A VEHICLE, TO-WIT: 2020 BLUE CHEVROLET SILVERADO WHICH WAS INVOLVED IN A CRASH INVOLVING DEATH TO FELICIA WHITE, AND THE SAID DEFENDANT DID WILLFULLY FAIL TO STOP SAID VEHICLE AT THE SCENE OF THE CRASH UNTIL HE HAD FULFILLED THE REQUIREMENTS OF FSS 316.062, TO-WIT: DID NOT GIVE HIS NAME AND ADDRESS AND THE REGISTRATION NUMBER OF THE VEHICLE HE WAS DRIVING AND DID NOT RENDER REASONABLE ASSISTANCE TO PERSONS INJURED IN THE CRASH.

At approximately 7:46 PM, at the intersection of Gulf Boulevard and 108th Ave in Treasure Island the defendant's vehicle was observed on surveillance video footage obtained from a Gas Station, located at 10801 Gulf Boulevard. It captured a dark colored two-door pickup truck driving southbound on Gulf Blvd. Upon reviewing the surveillance footage, the vehicle enter the left turn lane to head eastbound onto 108th Ave. The defendant's vehicle made a left turn to head eastbound onto 108th Ave and struck a pedestrian who was in a marked crosswalk. The pedestrian noticed the vehicle approaching her and put her hands up, to acquire the defendant's attention. Through the surveillance footage, I was able to confirm the driver was a white male. The pedestrian was pronounced deceased at scene.

Reviewing surveillance from Surf Style located at 10701 Gulf Blvd captures the vehicle immediately turn off of 108th Ave and head southbound into an alley located behind Surf Style. The defendant's vehicle had a yellow tote lid in the bed of the truck. The truck was also a regular cab long bed work truck model. This style is not very common. The defendant was further observed to make a westbound turn onto 107th Ave. Video surveillance footage then captures the vehicle driving southbound on Gulf Boulevard and towards Saint Pete Beach. The defendant's truck was then observed on surveillance footage from Mermaid Gentleman's Club located at 7500 Blind Pass Rd at approximately 1950 hours pulling up to the light at Blind Pass Road and 75<sup>th</sup> Avenue. The defendant's vehicle was on surveillance footage from Walgreens, positioned almost immediately next to Mermaid's Gentleman Club, located 337 75th Ave Saint Pete Beach driving eastbound on 75<sup>th</sup> Avenue towards South Pasadena.

At approximately 11:00pm on December 7, 2022, a blue Chevrolet Silverado matching the description was then located at 13062 Gulf Boulevard, Madeira Beach. The vehicle is a 2020 blue Chevrolet Silverado regular cab long bed, bearing Florida tag DUCL22. The truck also had a yellow top tote located in the bed, which matched the one in the video. Markings on the front of the vehicle consistent with a pedestrian contact, based on your Affiant's training and experience. Also just behind the front passenger tire on the undercarriage of the vehicle, I observed what appears to be a blood spot.

I then made contact with the defendant at his residence. When the defendant opened the door he had a similar profile as the white male in the video. The defendant advised he was the owner of the truck and no one except him drives it. The defendant admitted to driving the same route as the video showed, at approximately the same time. Upon further inspection of the vehicle



numerous blood spots were noticed and presumptive positive for blood. There were also strands of hair found under the vehicle, consistent with the victims.

Corporal D. Laney #58140

*Cpl D. Laney* 58140  
12/10/22

**Defendant** DENNELLY, JOHN MACKINNON

**Court Case No:** 22-11937-CF-1

**ADVISORY AND SOLVENCY HEARING**

The above named Defendant came before me for Advisory and Solvency hearing and was advised by me of the charge(s) against him; his right to remain silent; that any statements by him may be used against him; his right to counsel, and, if he is financially unable to afford counsel, that counsel forthwith will be appointed; of his right to communicate with his counsel, family or friends, and that reasonable implementation will be afforded him to contact the foregoing.

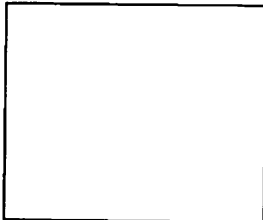
**I FURTHER CERTIFY THAT:**

- ☐ A. Defendant has advised the Court that he has retained counsel or will retain counsel.
- ☐ B. The Court investigated Defendant's solvency and found the Defendant financially able to secure counsel.
- ☐ C. The Court investigated Defendant's solvency and provisionally appointed the Public Defender.
- ☐ D. The Defendant waived the right to counsel at the first appearance only.

\_\_\_\_\_  
DATE AND TIME

\_\_\_\_\_  
JUDGE

- ☐ I hereby waive the right to counsel at the first appearance only.
- ☐ I, having been found solvent and financially able to secure counsel, hereby waive counsel until my attorney files an appearance in this case or until I file a written request for a review of my solvency and ability to secure counsel.



Thumb Print

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

I HEREBY acknowledge receipt of a copy of the foregoing Complaint and Advisory.

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

\_\_\_\_\_  
DEFENDANT'S ATTORNEY'S SIGNATURE

\_\_\_\_\_  
DATE

BURKE, CLERK OF COURT AND COMPTROLLER PINELLAS COUNTY, FL BY DEPUTY CLERK:  
CLKSH01

1

IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT,  
IN AND FOR PINELLAS COUNTY FLORIDA  
DIVISION: FELONY

UCN : 522022CF011937000APC

REF No. : 22-11937-CF - C

OBTS NUMBER \_\_\_\_\_

STATE OF FLORIDA  
VS.

JOHN MACKINNON DENNELLY  
Defendant

PID: 1107393

SS# [REDACTED]

### JUDGMENT

The Defendant, **JOHN MACKINNON DENNELLY**, being personally before this court represented by **R CURTIS MURTHA** the attorney of record, and the state represented by **ALEXANDRA SPADARO**, Assistant State Attorney, and having:

entered a plea of guilty to the following crime(s)

COUNT	CRIME	OFFENSE STATUTE NUMBER (S)	DEGREE OF CRIME
01	LEAVING THE SCENE OF A CRASH INVOLVING DEATH	316.027	1F

X and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED  
THAT the Defendant is ADJUDICATED GUILTY of the above crime(s).

ICD: JDMT (36600374)  
RETURN TO:

Defendant : JOHN MACKINNON DENNELLY

UCN : 522022CF011937000APC

REF No. : 22-11937-CF - C

\_\_\_\_\_ and good cause being shown; IT IS ORDERED THAT ADJUDICATION  
OF GUILT BE WITHHELD as to Count(s) \_\_\_\_\_

Sentence Deferred  
Until Later Date  
(Check if Applicable)











\_\_\_\_\_ The Court hereby defers imposition of sentence until \_\_\_\_\_  
(Date)

The Defendant in Open Court was advised of the right to appeal from this Judgment by filing notice of appeal with the Clerk of the Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The Defendant was also advised of the right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

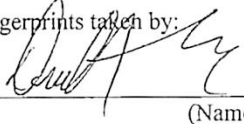
DONE AND ORDERED in open court in Pinellas County, Florida on April 12, 2024.

  
JUDGE

FINGERPRINTS OF THE DEFENDANT

1. R. Thumb	2. R. Index	3. R. Middle	4. R. Ring	5. R. Little
				
6. L. Thumb	7. L. Index	8. L. Middle	9. L. Ring	10. L. Little
				

Fingerprints taken by:

 56675  
(Name and Title)

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, **JOHN MACKINNON DENNELLY**, and that they were placed thereon by the defendant in my presence in open court this day.

  
JUDGE

Defendant: JOHN MACKINNON DENNELLY

UCN: 522022CF011937000APC  
REF No.: 22-11937-CF - C

OBTS Number \_\_\_\_\_

## SENTENCE

(as to Count 01 )

The defendant, being personally before the court, accompanied by the defendant's attorney of record, R CURTIS MURTHA, and having been adjudicated guilty, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

### It Is the Sentence Of the Court That:

The Defendant pay total statutory costs in the amount of **\$2000.00**, inclusive of, Investigative Costs in the amount of **\$1350.00** pursuant to s. 938.27 F.S., **\$100.00** as a Cost of Prosecution assessment. These assessments are hereby imposed as liens.

The Defendant is **committed to the custody of the Department of Corrections.**

Unless otherwise prohibited by law, the Sheriff is authorized to release the Defendant on electronic monitoring or other sentencing programs subject to the Sheriff's discretion.

### To Be Imprisoned:

The Defendant is to be imprisoned for a term of **6 YEARS.**

Followed by a period of **4 YEARS Probation** under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered.

In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

## SPECIAL PROVISIONS

By appropriate notation, the following provisions apply to the sentence imposed:

### Mandatory/Minimum Provisions:

<b>Driver Leaving Scene Involving Death</b>	<b>It is further ordered that the 4 year mandatory minimum imprisonment provision of 316.027(2)(c), Florida Statutes, is imposed.</b>
---	---

### Other Provisions:

**Please see the last page of this document for other provisions.**

Defendant: JOHN MACKINNON DENNELLY

UCN: 522022CF011937000APC  
REF No.: 22-11937-CF - C

OBTS Number \_\_\_\_\_

**Other Provisions: (continued)**

**Jail Credit**

**It is further ordered that the defendant shall be allowed a total of 4 DAYS as credit for time incarcerated before imposition of this sentence.**

**It is further ordered that:**

**Restitution is not applicable in this case.**

Restitution to State:

If applicable, you must make payment of any debt due and owing to the state under section 960.17 and 948.03(1)(h) Florida Statutes. The amount of such debt shall be determined by the Court at a later date upon final payment of the Crimes Compensation Trust Fund on behalf of the victim.

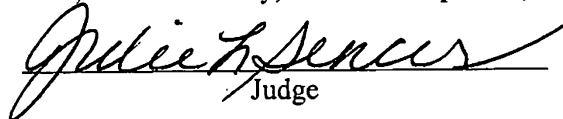
In the event the above sentence is to the Department of Corrections, the Sheriff of Pinellas County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing a notice of appeal within 30 days from this date with the Clerk of the Court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the state on showing of indigency.

In imposing this sentence, the court further orders:

**Your driver's license is revoked for 3 YEARS.**

DONE AND ORDERED in open court at Clearwater, Pinellas County, Florida on **April 12, 2024.**

  
Judge

# Rule 3.992(a) Criminal Punishment Code Scoresheet

The Criminal Punishment Code Scoresheet Preparation Manual is available at: [http://www.dc.state.fl.us/pub/sen\\_cpcm/index.html](http://www.dc.state.fl.us/pub/sen_cpcm/index.html)

1. DATE OF SENTENCE <b>4/12/24</b>	2. PREPARER'S NAME <b>Spadaro</b>	3. COUNTY <b>PINELLAS</b>	4. SENTENCING JUDGE <b>Burgess</b>	
5. NAME (LAST, FIRST, M.I.) <b>Dennelly, John</b>	6. DOB <b>2/19/1960</b>	8. RACE <b>W</b>	10. PRIMARY OFF. DATE <b>12/16/22</b>	12. PLEA TRIAL <input checked="" type="checkbox"/>
	7. DC #	9. GENDER <b>M</b>	11. PRIMARY DOCKET # <b>2211937CF</b>	

## I. PRIMARY OFFENSE: Qualifier:

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
<b>1°</b>	<b>311.07(2)(c)</b>	<b>LSA w/ Death</b>	<b>7</b>	<b>56</b>

(Level - Points: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=116)

Prior capital felony doubles Primary Offense points ☐

I. **56**

## II. ADDITIONAL OFFENSE(S): Supplemental page attached ☐

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	COUNTS	POINTS	TOTAL
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

Prior capital felony doubles Additional Offense points ☐

Supplemental page points  
II. \_\_\_\_\_

## III. VICTIM INJURY:

	Number	Total		Number	Total
2nd Degree Murder	240 X	=	Slight	4 X	=
Death	120 X <b>1</b>	= <b>120</b>	Sex Penetration	80 X	=
Severe	40 X	=	Sex Contact	40 X	=
Moderate	18 X	=			

III. **120**

## IV. PRIOR RECORD: Supplemental page attached ☐

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	DESCRIPTION	NUMBER	POINTS	TOTAL
<b>3°</b>	<b>784.048</b>	<b>6</b>		<b>Agg Stalking</b>	<b>1</b>	<b>X 9</b>	<b>= 9</b>
<b>3°</b>	<b>914.22(1)</b>	<b>4</b>		<b>Tampering w/ Wit</b>	<b>1</b>	<b>X 2.4</b>	<b>= 2.4</b>
<b>3°</b>	<b>893</b>	<b>3</b>		<b>PACS</b>	<b>1</b>	<b>X 1.6</b>	<b>= 1.6</b>
<b>mm</b>	<b>Various</b>	<b>mm</b>		<b>Various</b>	<b>6</b>	<b>X .2</b>	<b>= 1.2</b>

(Level - Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

Supplemental page points  
IV. **14.2**

Page 1 Subtotal: **70.2 190.**

NAME (LAST, FIRST, MI. I.) <b>DENNELLY, JOHN</b>	DOCKET # <b>22-11937-CF</b>
--	-----------------------------

Page 1 Subtotal: **70 1/2 190.**

**V. Legal Status Violation = 4 Points**

- ☐ Escape  
 ☐ Fleeing  
 ☐ Failure to Appear  
 ☐ Supersedeas bond  
 ☐ Incarceration  
 ☐ Pretrial intervention or diversion program  
☐ Court imposed post prison release community supervision resulting in a conviction

V. \_\_\_\_\_

**VI. Community Sanction Violation before the court for sentencing**

- ☐ Probation  
 ☐ Community Control  
 ☐ Pretrial intervention or diversion  
☐ 6 points for any violation other than new felony conviction X \_\_\_\_\_ each successive violation OR  
☐ New felony conviction = 12 points X \_\_\_\_\_ each successive violation if new offense results in conviction before or at same time as sentence for violation of probation OR  
☐ 12 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern when the violation is not based solely on failure to pay costs, fines, or restitution OR  
☐ New felony conviction = 24 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern if new offense results in a conviction before or at the same time for violation of probation

VI. \_\_\_\_\_

**VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 points**

VII. \_\_\_\_\_

**VIII. Prior Serious Felony = 30 points**

VIII. \_\_\_\_\_

Subtotal Sentence Points **70 1/2 190.1**

**IX. Enhancements (only if primary offense qualifies for enhancement)**

Law Enf. Protect. <input type="checkbox"/> x 1.5 <input type="checkbox"/> x 2.0 <input type="checkbox"/> x 2.5	Drug Trafficker <input type="checkbox"/> x 1.5	Motor Vehicle Theft <input type="checkbox"/> x 1.5	Criminal Gang Offense <input type="checkbox"/> x 1.5	Domestic Violence in the Presence of Related Child (offenses committed on or after 03-12-07) <input type="checkbox"/> x 1.5	Adult-on-Minor Sex Offense (offenses committed on or after 10-1-14) <input type="checkbox"/> x 2.0
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Enhanced Subtotal Sentence Points

TOTAL SENTENCE POINTS

**70 1/2 190.1**

**SENTENCE COMPUTATION**

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction. If the total sentence points are 22 points or less, see Section 775.082(10), Florida Statutes, to determine if the court must sentence the offender to a non-state prison sanction.

If total sentence points are greater than 44:

~~70 1/2 190.1~~ minus 28 = ~~42 1/2~~ x .75 = ~~31 7/8~~ **121.65** (10.1375 x 12)

If total sentence points are 60 points or less than and court makes findings pursuant to both Florida Statutes 948.20 and 397.334(3), the court may place the defendant into a treatment-based drug court program.

The maximum sentence is up to the statutory maximum for the primary and any additional offenses as provided in s.775.082, F.S., unless the lowest permissible sentence under the code, exceeds the statutory maximum. Such sentences may be imposed concurrently or consecutively. If the total sentence points are greater than or equal to 363, a life sentence may be imposed.

**30**

maximum sentence in years

**TOTAL SENTENCE IMPOSED**

- ☒ State Prison  
 ☐ Life  
☐ County Jail  
 ☐ Time Served  
☐ Community Control  
☒ Probation  
 ☐ Modified

Years	Months	Days
<b>6</b>		
<b>4</b>		

Please check if sentenced as ☐ habitual offender, ☐ habitual violent offender, ☐ violent career offender, ☐ prison release reoffender, or a ☐ mandatory minimum applies.

☒ Mitigated Departure  
 ☒ Plea Bargain  
 ☐ Prison Diversion Program

Other Reason \_\_\_\_\_

JUDGE'S SIGNATURE

*Julie H. Sencus*

with  
 6415 DOC  
 60415  
 probation  
 no driving  
 no alcohol  
 no work  
 34  
 DL  
 no  
 eligible + 12mo  
 by 10/1/14



B

IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT  
OF FLORIDA IN AND FOR PINELLAS COUNTY

STATE OF FLORIDA

21-09904-CF

ISSUE  
CAPIAS

VS.

FELONY INFORMATION

DEREK DIOUS  
PID 311793013  
W/M; DOB: 08/17/95

LEAVING THE SCENE OF A  
CRASH INVOLVING DEATH, 1°F

IN THE NAME AND BY THE AUTHORITY FOR THE STATE OF FLORIDA:

BRUCE BARTLETT, State Attorney for the Sixth Judicial Circuit of Florida, in and for Pinellas County, prosecuting for the State of Florida, in the said County, under oath, Information makes that

DEREK DIOUS


in the County of Pinellas and State of Florida, on the 6th day of October, in the year of our Lord, two thousand twenty-one, was the driver of a motor vehicle which was involved in a crash involving the death of Gary Boisvert, and the said DEREK DIOUS did willfully fail to stop the vehicle at the scene of the crash or, as close thereto as possible, or remain at the scene of the crash until he had fulfilled the requirements of Florida Statute 316.062, to-wit: did not give his name and address, and the registration number of the vehicle he was driving, and did not render reasonable assistance to persons injured in the crash; ; contrary to Chapter 316.027(2)(c), Florida Statutes, and against the peace and dignity of the State of Florida. [T1B]/7

ARISES OUT OF \_\_\_\_\_

STATE OF FLORIDA  
PINELLAS COUNTY

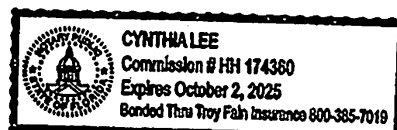
Personally appeared before me, BRUCE BARTLETT, State Attorney for the Sixth Judicial Circuit of Florida, in and for Pinellas County, or his duly designated Assistant State Attorney, who being first duly sworn, says that the allegations as set forth in the foregoing information are based upon facts that have been sworn to as true, and which if true, would constitute the offense therein charged; hence this information is filed in good faith in instituting this prosecution, and that he has received testimony under oath from the material witness or witnesses for the offense.

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 15th October, 2021 by Kendall S. Davidson, who is personally known to me and who did take an oath.

  
Assistant State Attorney for the Sixth  
Judicial Circuit of the State of Florida,  
Prosecuting for said State

  
NOTARY PUBLIC

PP21-058766 NAF21-03334-B T-ERE/1015VW10



COUNTY COURT OR CIRCUIT COURT - CRIMINAL DIVISION  
PINELLAS COUNTY, FLORIDA

STATE OF FLORIDA :  
V. : WITNESS AFFIDAVIT  
DEREK DIOUS :

BEFORE ME, A NOTARY PUBLIC, personally appeared Officer Jeffrey DeTrano, who being duly sworn says:

Your Affiant is a sworn law enforcement officer with the Pinellas Park Police Department.

Your Affiant investigated a traffic crash that occurred on October 6, 2021, at approximately 7:58 PM at the intersection of United States Highway 19 North and Mainlands Boulevard in Pinellas Park, Pinellas County Florida. Your Affiant spoke with Rita Wood and Nicholas Distano who told your Affiant they observed a white vehicle, possibly a sedan or small SUV, accelerate through a yellow light southbound on US Highway 19 North and strike the Victim, identified as Gary Boisvert, W/M, DOB: 6/25/1958 by facial recognition and confirmed through DAVID along with a name tag on the interior of his clothing. Mr. Boisvert was in his wheelchair attempting to cross US Highway 19 in the southernmost cross walk heading west. Ms. Wood and Mr. Distano further informed your Affiant that they saw the vehicle briefly stop and then continue driving without rendering aid to Mr. Boisvert. Your Affiant was informed by Officer Guy of the Pinellas Park Police Department that Mr. Boisvert was pronounced deceased as a result of injuries sustained in the crash. Your Affiant confirmed with 911 dispatch that the driver of the

vehicle did not call to report the crash, nor was the driver on scene when officers or medical personnel arrived on scene.

Your Affiant observed damage to the right side of Mr. Boisvert's wheelchair consistent with him crossing the street westbound and being struck by a southbound vehicle. Your Affiant further observed multiple car parts located on the roadway. A small headlight piece was observed with a Jeep barcode. Through your Affiant's investigation, your Affiant learned that the barcode belongs to a vehicle part from a 2017-2020 Jeep Compass. The part was clear of dust and, based on your Affiant's training and experience, your Affiant reasonably believes that said part could only have come from the vehicle that struck Mr. Boisvert.

Your Affiant spoke with Deputy Christopher Dious of the Pasco County Sheriff's Office who informed your Affiant that his brother, DEREK DIOUS, made incriminating statements to him about striking a pedestrian on US Hwy 19 N, getting nervous and fleeing the scene. Deputy Dious further informed your Affiant that his brother drives a newer Jeep Compass. Your Affiant confirmed on DHSMV databases that a 2018 white Jeep Compass is registered to DEREK DIOUS, W/M, 8/17/1995, of Plant City, Florida.

Your Affiant also spoke with Angelica Fontana who informed your Affiant that she is Dious's boss. Ms. Fontana further explained that Dious called out of work on October 7, 2021 (the day after the crash). When she pressed further as to the reason he called off of work, DEREK DIOUS sent her a screenshot of a news article of a pedestrian being struck and killed in Pinellas

DEREK DIOUS

Park. When Ms. Fontana asked him about this, Dious explained he was on his way to pick his girlfriend up from a concert in St. Petersburg and on the way he stated he hit a homeless man in a wheelchair. DEREK DIOUS then admitted to Ms. Fontana that he did not know what to do and fled the scene to pick up his girlfriend. While your Affiant was speaking with Ms. Fontana in person, DEREK DIOUS called her and on speakerphone stated that his vehicle was parked in the rear of his house located at 405 East Calhoun Street, Plant City, Hillsborough County, Florida. During the phone call, Dious admitted to hitting the Victim stating that the Victim "flew like 10 feet." Dious further admitted to not stopping and continuing to St. Petersburg.

Your Affiant then traveled to 405 East Calhoun St, Plant City, Florida where your Affiant observed what appeared to be a large sedan or small SUV in the back of the house from East Tomlin Street. Your Affiant is aware that Jeep Compass is a small SUV and can appear to be a large sedan.

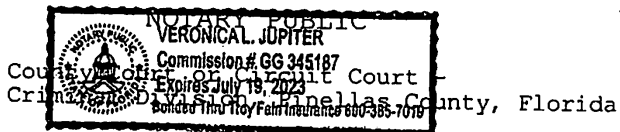
On October 8, 2021, a 2018 Jeep Compass, white in color, Florida Tag NENP47 attached, vehicle identification number 3C4NJCBB2JT469288 was seized under a Hillsborough County Search Warrant. Your Affiant observed the vehicle having significant damage to the front driver side bumper, headlight, and hood consistent with it striking a pedestrian.

DEREK DIOUS

WHEREFORE, your Affiant respectfully requests this Court issue a Capias so that DEREK DIOUS may be made to answer to the charge of Leaving the Scene of a Crash Involving Death, contrary to Chapter 316.027(2)(c), Florida Statutes.

The foregoing instrument was acknowledged before me by means of ☒ Physical presence or ☐ Online notarization this 10 day of October 2021 by Jeffrey Detrand, who is personally known to me or has produced Identification and who did take an oath.

Cheryl Jupiter



[Signature]  
AFFIANT

7700 59th St N Pinellas Park FL 33781  
AFFIANT'S ADDRESS

727-369-7864  
AFFIANT'S TELEPHONE NUMBER

NAF21-03334-B T-ERE/1015VW11

FINDING OF PROBABLE CAUSE

I, Michael F. Andrews have reviewed this affidavit and do find there is probable cause to hold and bind over for trial the defendant named in this affidavit.

Clerk of this Court is hereby directed to  
ISSUE CAPIAS for arrest of Defendant

DEREK DIOUS

Defendant is to be admitted to Bail in  
the sum of \$ 100,000  
including surcharge


Other conditions of release: GPS Monitor

[Signature]  
Circuit/County Judge

[Signature]  
JUDGE  
10-15-2021  
DATE

DEREK DIOUS

PERSONAL DATA INFORMATION SHEET			
<b>ALL INFORMATION MUST BE PROVIDED BY THE INVESTIGATING OFFICER</b> *Note: Starred lines are required for computer warrant entries. *FCIC System (local) **NCIC System			
* Defendant's Full Name: Derek Michael Dious			
* Alias: N/A		* SSN: <span style="background-color: black; color: black;">[REDACTED]</span>	
		* SID #: Click here to enter text.	
Last Known Address: 405 East Calhoun St PLant City, FL 33563			
Place of Employment: (Trulieve)(1644 N Florida Ave, Lakeland FL, 33805) (company) (business address)			
*DOB: 8/17/1995	*SEX: Male	*RACE: White	FINGERPRINTS AVAILABLE: YES <input type="checkbox"/> NO <input type="checkbox"/> unknown
**HT: 6'4	**WT: 220	**HAIR: Brown	EYES: Blue
OTHER FEATURES: (BEARD, MARKS, SCARS, TATTOOS) Click here to enter text.			

<p>Per FLCrRule 3.121 attach photo - SOPICS preferred Originating Source of PHOTO:</p> <p><input type="checkbox"/> SOPICS Docket # <a href="#">Click here to enter text.</a></p> <p><input checked="" type="checkbox"/> FL DL # D200-173-95-297-0 DAVID Photo confirmed accurate by:</p> <p><input type="checkbox"/> Other State DL # <a href="#">Click here to enter text.</a> State <a href="#">Click here to enter text.</a></p> <p><input type="checkbox"/> Other Photo Source # <a href="#">Click here to enter text.</a> <a href="#">text.</a> <a href="#">Click here to enter text.</a></p> <p><input type="checkbox"/> NO PHOTO AVAILABLE – Explanation For No</p> <p>Photo: From DAVID</p>	
<p>*AGENCY: Pinellas Park Police Department</p>	<p>OFFENSE NUMBER: 2021-58766</p>
<p>*INVESTIGATING OFFICER: Ofc. Jeffrey DeTrano</p>	

BURKE, CLERK OF COURT AND COMPTROLLER PINELLAS COUNTY, FL BY DEPUTY CLERK:  
clk105310

1

IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT,  
IN AND FOR PINELLAS COUNTY FLORIDA  
DIVISION: FELONY

UCN : 522021CF009904000APC

REF No. : 21-09904-CF - B

OBTs NUMBER \_\_\_\_\_

STATE OF FLORIDA  
VS.

**DEREK DIOUS**  
Defendant

PID: 311793013  
SS# [REDACTED]

### JUDGMENT

The Defendant, **DEREK DIOUS**, being personally before this court represented by **WILLIAM C ANDERSON ESQ** the attorney of record, and the state represented by **EMILY EISENBERG, Assistant State Attorney**, and having:

entered a plea of guilty to the following crime(s)

COUNT	CRIME	OFFENSE STATUTE NUMBER (S)	DEGREE OF CRIME
01	LEAVING THE SCENE OF A CRASH INVOLVING DEATH	316.027	1F

X and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED  
THAT the Defendant is ADJUDICATED GUILTY of the above crime(s).

ICD: JDMT (35186471)  
RETURN TO:



Defendant : DEREK DIOUS

UCN : 522021CF009904000APC

REF No. : 21-09904-CF - B


\_\_\_\_\_ and good cause being shown; IT IS ORDERED THAT ADJUDICATION  
OF GUILT BE WITHHELD as to Count(s) \_\_\_\_\_

Sentence Deferred  
Until Later Date  
(Check if Applicable)

\_\_\_\_\_ The Court hereby defers imposition of sentence until \_\_\_\_\_  
(Date)











The Defendant in Open Court was advised of the right to appeal from this Judgment by filing notice of appeal with the Clerk of the Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The Defendant was also advised of the right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in open court in Pinellas County, Florida on **June 22, 2022**.



JUDGE

FINGERPRINTS OF THE DEFENDANT

1. R. Thumb 	2. R. Index 	3. R. Middle 	4. R. Ring 	5. R. Little 
6. L. Thumb 	7. L. Index 	8. L. Middle 	9. L. Ring 	10. L. Little 

Fingerprints taken by:

Det. J. Tanguis 60067  
(Name and Title)

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, **DEREK DIOUS**, and that they were placed thereon by the defendant in my presence in open court this day.



JUDGE

Michael F. Andrews, Circuit Judge

Defendant: **DEREK DIOUS**

UCN: 522021CF009904000APC  
REF No.: 21-09904-CF - B

OBTS Number \_\_\_\_\_

## **SENTENCE**

(as to Count 01 )

The defendant, being personally before the court, accompanied by the defendant's attorney of record, **WILLIAM C ANDERSON ESQ**, and having been adjudicated guilty, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

### **It Is the Sentence Of the Court That:**

The Defendant pay total statutory costs in the amount of **\$650.00**, inclusive of, **\$100.00** as a Cost of Prosecution assessment.

The Defendant is **committed to the custody of the Department of Corrections**.

Unless otherwise prohibited by law, the Sheriff is authorized to release the Defendant on electronic monitoring or other sentencing programs subject to the Sheriff's discretion.

### **To Be Imprisoned:**

The Defendant is to be imprisoned for a term of **2 YEARS**.

Followed by a period of **10 YEARS Probation** under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered.

In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

## **SPECIAL PROVISIONS**

By appropriate notation, the following provisions apply to the sentence imposed:

### **Mandatory/Minimum Provisions:**

**No Mandatory/Minimum provisions are imposed on this count.**

### **Other Provisions:**

**Please see the last page of this document for other provisions.**

Defendant: DEREK DIOUS

UCN: 522021CF009904000APC  
REF No.: 21-09904-CF - B

OBTS Number \_\_\_\_\_

**Other Provisions: (continued)**

**Jail Credit**

**It is further ordered that the defendant shall be allowed a total of 1 DAY as credit for time incarcerated before imposition of this sentence.**

**It is further ordered that:**

**Restitution is ordered as follows:**

**\$2500.00 to SURLES, SUZANNE  
7301 LORD BARTON DRIVE  
FREDRICKSBURG, VA 22407.**

**Restitution to State:**

If applicable, you must make payment of any debt due and owing to the state under section 960.17 and 948.03(1)(h) Florida Statutes. The amount of such debt shall be determined by the Court at a later date upon final payment of the Crimes Compensation Trust Fund on behalf of the victim.

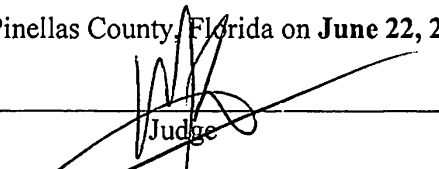
In the event the above sentence is to the Department of Corrections, the Sheriff of Pinellas County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing a notice of appeal within 30 days from this date with the Clerk of the Court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the state on showing of indigency.

In imposing this sentence, the court further orders:

**The defendant shall pay a \$7.00 fee to the Pinellas County Sheriff's Office for DNA testing. The defendant shall complete 200 hours of community service work. Your driver's license is revoked for Life.**

**DONE AND ORDERED** in open court at Clearwater, Pinellas County, Florida on **June 22, 2022.**

  
\_\_\_\_\_  
Judge  
Michael F. Andrews, Circuit Judge

# Rule 3.992(a) Criminal Punishment Code Scoresheet

The Criminal Punishment Code Scoresheet Preparation Manual is available at: [http://www.dc.state.fl.us/pub/sen\\_cpcm/index.html](http://www.dc.state.fl.us/pub/sen_cpcm/index.html)

1. DATE OF SENTENCE <del>12/13/2021</del> <b>6.22.22</b>	2. PREPARER'S NAME EISENBERG	3. COUNTY PINELLAS	4. SENTENCING JUDGE SIRACUSA	
5. NAME (LAST, FIRST, M.I.) DIOUS, DEREK	6. DOB 8/17/1995	8. RACE WHITE	10. PRIMARY OFF. DATE 10/6/2021	12. PLEA <input checked="" type="checkbox"/> <del>TRIAL</del> <input type="checkbox"/>
	7. DC #	9. GENDER MALE	11. PRIMARY DOCKET # 2109904CF	

## I. PRIMARY OFFENSE: Qualifier:

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
1	316.027(2)(C)	LEAVE CRASH W/DEATH	7	56

(Level - Points: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=116)

Prior capital felony doubles Primary Offense points ☐

I. 56.0000

## II. ADDITIONAL OFFENSE(S): Supplemental page attached ☐

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	COUNTS	POINTS	TOTAL
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

Prior capital felony doubles Additional Offense points ☐

Supplemental page points           

II.           

## III. VICTIM INJURY:

	Number	Total		Number	Total
2 <sup>nd</sup> Degree Murder	240 X	=	Slight	4 X	=
Death	120 X	=	Sex Penetration	80 X	=
Severe	40 X	=	Sex Contact	40 X	=
Moderate	18 X	=			

III.           

## IV. PRIOR RECORD: Supplemental page attached ☐

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	DESCRIPTION	NUMBER	POINTS	TOTAL
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	

(Level - Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

Supplemental page points           

IV.           

Page 1 Subtotal: 56.0000

NAME (LAST, FIRST, MI. I.) DIOUS, DEREK	DOCKET # 2109904CF
--	-----------------------

Page 1 Subtotal: 56.0000

**V. Legal Status Violation = 4 Points**

- ☐ Escape  
 ☐ Fleeing  
 ☐ Failure to Appear  
 ☐ Supersedeas bond  
 ☐ Incarceration  
 ☐ Pretrial intervention or diversion program  
☐ Court imposed post prison release community supervision resulting in a conviction

V. \_\_\_\_\_

**VI. Community Sanction Violation before the court for sentencing**

- ☐ Probation  
 ☐ Community Control  
 ☐ Pretrial intervention or diversion  
☐ 6 points for any violation other than new felony conviction X \_\_\_\_\_ each successive violation OR  
☐ New felony conviction = 12 points X \_\_\_\_\_ each successive violation if new offense results in conviction before or at same time as sentence for violation of probation OR  
☐ 12 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern when the violation is not based solely on failure to pay costs, fines, or restitution OR  
☐ New felony conviction = 24 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern if new offense results in a conviction before or at the same time for violation of probation

VI. \_\_\_\_\_

**VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 points**

VII. \_\_\_\_\_

**VIII. Prior Serious Felony = 30 points**

VIII. \_\_\_\_\_

Subtotal Sentence Points 56.0000

**IX. Enhancements (only if primary offense qualifies for enhancement)**

Law Enf. Protect.  <input type="checkbox"/> x 1.5 <input type="checkbox"/> x 2.0 <input type="checkbox"/> x 2.5	Drug Trafficker  <input type="checkbox"/> x 1.5	Motor Vehicle Theft  <input type="checkbox"/> x 1.5	Criminal Gang Offense  <input type="checkbox"/> x 1.5	Domestic Violence in the Presence of Related Child (offenses committed on or after 03-12-07)  <input type="checkbox"/> x 1.5	Adult-on-Minor Sex Offense (offenses committed on or after 10-1-14)  <input type="checkbox"/> x 2.0
---	---	---	---	---	--

Enhanced Subtotal Sentence Points

IX. \_\_\_\_\_

TOTAL SENTENCE POINTS 56.0000

**SENTENCE COMPUTATION**

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction. If the total sentence points are 22 points or less, see Section 775.082(10), Florida Statutes, to determine if the court must sentence the offender to a non-state prison sanction.

If total sentence points are greater than 44:

$$\frac{56.0000}{\text{total sentence points}} \text{ minus } 28 = \frac{28.0000}{\text{total sentence points}} \times .75 = \frac{21.000000}{\text{Lowest permissible prison sentence in months}}$$

If total sentence points are 60 points or less than and court makes findings pursuant to both Florida Statutes 948.20 and 397.334(3), the court may place the defendant into a treatment-based drug court program.

The maximum sentence is up to the statutory maximum for the primary and any additional offenses as provided in s.775.082, F.S., unless the lowest permissible sentence under the code, exceeds the statutory maximum. Such sentences may be imposed concurrently or consecutively. If the total sentence points are greater than or equal to 363, a life sentence may be imposed.

30  
maximum sentence in years

**TOTAL SENTENCE IMPOSED**

<input checked="" type="checkbox"/> State Prison <input type="checkbox"/> Life <input type="checkbox"/> County Jail <input type="checkbox"/> Time Served <input type="checkbox"/> Community Control <input checked="" type="checkbox"/> Probation <input type="checkbox"/> Modified	Years      Months      Days <u>2 F/b</u> <u>10</u>	
--	--	--

Please check if sentenced as ☐ habitual offender, ☐ habitual violent offender, ☐ violent career offender, ☐ prison release reoffender, or a ☐ mandatory minimum applies.

☐ Mitigated Departure  
 ☒ Plea Bargain  
 ☐ Prison Diversion Program  
 Other Reason \_\_\_\_\_

<b>JUDGE'S SIGNATURE</b>	 Michael F. Andrews, Circuit Judge
--------------------------	---------------------------------------

# **Rule 3.992(b) Supplemental Criminal Punishment Code Scoresheet**

<b>NAME (LAST, FIRST, MI. I.)</b> DIOUS, DEREK	<b>DOCKET #</b> 2109904CF	<b>DATE OF SENTENCE</b> 12/13/2021
---	------------------------------	---------------------------------------

## **X. ADDITIONAL OFFENSE(S):**

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	COUNTS	POINTS	TOTAL
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							

(Level – Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

II. \_\_\_\_\_

## **IV. PRIOR RECORD:**

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	DESCRIPTION	NUMBER	POINTS	TOTAL
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	

(Level – Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

IV. \_\_\_\_\_

## **Reasons for Departure – Mitigating Circumstances** (reasons may be checked here or written on the scoresheet)

- ☐ Legitimate, uncoerced plea bargain.
- ☐ The defendant was an accomplice to the offense and was a relatively minor participant in the criminal conduct.
- ☐ The capacity of the defendant to appreciate the criminal nature of the conduct or to conform that conduct to the requirements of law was substantially impaired.
- ☐ The defendant requires specialized treatment for a mental disorder that is unrelated to substance abuse or addiction, or for a physical disability, and the defendant is amenable to treatment.
- ☐ The need for payment of restitution to the victim outweighs the need for a prison sentence.
- ☐ The victim was an initiator, willing participant, aggressor, or provoker of the incident.
- ☐ The defendant acted under extreme duress or under the domination of another person.
- ☐ Before the identity of the defendant was determined, the victim was substantially compensated.
- ☐ The defendant cooperated with the State to resolve the current offense or any other offense.
- ☐ The offense was committed in an unsophisticated manner and was an isolated incident for which the defendant has shown remorse.
- ☐ At the time of the offense the defendant was too young to appreciate the consequences of the offense.
- ☐ The defendant is to be sentenced as a youthful offender.
- ☐ The defendant is amenable to the services of a post adjudicatory treatment-based drug court program and is otherwise qualified to participate in the program.
- ☐ The defendant was making a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose.

Pursuant to 921.0026(3) the defendant's substance abuse or addiction does not justify a downward departure from the lowest permissible sentence, except for the provisions of s. 921.0026(2)(m).

CIRCUIT COURT - CRIMINAL DIVISION, PINELLAS COUNTY, FLORIDA

WARRANT

STATE OF FLORIDA

:

20-11709-CF

V.

:

Leaving The Scene Of A  
Involving Death, 1°F

WILLIAM GALLAHUE, JR  
PID 311409119  
U/M; DOB: 03/03/1983

:

IN THE NAME OF THE STATE OF FLORIDA,  
TO ALL AND SINGULAR THE SHERIFFS AND INVESTIGATORS OF THE STATE  
ATTORNEY,

WHEREAS, Sergeant Justin Bloom, Florida Highway Patrol, has  
this day made oath before this Court that on August 16, 2020, in  
the County and District aforesaid, one WILLIAM GALLAHUE, JR was  
the driver of a motor vehicle which was involved in a crash  
involving death to Dewey August Sharpe, a vulnerable road user,  
and the said WILLIAM GALLAHUE, JR did willfully fail to stop the  
vehicle at the scene of the crash or, as close thereto as  
possible, or return and remain at the scene of the crash until  
he had fulfilled the requirements of Florida statute 316.062, to  
wit: did not give his name and address, and the registration  
number of the vehicle Dewey August Sharpe was driving, and did  
not render reasonable assistance to persons injured in the  
crash; contrary to Chapter 316.027(2)(c)/316.027(2)(f), Florida  
Statutes, in such case made and provided and against the peace  
and dignity of the State of Florida. [T1B]/8

FILED  
CRIMINAL COURT RECORDS  
2020 DEC 16 PM 1:27  
CLERK OF CIRCUIT COURT  
PINELLAS COUNTY  
JESSIE BURKE  
CLERK OF CIRCUIT COURT

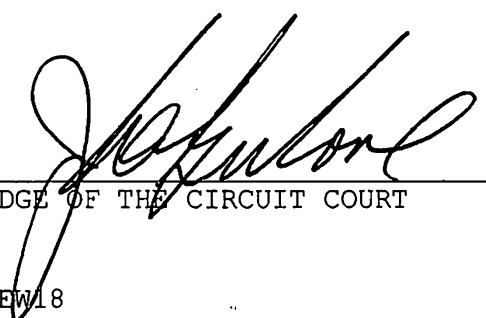
These are, therefore, to command you to arrest instanter the said WILLIAM GALLAHUE, JR, and bring him before me to be dealt with according to law.

Given under my hand and seal this 16 day of December, 2020.

BOND SET IN THIS CASE IN THE AMOUNT \$100,000.

Other conditions of release:

no alcohol - possess or consume

  
\_\_\_\_\_  
JUDGE OF THE CIRCUIT COURT

FH2004031 NAF20-04106-B I-EVO/1216SEW18





IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA IN AND FOR PINELLAS COUNTY

STATE OF FLORIDA :  
 : COMPLAINT  
V. :  
 : LEAVING THE SCENE OF A  
 : CRASH INVOLVING DEATH, 1° F  
  
WILLIAM GALLAHUE, JR :  
PID 311409119  
U/M; DOB: 03/03/1983

KEVIN BURKE  
CLERK OF CIRCUIT COURT  
AND COMPTROLLER

CRIMINAL COURT RECORDS  
2020 DEC 16 PM 1:27

BEFORE ME, A JUDGE OF THE CIRCUIT COURT, in and for said County, personally came Sergeant Justin Bloom, Florida Highway Patrol, who, being duly sworn, says that on August 16, 2020, in the County aforesaid, one WILLIAM GALLAHUE, JR; was the driver of a motor vehicle which was involved in a crash involving death to Dewey August Sharpe, a vulnerable road user, and the said WILLIAM GALLAHUE, JR did willfully fail to stop the vehicle at the scene of the crash or, as close thereto as possible, or return and remain at the scene of the crash until he had fulfilled the requirements of Florida statute 316.062, to wit: did not give his name and address, and the registration number of the vehicle Dewey August Sharpe was driving, and did not render reasonable assistance to persons injured in the crash; contrary to Chapter 316.027(2)(c)/316.027(2)(f), Florida Statutes, in such case made and provided and against the peace and dignity of the State of Florida. [T1B]/8

Your Affiant, Sergeant Justin Bloom is a duly sworn law enforcement officer with the Florida Highway Patrol, in Florida, and has been so employed for over eight (8) years. Your Affiant

was serving the Florida Highway Patrol in the capacity of a traffic homicide investigator at the time of this traffic crash and had served as such for eighteen (18) months.

Your Affiant has received specialized training from attending and completing the eighty (80) hour course on Basic Traffic Homicide Investigation, the eighty (80) hour course on Advanced Traffic Homicide Investigation, the eighty (80) hour course on Accident Reconstruction, and the forty (40) hour course on Lector Robotic Mapping, all from the Florida Highway Patrol.

August 16, 2020, at approximately 2:00 AM, on East Lake Road just south of the intersection of Woodlands Boulevard, within unincorporated East Lake, within Pinellas County, Florida, a motor vehicle crash occurred involving the above described conveyance: 2019 Nissan Sentra, four-door sedan, grey in color with Florida tag JLFC46 attached, vehicle identification number 3N1AB7AP4KY430581 and an Ancheer brand electric scooter, painted black in color (Serial Number 227321920006265), equipped with a forward facing white light and a rear facing red light. Based upon your Affiant's on scene investigation, it was determined the Ancheer brand electric scooter was driven by Dewey August Sharpe (W/M, 11/02/1977). The driver of the scooter was determined via Sharpe's proximity to the scooter as well as confirmation by Sharpe's brother,

Dennis R. Sharpe Jr., that Sharpe owned the scooter. Your Affiant reviewed the location of the gouge marks in the roadway as well as the rear damage to the scooter and was able to determine that Sharpe was operating his scooter within the northbound outside lane of East Lake Road approaching Woodlands Boulevard when he was struck from the rear by a vehicle. The striking vehicle left the scene of this traffic crash prior to law enforcement arrival. Your Affiant was advised via dispatch that Sharpe was pronounced deceased on-scene by Corporal Nick Giordano of the Clearwater Police Department (ID #6010) at 2:17 AM. The Medical Examiner arrived on scene and confirmed that Dewey August Sharpe was deceased. Your Affiant observed a Nissan brand chrome grille assembly on scene of this traffic crash. A part number was located on the Nissan grille assembly (623103YU0D). Your Affiant researched the part number with Nissan and discovered the part belonged to a Nissan Sentra. Furthermore, your Affiant located a blue satchel among the debris from this traffic crash believed to belong to Sharpe.

Dispatch informed you Affiant that on August 17, 2020 at approximately 1:58 PM, Veronica Condrean of the YMCA, located at 4550 Village Center Drive, Palm Harbor, Florida, 34685, reported a Nissan Sentra with extensive front-end damage parked in their parking lot. Your Affiant was advised that Trooper Steven Turner responded to the YMCA and secured the Nissan Sentra. Your

Affiant then responded to YMCA and observed damage to the Nissan Sentra, which was consistent with the dynamics of this traffic crash. The Nissan Sentra had a shattered windshield, with hair and skin tissue imbedded in the windshield. The hood of the Nissan Sentra was pushed inward consistent with a body strike from Sharpe. Blue fabric transfer was observed on the hood of the Nissan Sentra consistent with the blue satchel that was located at the scene. The Nissan Sentra was missing the front grille, which was consistent with the vehicle part located at the scene of this traffic crash. The driver's side front window was rolled down. The Nissan Sentra displayed a Florida Tag of JLFC46 with a vehicle identification number of 3N1AB7AP4KY430581, a 2019 Nissan Sentra. Your Affiant was able to determine that the 2019 Nissan Sentra was registered to EAN HOLDINGS, LLC, at 14002 E 21ST ST STE 1500, Tulsa, Oklahoma, as a rental vehicle. The vehicle was towed to the Pinellas Park Florida Highway Patrol Station and placed in the vehicle impound facility.

EAN Holdings, LLC, which does business as Enterprise-Rent-A-Car, confirmed the 2019 Nissan Sentra in question was leased to William Eugene Gallahue Jr. (W/M, 03/03/1983) with a Florida driver license number of G400925830830. The lease period was for August 13, 2020 until August 17, 2020. This traffic crash occurred during William Eugene Gallahue Jr.'s lease period.

Enterprise-Rent-A-Car has not been contacted by William Eugene Gallahue Jr. in regard to this traffic crash, or damage to the 2019 Nissan Sentra.

On or about September 12, 2020, a Cody McNamee called into dispatch at the Florida State Highway Patrol and stated he had information regarding this traffic crash. Your Affiant spoke to Cody McNamee on the phone and was informed that a "Nick Ghovae" was a passenger in the vehicle at the time of the crash and had been speaking to McNamee about the crash.

Your Affiant researched "Nick Ghovae" and determined he was Nicholas Ghovae, W/M, 7/14/1986 and was placed on probation for 24 months drug offender probation on September 24, 2018 by the Honorable William Burgess, III; and said probation was extended an additional 24 months with 90 days of community control on April 15, 2019 due to a violation.

Your Affiant arranged with the probation officer of Nicholas Ghovae to meet on October 7, 2020 so that your Affiant could speak with Nicholas Ghovae.

Your Affiant obtained a statement from Nicholas Ghovae where Ghovae stated that on the evening of August 15<sup>th</sup> and leading into the early morning hours of August 16, 2020; Ghovae was with WILLIAM GALLAHUE, JR, Jr., known as "Bill", first at an establishment called the Monkey Bar and then at another establishment called Mixers. Ghovae stated that he and "Bill"

left Mixers and went to a Shell Gas station within the same parking lot before "Bill" began to drive Ghovae home. On the drive home, the crash occurred involving the scooter. Ghovae stated that they did not remain on the scene, that "Bill" drove to a YMCA just north of the apartment complex where Ghovae resides, and where they both left the vehicle on foot.

Your Affiant determined that the YMCA parking lot is located approximately 2 miles north of the crash scene.

Your Affiant went to Monkey Bar, located at 1681 Gulf To Bay Blvd in Clearwater, Pinellas County on October 7, 2020 and was able to obtain video surveillance from inside the bar. Your Affiant was able to review this surveillance and found Nicholas Ghovae sitting with a white male who was identified as WILLIAM GALLAHUE, JR, Jr. Your Affiant observed Ghovae to be wearing a dark t-shirt with dark colored pants as well as a dark baseball cap while Gallahue was wearing a black punisher t-shirt, khaki shorts, flip flops and no cap. Your Affiant observed Ghovae and Gallahue to leave Monkey Bar at approximately 10:21pm.

Your Affiant had previously gone to Mixers bar and grill, located at 3430 East Lake Road in Palm Harbor, Pinellas County; based on credit card records from the same credit card used by WILLIAM GALLAHUE, JR, Jr. to rent the Nissan Sentra from Enterprise Rent A Car. Your Affiant learned that Mixers did not retain video surveillance from the night of the crash; however

did receive a copy of the receipt for Gallahue's tab which was time stamped at 1:23am on August 16, 2020.


Your Affiant received video on October 12, 2020 from the Shell Gas station, located at 3470 East Lake Road in Palm Harbor, Pinellas County. Your Affiant reviewed the video surveillance from August 16, 2020 and observed Gallahue and Ghovae inside of the Shell Gas Station at approximately 1:31am. Your Affiant was able to review video surveillance from the parking lot of the Shell gas station which showed WILLIAM GALLAHUE, JR, Jr. entering the driver's door of the Nissan Sentra and driving away at approximately 1:55am.

Your Affiant was able to determine that the Shell Gas Station is approximately 1 mile south from the crash scene.

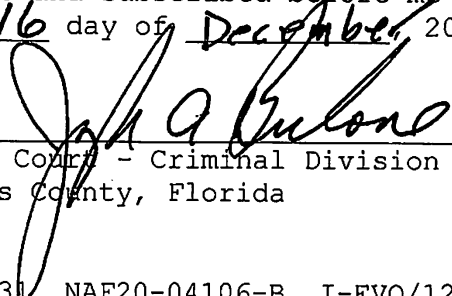
Your Affiant had previously obtained video surveillance from the YMCA parking lot on August 18, 2020. Your Affiant was able to observe the Nissan Sentra with front end damage park in the lot at approximately 2:07am. Your Affiant observed a white male wearing a black t-shirt, khaki shorts, and flip flops exit the driver's door of the Nissan and walk away on foot.




Based on the above-mentioned events, your Affiant respectfully request this Honorable Court issue a Capias so that WILLIAM GALLAHUE, JR can be made to answer to the charge of Leaving The Scene Of A Crash Involving Death, pursuant to Chapter 316.027(2)(c)/316.027(2)(f), Florida Statutes.

  
AFFIANT

Sworn to and subscribed before me  
this 16 day of December, 2020.

  
Circuit Court - Criminal Division  
Pinellas County, Florida

FH2004031 NAF20-04106-B I-EVO/1216SEW19

<b>PERSONAL DATA INFORMATION SHEET</b>			
ALL INFORMATION MUST BE PROVIDED BY THE INVESTIGATING OFFICER I			
*Note: Starred lines are required for computer warrant entries. *FCIC System (local) **NCIC System			
* Defendant's Full Name: <div style="font-family: cursive; font-size: 1.2em;">William Eugene Gallahue Jr</div>			
* Alias: <div style="font-family: cursive; font-size: 1.2em;">"Bear"</div> <div style="font-family: cursive; font-size: 1.2em;">"Bill"</div>	* SSN: <div style="background-color: black; width: 100px; height: 20px; margin: 5px 0;"></div> * SID #: <div style="background-color: black; width: 100px; height: 20px; margin: 5px 0;"></div>		
Last Known Address: <div style="font-family: cursive; font-size: 1.2em;">6900 Ulmerton Rd, lot 158, Largo, FL 33756</div>			
Place of Employment: (company) (business address)			
*DOB: <div style="font-family: cursive; font-size: 1.2em;">3-3-1983</div>	*SEX: <div style="font-family: cursive; font-size: 1.2em;">M</div>	*RACE: <div style="font-family: cursive; font-size: 1.2em;">W</div>	FINGERPRINTS AVAILABLE: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
**HT: <div style="font-family: cursive; font-size: 1.2em;">6'3"</div>		**WT: <div style="font-family: cursive; font-size: 1.2em;">unknown</div> **HAIR: <div style="font-family: cursive; font-size: 1.2em;">Black</div> I EYES: <div style="font-family: cursive; font-size: 1.2em;">unknown</div>	
OTHER FEATURES: (BEARD, MARKS, SCARS, TATTOOS) <div style="font-family: cursive; font-size: 1.2em;">Beard</div>			
Per FLC Rule 3.121 attach photo - SOPICS preferred! Originating Source of PHOTO:  <input type="checkbox"/> SOPICS Docket # <input checked="" type="checkbox"/> FL DL # DAVID Photo confirmed accurate by: <div style="font-family: cursive; font-size: 1.2em;">Sgt. Bloom</div>  <input type="checkbox"/> Other State DL # State  <input type="checkbox"/> Other Photo Source #  <input type="checkbox"/> NO PHOTO AVAILABLE — Explanation For No Photo:			
* AGENCY: <div style="font-family: cursive; font-size: 1.2em;">FHP</div>		OFFENSE NUMBER: <div style="font-family: cursive; font-size: 1.2em;">FHP 720-04-031</div>	
* INVESTIGATING OFFICER: <div style="font-family: cursive; font-size: 1.2em;">Sgt. Justin Bloom</div>			

FILED

CRIMINAL COURT RECORDS

2020 DEC 16 PM 1:27

 HEN BURKE  
CLERK OF CIRCUIT COURT

BURKE, CLERK OF COURT AND COMPTROLLER PINELLAS COUNTY, FL BY DEPUTY CLERK:  
clk105094

1

IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT,  
IN AND FOR PINELLAS COUNTY FLORIDA  
DIVISION: FELONY

UCN : 522020CF011709000APC

REF No. : 20-11709-CF - B

OBTS NUMBER \_\_\_\_\_

STATE OF FLORIDA  
VS.

**WILLIAM EUGENE GALLAHUE JR**  
Defendant

PID: 311409119

SS# [REDACTED]

### JUDGMENT

The Defendant, **WILLIAM EUGENE GALLAHUE JR**, being personally before this court represented by **R CURTIS MURTHA** the attorney of record, and the state represented by **ELIZABETH CONSTANTINE**, Assistant State Attorney, and having:

entered a plea of guilty to the following crime(s)

COUNT	CRIME	OFFENSE STATUTE NUMBER (S)	DEGREE OF CRIME
01	LEAVING THE SCENE OF A CRASH INVOLVING DEATH	316.027	1F

X and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED  
THAT the Defendant is ADJUDICATED GUILTY of the above crime(s).

ICD: JDMT (3-1709694)  
RETURN TO:

Defendant : WILLIAM EUGENE GALLAHUE JR

UCN : 522020CF011709000APC  
REF No. : 20-11709-CF - B

\_\_\_\_\_ and good cause being shown; IT IS ORDERED THAT ADJUDICATION  
OF GUILT BE WITHHELD as to Count(s) \_\_\_\_\_

Sentence Deferred  
Until Later Date  
(Check if Applicable)











\_\_\_\_\_ The Court hereby defers imposition of sentence until \_\_\_\_\_  
(Date)

The Defendant in Open Court was advised of the right to appeal from this Judgment by filing notice of appeal with the Clerk of the Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The Defendant was also advised of the right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in open court in Pinellas County, Florida on **October 27, 2021**.

\_\_\_\_\_  
JUDGE

FINGERPRINTS OF THE DEFENDANT

1. R. Thumb	2. R. Index	3. R. Middle	4. R. Ring	5. R. Little
				
6. L. Thumb	7. L. Index	8. L. Middle	9. L. Ring	10. L. Little
				

Fingerprints taken by:

\_\_\_\_\_  
*Swank Deputy*  
(Name and Title)

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, **WILLIAM EUGENE GALLAHUE JR**, and that they were placed thereon by the defendant in my presence in open court this day.

\_\_\_\_\_  
JUDGE

Michael F. Andrews, Circuit Judge

Defendant: WILLIAM EUGENE GALLAHUE JR

UCN: 522020CF011709000APC  
REF No.: 20-11709-CF - B

OBTS Number \_\_\_\_\_

## **SENTENCE**

(as to Count 01 )

The defendant, being personally before the court, accompanied by the defendant's attorney of record, R CURTIS MURTHA, and having been adjudicated guilty, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

### **It Is the Sentence Of the Court That:**

The Defendant pay total statutory costs in the amount of **\$650.00**, inclusive of, **\$100.00** as a Cost of Prosecution assessment. These assessments are hereby imposed as liens.

The Defendant is **committed to the custody of the Department of Corrections.**

Unless otherwise prohibited by law, the Sheriff is authorized to release the Defendant on electronic monitoring or other sentencing programs subject to the Sheriff's discretion.

### **To Be Imprisoned:**

The Defendant is to be imprisoned for a term of **12 YEARS.**

## **SPECIAL PROVISIONS**

By appropriate notation, the following provisions apply to the sentence imposed:

### **Mandatory/Minimum Provisions:**

**Driver Leaving Scene Involving  
Death**

**It is further ordered that the 4 year mandatory minimum  
imprisonment provision of 316.027(2)(c), Florida Statutes, is  
imposed.**

### **Other Provisions:**

**Please see the last page of this document for other provisions.**

Defendant: WILLIAM EUGENE GALLAHUE JR

UCN: 522020CF011709000APC  
REF No.: 20-11709-CF - B

OBTS Number \_\_\_\_\_

**Other Provisions: (continued)**

**Jail Credit**

It is further ordered that the defendant shall be allowed a total of 284 DAYS as credit for time incarcerated before imposition of this sentence.

**Immigration Detainer**

It is further ordered that, as per s. 908.104(3)(b), F.S., the secure correctional facility in which the defendant is to be confined shall reduce the defendant's sentence by a period of not more than 12 days on the facility's determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody.

It is further ordered that:

Restitution is ordered as follows:

**\$897.00 to PINELLAS COUNTY SHERIFF OFFICE  
EXTRADITION DEPT  
10750 ULMERTON RD  
LARGO, FL 33778, as a lien.**

Restitution to State:

If applicable, you must make payment of any debt due and owing to the state under section 960.17 and 948.03(1)(h) Florida Statutes. The amount of such debt shall be determined by the Court at a later date upon final payment of the Crimes Compensation Trust Fund on behalf of the victim.

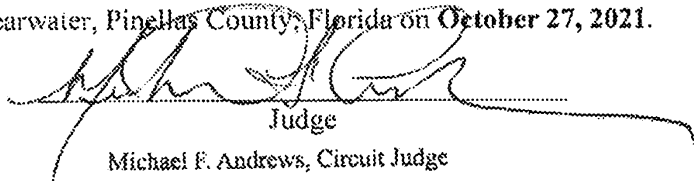
In the event the above sentence is to the Department of Corrections, the Sheriff of Pinellas County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing a notice of appeal within 30 days from this date with the Clerk of the Court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the state on showing of indigency.

In imposing this sentence, the court further orders:

**The defendant shall pay a \$7.00 fee to the Pinellas County Sheriff's Office for DNA testing. Your driver's license is revoked for 3 YEARS.**

DONE AND ORDERED in open court at Clearwater, Pinellas County, Florida on **October 27, 2021.**

  
Judge  
Michael F. Andrews, Circuit Judge

# Rule 992(a) Criminal Punishment Code Scoresheet

The Criminal Punishment Code Scoresheet Preparation Manual is available at: [http://www.dc.state.fl.us/pub/sen\\_cpcm/index.html](http://www.dc.state.fl.us/pub/sen_cpcm/index.html)

1. DATE OF SENTENCE 10/27/21	2. PREPARER'S NAME Constantine	3. COUNTY Pinellas	4. SENTENCING JUDGE Andrews
5. NAME (LAST, FIRST, M.I.) Allanue, William E.	6. DOB 03/03/83	8. RACE W	10. PRIMARY OFF. DATE 08/16/20
7. DC #	9. GENDER M	11. PRIMARY DOCKET # 2011709CF	12. PLEA GUILTY <input checked="" type="checkbox"/> NOT GUILTY <input type="checkbox"/>

## I. PRIMARY OFFENSE: Qualifier:

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
1	316.027	1st degree murder	7	50

(Level - Points: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=116)

Prior capital felony doubles Primary Offense points ☐

## II. ADDITIONAL OFFENSE(S): Supplemental page attached ☐

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	COUNTS	POINTS	TOTAL
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

Prior capital felony doubles Additional Offense points ☐

Supplemental page points II.

## III. VICTIM INJURY:

	Number	Total		Number	Total
2nd Degree Murder	240 X	=	Slight	4 X	=
Death	120 X	=	Sex Penetration	80 X	=
Severe	40 X	=	Sex Contact	40 X	=
Moderate	18 X	=			

III.

## IV. PRIOR RECORD: Supplemental page attached ☐

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	DESCRIPTION	NUMBER	POINTS	TOTAL
mm mm mm				misd	2	.2	.4
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	

(Level - Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

Supplemental page points IV.

Page 1 Subtotal 50.4

NAME (LAST, FIRST, MIDDLE) JATTANUE, WILLIAM E. DOCKET # 201709CF

Page 1 Subtotal

56.4

V. Legal Status Violation = 4 Points

- ☐ Escape ☐ Fleeing ☐ Failure to Appear ☐ Supersedeas bond ☐ Incarceration ☐ Pretrial intervention or diversion program  
☐ Court imposed post prison release community supervision resulting in a conviction

V. \_\_\_\_\_

VI. Community Sanction Violation before the court for sentencing

VI. \_\_\_\_\_

- ☐ Probation ☐ Community Control ☐ Pretrial intervention or diversion  
☐ 6 points for any violation other than new felony conviction X \_\_\_\_\_ each successive violation OR  
☐ New felony conviction = 12 points X \_\_\_\_\_ each successive violation if new offense results in conviction before or at same time as sentence for violation of probation OR  
☐ 12 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern when the violation is not based solely on failure to pay costs, fines, or restitution OR  
☐ New felony conviction = 24 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern if new offense results in a conviction before or at the same time for violation of probation

VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 points

VII. \_\_\_\_\_

VIII. Prior Serious Felony = 30 points

VIII. \_\_\_\_\_

Subtotal Sentence Points

56.4

IX. Enhancements (only if primary offense qualifies for enhancement)

IX. \_\_\_\_\_

Law Enf. Protect.	Drug Trafficker	Motor Vehicle Theft	Criminal Gang Offense	Domestic Violence in the Presence of Related Child (offenses committed on or after 03-12-07)	Adult-on-Minor Sex Offense (offenses committed on or after 10-1-14)
<input type="checkbox"/> x 1.5 <input type="checkbox"/> x 2.0 <input type="checkbox"/> x 2.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 2.0

Enhanced Subtotal Sentence Points

TOTAL SENTENCE POINTS

56.4

SENTENCE COMPUTATION

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction. If the total sentence points are 22 points or less, see Section 775.082(10), Florida Statutes, to determine if the court must sentence the offender to a non-state prison sanction.

If total sentence points are greater than 44:

56.4 minus 28 28.4 x .75 = 21.3 4 YR m/m  
total sentence points Lowest permissible prison sentence in months

If total sentence points are 60 points or less than and court makes findings pursuant to both Florida Statutes 948.20 and 397.334(3), the court may place the defendant into a treatment-based drug court program.

The maximum sentence is up to the statutory maximum for the primary and any additional offenses as provided in s.775.082, F.S., unless the lowest permissible sentence under the code, exceeds the statutory maximum. Such sentences may be imposed concurrently or consecutively. If the total sentence points are greater than or equal to 363, a life sentence may be imposed.

30 Y  
maximum sentence in years

TOTAL SENTENCE IMPOSED

- ☒ State Prison ☐ Life  
☐ County Jail ☐ Time Served  
☐ Community Control  
☐ Probation ☐ Modified

12  
Years

Months

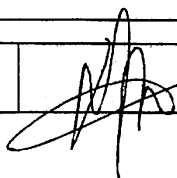
Days

Please check if sentenced as ☐ habitual offender, ☐ habitual violent offender, ☐ violent career offender, ☐ prison release reoffender, or a ☒ mandatory minimum applies.

- ☐ Mitigated Departure ☐ Plea Bargain ☐ Prison Diversion Program  
Other Reason \_\_\_\_\_

4 YRS 99 FIC 12 Y DOC  
(4 YR m/m) IC 3 Y DOC  
extra cost

JUDGE'S SIGNATURE



Michael F. Andrews, Circuit Judge



UCN: 522022CF011389XXXXCF

FL0521400

## COMPLAINT/ARREST AFFIDAVIT - CIRCUIT/COUNTY COURT - PINELLAS COUNTY, FLORIDA

OBTS #		REPORT # 2022-043868		DOCKET # 1914097	
Person ID 311636112			SSN# [REDACTED]		
Charge Description <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Warrant <input type="checkbox"/> Traffic <input type="checkbox"/> Ordinance		Traffic Citation # (if any)		Court Case #	
Charge LEAVING SCENE OF AN CRASH INVOLVING DEATH		AGDDNAE		22-11389-CF-1	
Defendant's Name (Last, First, Middle) HERNDON, SCOTT CRAIG		DOB 05/15/1965	Sex M	Race W	Ht 509
Alias		DL # H653783651750	State FL	Scars/Marks/Tattoos/Physical Features	
Local Address (Street, City, State, Zip Code) 2166 7 AVE N ST. PETERSBURG FL 33713		Telephone 727-358-1298	Place of Birth INDIANA	Citizenship US	
Permanent Address (Street, City, State, Zip Code) 2166 7 AVE N ST. PETERSBURG FL 33713		Telephone 727-358-1298	Employed by / School		
Weapon Seized Type <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Indication of Drug Influence Y N UNK <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>		Indication of Mental Health Issues Y N UNK <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	
Co-Defendant's Name (Last, First, Middle)		DOB	Sex	Race	In Custody <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Co-Defendant's Name (Last, First, Middle)		DOB	Sex	Race	In Custody <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor

The undersigned swears that he/she has reasonable grounds to believe that the above named defendant on the 17 day of NOVEMBER, 2022, at approximately 8:58 PM, at 2500-BLOCK OF CENTRAL AVENUE, in Pinellas County did:

THEN AND THERE DRIVE A VEHICLE, TO-WIT: A BLACK 2018 CHEVROLET TRAX BEARING FL TAG 0996FD AND VIN 3GNCJKSBXJL412068, WHICH WAS INVOLVED IN A CRASH INVOLVING DEATH TO JOHN PAUL COWIE, AND THE SAID DEFENDANT DID WILLFULLY FAIL TO STOP SAID VEHICLE AT THE SCENE OF THE CRASH UNTIL HE HAD FULFILLED THE REQUIREMENTS OF FSS 316.062, TO-WIT: DID NOT GIVE HIS NAME AND ADDRESS AND THE REGISTRATION NUMBER OF THE VEHICLE HE WAS DRIVING AND DID NOT RENDER REASONABLE ASSISTANCE TO PERSONS INJURED IN THE CRASH.

SUSPECT WAS TRAVELING WESTBOUND ON CENTRAL AVENUE NORTH, APPROACHING THE 2500-BLOCK OF CENTRAL AVENUE. THE VICTIM, A PEDESTRIAN, STEPPED OFF THE SOUTH CURB OF CENTRAL AVENUE AND ATTEMPTED TO WALK NORTH ACROSS CENTRAL AVENUE. THE SUSPECT STRUCK THE PEDESTRIAN IN THE WESTBOUND LANE OF CENTRAL AVENUE. THE SUSPECT EXITED HIS VEHICLE, LOOKED AT THE VICTIM, THEN RE-ENTERED HIS VEHICLE. THE SUSPECT THEN DROVE TO 26TH STREET, TURNED NORTH, AND THEN DROVE TO 5TH AVENUE NORTH. THE SUSPECT THEN TURNED EAST AND TRAVELED TO 21ST STREET NORTH.

A WITNESS HAD FOLLOWED THE SUSPECT AT THIS POINT, AND THE SUSPECT THEN DECIDED TO RETURN TO THE SCENE. THE SUSPECT ADMITTED TO THE OFFENSE POST-MIRANDA. THERE WERE FOUR WITNESSES TO THIS OCCURRING. THE VICTIM WAS TRANSPORTED TO BAYFRONT HEALTH ST. PETERSBURG, AND SUCCUMBED TO HIS INJURIES ON 11/18/22 AT 1617 HOURS.

Contrary to Florida Statute/Ordinance 316.027(2)(C) - F1

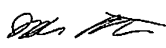
ARREST DATE: 11/23/2022 Time 7:58 AM . Aggravating/Mitigating Factors \_\_\_\_\_

Booking Officer: PATRICK 58099 Amount of Bond 50,000 Bond Out Date \_\_\_\_\_ Time \_\_\_\_\_ ☐ a.m. ☐ p.m.

Victim Notified of Advisory? ☐ Yes ☐ No Injuries to Victim? ☐ Yes ☐ No Medical Treatment to Victim? ☒ Yes ☐ No

The Court reviewed this complaint and finds there: ☐ is probable cause ☐ is not probable cause to detain defendant ☐ Bond Action, if any: \_\_\_\_\_

The probable cause determination is passed for: ☐ 24 Hrs ☐ 24 Hrs on showing of extraordinary circumstances Received by Booking: 11/23/2022 11:17:55 AM

Pursuant to F.S. 92.525 and under penalty of perjury, I declare that I have read the foregoing document and that the facts in it are true.   ST. PETERSBURG POLICE Declarant Signature _____ Agency _____ OFFICER JEFFREY ESTOCH 44831 03031192 Printed Name _____ Declarant ID# _____		REQUEST FOR INVESTIGATIVE COSTS, F.S. 938.27(1) DATE 11/22/2022 OFFICER J. ESTOCH HOURS X PAY RATE 20 25.00 OR COST \$500.00			
		OTHER - Describe _____ Continuation sheet <input type="checkbox"/> Yes <input type="checkbox"/> No TOTAL \$ 500.00			

**Defendant** HERNDON, SCOTT CRAIG

**Court Case No:** 22-11389-CF-1

**ADVISORY AND SOLVENCY HEARING**

The above named Defendant came before me for Advisory and Solvency hearing and was advised by me of the charge(s) against him; his right to remain silent; that any statements by him may be used against him; his right to counsel, and, if he is financially unable to afford counsel, that counsel forthwith will be appointed; of his right to communicate with his counsel, family or friends, and that reasonable implementation will be afforded him to contact the foregoing.

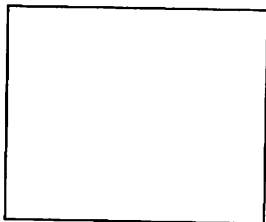
**I FURTHER CERTIFY THAT:**

- ☐ A. Defendant has advised the Court that he has retained counsel or will retain counsel.
- ☐ B. The Court investigated Defendant's solvency and found the Defendant financially able to secure counsel.
- ☐ C. The Court investigated Defendant's solvency and provisionally appointed the Public Defender.
- ☐ D. The Defendant waived the right to counsel at the first appearance only.

\_\_\_\_\_  
DATE AND TIME

  
\_\_\_\_\_  
JUDGE

- ☐ I hereby waive the right to counsel at the first appearance only.
- ☐ I, having been found solvent and financially able to secure counsel, hereby waive counsel until my attorney files an appearance in this case or until I file a written request for a review of my solvency and ability to secure counsel.



Thumb Print

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

I HEREBY acknowledge receipt of a copy of the foregoing Complaint and Advisory.

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

\_\_\_\_\_  
DEFENDANT'S ATTORNEY'S SIGNATURE

\_\_\_\_\_  
DATE

JUDGE: SUSAN ST JOHN  
STATE OF FLORIDA  
-VS-  
SCOTT CRAIG HERNDON  
PID: 311636112

IN THE SIXTH JUDICIAL CIRCUIT COURT  
IN AND FOR PINELLAS COUNTY  
UCN: 522022CF011389000APC - K  
REF NO: 22-11389-CF - K  
DC NUMBER \_\_\_\_\_

## **ORDER OF COMMUNITY CONTROL FOLLOWED BY DRUG OFFENDER PROBATION**

This cause coming before the Court to be heard, and you, the defendant, SCOTT CRAIG HERNDON being now present before me with counsel SHERYL JOHANSEN, Assistant Public Defender, and you having:

**ENTERED A PLEA OF GUILTY TO**

**Count 01**

**LEAVING THE SCENE OF A CRASH INVOLVING DEATH**

### **SECTION 1: JUDGEMENT OF GUILT**

The court hereby adjudges you guilty of the above offense(s).

Now, therefore, it is ordered and adjudged that the imposition of sentence is hereby withheld and that you be placed on COMMUNITY CONTROL for a period of 1 YEAR followed by DRUG OFFENDER PROBATION for a period of 3 YEARS under the supervision of the Department of Corrections, subject to Florida law.

**IT IS FURTHER ORDERED** that you shall comply with the following standard conditions of supervision as provided by Florida law:

1. You will report to the probation office as directed.
2. You will pay the State of Florida the amount of \$50.00 (fifty dollars) per month, as well as 4% surcharge, toward the cost of your supervision in accordance with s. 948.09, F.S., unless otherwise exempted in compliance with Florida Statutes.
3. You will remain in a specified place. You will not change your residence or employment or leave the county of your residence without first procuring the consent of your officer.
4. You will not possess, carry or own any firearm. You will not possess, carry, or own any weapons without first procuring the consent of your officer.
5. You will live without violating the law. A conviction in a court of law shall not be necessary for such a violation to constitute a violation of your probation/community control.

**Return to:**  
**Criminal Court Records Department**

6. You will not associate with any person engaged in any criminal activity.
7. You will not use intoxicants to excess or possess any drugs or narcotics unless prescribed by a physician, an advanced registered nurse practitioner, or a physician assistant. Nor will you visit places where intoxicants, drugs or other dangerous substances are unlawfully sold, dispensed or used.
8. You will work diligently at a lawful occupation, advise your employer of your probation status, and support any dependents to the best of your ability, as directed by your officer.
9. You will promptly and truthfully answer all inquiries directed to you by the court or the officer, and allow your officer to visit in your home, at your employment site or elsewhere, and you will comply with all instructions your officer may give you.
10. You shall submit to a warrantless search of your person, property, place of residence, vehicle and personal effects at any time by a probation officer or community control officer. You shall also submit to a warrantless search of your person, property, place of residence, vehicle and personal effects at any time by a law enforcement officer if the officer's search was supported by reasonable suspicion of criminal activity.
11. You will pay restitution, court costs, and/or fees in accordance with special conditions imposed or in accordance with the attached orders.
12. You will submit to random testing as directed by your officer or the professional staff of the treatment center where you are receiving treatment to determine the presence or use of alcohol or controlled substances.
13. You will submit a DNA sample, as directed by your officer, for DNA analysis as prescribed in ss. 943.325 and 948.014, F.S.
14. You will submit to taking of a digitized photograph by the department. The photograph may be displayed on the department's website while you are on supervision, unless exempt from disclosure due to requirements of s. 119.07, F.S.
15. You will report in person within 72 hours of your release from incarceration to the probation office in Pinellas County, Florida, unless otherwise instructed by the court or department. (This condition applies only if section 3 is indicated above.) Otherwise, you must report immediately to the probation office located at the Pinellas County Justice Center, 14250 49th Street North, Room 1930 (FIRST FLOOR), Clearwater, Florida.

**AND, IF PLACED ON COMMUNITY CONTROL, YOU WILL COMPLY WITH THE FOLLOWING CONDITIONS, IN ADDITION TO THE STANDARD CONDITIONS LISTED ABOVE AND ANY OTHER SPECIAL CONDITIONS ORDERED BY THE COURT:**

16. You will report to your officer as directed, at least one time a week, unless you have written consent otherwise.
17. You will remain confined to your approved residence except for one half hour before and after your approved employment, public service work, or any other special activities approved by your officer.
18. You will maintain an hourly accounting of all your activities on a daily log, which you will submit to your officer on request.
19. You will successfully complete N/A hours of community service at a rate of the State of Florida minimum wage at a work site approved by your officer. Additional instructions ordered: None

**AND, IF PLACED ON DRUG OFFENDER PROBATION, YOU WILL COMPLY WITH THE FOLLOWING CONDITION OF SUPERVISION IN ADDITION TO THE STANDARD CONDITIONS LISTED ABOVE AND ANY OTHER SPECIAL CONDITIONS ORDERED BY THE COURT:**

20. You will participate in a specialized drug treatment program, either as an in-patient or out patient, as recommended by the treatment provider. You will attend all counseling sessions, submit to random urinalysis and, if an in-patient, you will comply with all operating rules, regulations and procedures of the treatment facility. You will pay for all costs associated with treatment and testing unless otherwise directed.

**SPECIAL CONDITIONS:**

21. You will submit to urinalysis testing on a MONTHLY basis to determine the presence of alcohol or illegal drugs. You will be required to pay for the tests unless exempt by the court.
22. Other: Exemptions for cost of supervision are hereby ordered for those months while participating in treatment programs or incarcerated without benefit of income. If exemptions do not apply, failure to make monthly payments for cost of supervision will result in a violation of probation. Cost of supervision is to be suspended until such time that the offender has satisfied all restitution and costs as stated on the supervision order.
23. Other: You will not reside in another state without authorization of the Court and contingent upon the approval of the receiving state.

24. Other: Notwithstanding condition 16, if you are placed on community control and are not employed full time, you will report daily to your Community Control Officer unless otherwise directed by your Community Control Officer.
25. Other: If electronic monitoring is imposed, you will pay the costs of electronic monitoring.
26. Other: Probation/community control may not be transferred out of state without express Court approval until all Court ordered and assessed monetary obligations are satisfied.
27. Other: You will comply with standard drug conditions set forth below.
  - a. You will receive a Drug Evaluation, and if drug counseling/treatment is deemed necessary, complete counseling/treatment, including aftercare and assume all reasonable costs for such counseling/treatment. If treatment is recommended, you only have one (1) opportunity to complete this treatment. You must call to arrange for the treatment within five (5) days of receipt of the recommendation for treatment. You must also schedule your treatment to begin at the first available opening.
  - b. You will submit to urinalysis, breathalyzer, or blood tests at any time as requested by any professional staff of any treatment center where you are receiving treatment, to determine possible use of alcohol, drugs, or controlled substances.
  - c. You shall submit to a search of your person, vehicle, and residence by your probation/community control officer without a warrant.
28. You will enter into and successfully complete THE COVE INPATIENT DUAL DIAGNOSIS RESIDENTIAL AND ANY AFTERCARE.
29. Defendant is permitted to go to Hernando County while on community control to retrieve personal belonging and must notify probation officer
30. Defendant must take first available bed space at The Cove inpatient
31. Defendant must obtain state approval for early termination of probation

Effective for offenders whose crime was committed on or after September 1, 2005, there is hereby imposed, in addition to any other provision in this section, mandatory electronic monitoring as a condition of supervision for those who:

- Are placed on supervision for a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older; or
- Are designated as a sexual predator pursuant to s. 775.21; or
- Has previously been convicted of a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older.

You are hereby placed on notice that should you violate your probation or community control, and the conditions set forth in s. 948.063(1) or (2) are satisfied, whether your probation or community control is revoked or not revoked, you shall be placed on electronic monitoring in accordance with F.S. 948.063.

Effective for offenders who are subject to supervision for a crime that was committed on or after May 26, 2010, and who has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses listed in s.943.0435(1)(a)1.a.(I), or similar offense in another jurisdiction, against a victim who was under the age of 18 at the time of the offense: the following conditions are imposed in addition to all other conditions:

- (a) A prohibition on visiting schools, child care facilities, parks, and playgrounds, without prior approval from the offender's supervising officer. The prohibition ordered under this paragraph does not prohibit the offender from visiting a school, child care facility, park, or playground for the sole purpose of attending a religious service as defined in s. 775.0861 or picking up or dropping off the offender's children or grandchildren at a child care facility or school.
- (b) A prohibition on distributing candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas, wearing an Easter Bunny

SCOTT CRAIG HERNDON

UCN:  
522022CF011389000APC

REF No.22-11389-CF

costume, or other costume to appeal to children, on or preceding Easter; entertaining at children's parties; or wearing a clown costume; without prior approval from the court.


**YOU ARE HEREBY PLACED ON NOTICE** that the court may at any time rescind or modify any of the conditions of your probation, or may extend the period of probation as authorized by law, or may discharge you from further supervision. If you violate any of the conditions of your probation, you may be arrested and the court may revoke your probation, adjudicate you guilty if adjudication of guilt was withheld, and impose any sentence that it might have imposed before placing you on probation or require you to serve the balance of the sentence.

**IT IS FURTHER ORDERED** that when you have been instructed as to the conditions of probation, you shall be released from custody if you are in custody, and if you are at liberty on bond, the sureties thereon shall stand discharged from liability. (This paragraph applies only if section 1 or section 2 is checked.)

**IT IS FURTHER ORDERED** that you pay the following charges/costs/fees indicated on the last page of this order entitled Court Ordered Payments.

**IT IS FURTHER ORDERED** that the clerk of this court file this order in the clerk's office and provide certified copies of the same to the officer for use in compliance with the requirements of law.

DONE AND ORDERED on June 5, 2024 in Clearwater, Florida.



SUSAN ST JOHN, JUDGE

I acknowledge receipt of a certified copy of this Order. The conditions have been explained to me and I agree to abide by them.

Date: \_\_\_\_\_ Probationer

Instructed by: \_\_\_\_\_  
RJ

SCOTT CRAIG HERNDON

UCN:  
522022CF011389000APC

REF No.22-11389-CF

COURT ORDERED PAYMENTS

CHECK ALL THAT ARE ORDERED:

FINES

- ☒ \$92.39 Total of fines assessed in sentence, pursuant to s. 775.083 (1)(a) through (g) or Chapter 316, F.S.  
☒ \$4.61 Statutorily mandated 5% surcharge/cost of fine assessed (on first line) pursuant to s. 938.04, F.S.

MANDATORY COSTS IN ALL CASES

- ☒ \$225.00 Additional court cost for felony offense, pursuant to s. 938.05(1)(a), F.S.  
☒ \$50.00 Crimes Compensation Trust Fund pursuant to s. 938.03(1), F.S.  
☒ \$50.00 County Crime Prevention Fund pursuant to s. 775.083(2), F.S.  
☒ \$3.00 Additional Court Costs Clearing Trust Fund pursuant to s. 938.01(1), F.S.  
☒ \$100.00 Prosecution Costs, pursuant to s. 938.27, F.S. (Minimum of \$100 Felony/\$50 Misdemeanor).  
☒ \$500.00 Investigative Costs, pursuant to s. 938.27, F.S. (if applicable and requested).  
☒ \$20.00 Crime Stoppers Trust Fund, pursuant to s. 938.06(1), F.S.

MANDATORY COURT COSTS FOR COURT-APPOINTED COUNSEL CASES

- ☒ \$50.00 Public Defender/Appointed Counsel Application Fee, if not previously collected, pursuant to ss. 27.52 and s. 938.29, F.S.  
☒ \$100.00 Public Defender/Appointed Counsel Fees and Costs, pursuant to s. 938.29, F.S. as determined locally (Minimum of \$100 Felony/\$50 Misdemeanor).

MANDATORY COSTS IN SPECIFIC TYPES OF CASES

- ☒ \$3.00 State Agency Law Enforcement Radio System Trust Fund, pursuant to s. 318.18(17), F.S. for any violations of offenses listed in s. 318.17 including ss. 316.1935, 316.027, 316.061, 877.111, chapter 893, ss. 316.193, 316.192, 316.067, 316.072(3), 316.545(1), or any other offense in chapter 316 which is classified as a criminal violation.  
☒ \$2.00 Pinellas Police Standards, pursuant to chapter 97-333.

MANDATORY COURT COSTS AUTHORIZED BY LOCAL GOVERNMENTAL ENTITIES

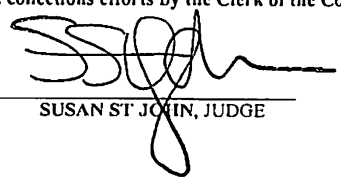
- ☒ \$2.00 Criminal Justice Education by Municipalities and Counties, pursuant to s. 938.15, F.S. and Pinellas County Code s.46-27.  
☒ \$65.00 Additional court costs for local requirements and other county funded programs pursuant to s. 939.185(1)(a), F.S. and Pinellas County Code 46-32.  
☒ \$3.00 Teen Court pursuant to s. 938.19(2), F.S. and Pinellas County Code s. 46-34  
☒ \$30.00 Court Facilities, pursuant to s. 318.18(13). and Pinellas County Code s. 46-33, applies only to traffic offenses in 318.17, including violations of ch. 316 offenses.

PAYMENT IS TO BE MADE THROUGH AND PAYABLE TO: ☐ Department of Corrections or ☒ Clerk of Court  
(If collected by the Department of Corrections, a surcharge of 4% will be added to all payments ordered by the court, pursuant to s. 945.31, F.S.)

- ☐ Court Costs/Fines Waived.  
☐ Court Costs/Fines in the amount of \_\_\_\_\_ converted to \_\_\_\_\_ community service hours.  
☐ Court Costs/Fines in the amount of \_\_\_\_\_ reduced to civil judgment.

**SPECIFIC INSTRUCTIONS FOR PAYMENT:** You will pay all fines and court costs specified in this order of probation/community control in full no later than three months prior to the end of the term of probation. If the Court determines that you have the ability to pay, failure to pay all fines and court costs in full no later than three months prior to the end of the term of probation will result in a violation of probation or community control, may become a lien against anything you own now or in the future and will accrue interest at the statutory rate, result in the suspension of your driver's license, and may also result in collections efforts by the Clerk of the Court or its assignee.

DONE AND ORDERED on June 5, 2024 in Clearwater, Florida.

  
SUSAN ST JOHN, JUDGE

# Rule 3.992(a) Criminal Punishment Code Scoresheet

The Criminal Punishment Code Scoresheet Preparation Manual is available at: [http://www.dc.state.fl.us/pub/sen\\_cpcm/index.html](http://www.dc.state.fl.us/pub/sen_cpcm/index.html)

1. DATE OF SENTENCE <u>6/5/24</u>	2. PREPARER'S NAME CUMMINS	3. COUNTY PINELLAS	4. SENTENCING JUDGE SIRACUSA	
5. NAME (LAST, FIRST, M.I.) HERNDON, SCOTT	6. DOB 5/15/1965	8. RACE W	10. PRIMARY OFF. DATE 11/17/2022	12. PLEA TRIAL <input checked="" type="checkbox"/> <input type="checkbox"/>
	7. DC #	9. GENDER M	11. PRIMARY DOCKET # 2211389CF	

## I. PRIMARY OFFENSE: Qualifier:

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
1	316.027(2)(c)	LEAVING THE SCENE INVOLVING DEATH	7	56

(Level - Points: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=116)

Prior capital felony doubles Primary Offense points ☐

I. 56

## II. ADDITIONAL OFFENSE(S): Supplemental page attached ☐

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	COUNTS	POINTS	TOTAL
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

Prior capital felony doubles Additional Offense points ☐

Supplemental page points           

II.           

## III. VICTIM INJURY:

	Number	Total		Number	Total
2 <sup>nd</sup> Degree Murder	240 X	=	Slight	4 X	=
Death	120 X <u>6</u>	= <u>720</u>	Sex Penetration	80 X	=
Severe	40 X	=	Sex Contact	40 X	=
Moderate	18 X	=			

III. 420

## IV. PRIOR RECORD: Supplemental page attached ☐

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	DESCRIPTION	NUMBER	POINTS	TOTAL
3	893.13	3		POCS	3	X 1.6	= 4.8
2	893.13	5		SOCS	1	X 3.6	= 3.6
3	322.34	1		FEL. DUI ON PRIORS	1	X .5	= .5
					X		=
					X		=
					X		=
					X		=
					X		=
					X		=

(Level - Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

Supplemental page points           

IV. 8.4

Page 1 Subtotal: 644

644



NAME (LAST, FIRST, MI. I.)  
HERNDON, SCOTT

DOCKET #  
2211389CF

Page 1 Subtotal:

~~64.9~~  
64.9

V. Legal Status Violation = 4 Points

- ☐ Escape ☐ Fleeing ☐ Failure to Appear ☐ Supersedeas bond ☐ Incarceration ☐ Pretrial intervention or diversion program  
☐ Court imposed post prison release community supervision resulting in a conviction

V. \_\_\_\_\_

VI. Community Sanction Violation before the court for sentencing

- ☐ Probation ☐ Community Control ☐ Pretrial intervention or diversion  
☐ 6 points for any violation other than new felony conviction X \_\_\_\_\_ each successive violation OR  
☐ New felony conviction = 12 points X \_\_\_\_\_ each successive violation if new offense results in conviction before or at same time as sentence for violation of probation OR  
☐ 12 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern when the violation is not based solely on failure to pay costs, fines, or restitution OR  
☐ New felony conviction = 24 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern if new offense results in a conviction before or at the same time for violation of probation

VI. \_\_\_\_\_

VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 points

VII. \_\_\_\_\_

VIII. Prior Serious Felony = 30 points

VIII. \_\_\_\_\_

Subtotal Sentence Points

IX. Enhancements (only if primary offense qualifies for enhancement)

Law Enf. Protect.	Drug Trafficker	Motor Vehicle Theft	Criminal Gang Offense	Domestic Violence in the Presence of Related Child (offenses committed on or after 03-12-07)	Adult-on-Minor Sex Offense (offenses committed on or after 10-1-14)
<input type="checkbox"/> x 1.5 <input type="checkbox"/> x 2.0 <input type="checkbox"/> x 2.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 2.0

Enhanced Subtotal Sentence Points

IX. \_\_\_\_\_

TOTAL SENTENCE POINTS

~~64.9~~  
64.9

SENTENCE COMPUTATION

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction. If the total sentence points are 22 points or less, see Section 775.082(10), Florida Statutes, to determine if the court must sentence the offender to a non-state prison sanction.

If total sentence points are greater than 44:

$\frac{64.9}{64.9} \text{ total sentence points} \text{ minus } 28 = \frac{36.9}{36.9} \times .75 = \frac{27.675}{27.675} \text{ Lowest permissible prison sentence in months}$

If total sentence points are 60 points or less than and court makes findings pursuant to both Florida Statutes 948.20 and 397.334(3), the court may place the defendant into a treatment-based drug court program.

The maximum sentence is up to the statutory maximum for the primary and any additional offenses as provided in s.775.082, F.S., unless the lowest permissible sentence under the code, exceeds the statutory maximum. Such sentences may be imposed concurrently or consecutively. If the total sentence points are greater than or equal to 363, a life sentence may be imposed.

30  
maximum sentence in years

TOTAL SENTENCE IMPOSED

- ☐ State Prison ☐ Life  
☐ County Jail ☐ Time Served  
☒ Community Control  
☒ Probation ☐ Modified AL

Years

Months

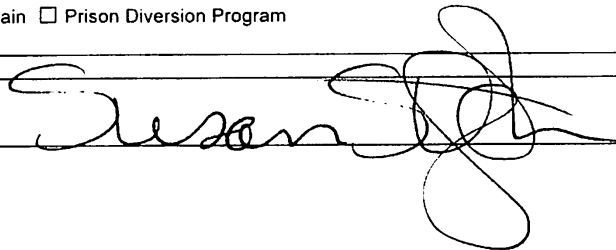
Days

_____	_____	_____
<u>1</u>	_____	_____
<u>3</u>	_____	_____

Please check if sentenced as ☐ habitual offender, ☐ habitual violent offender, ☐ violent career offender, ☐ prison release reoffender, or a ☐ mandatory minimum applies.

☒ Mitigated Departure ☒ Plea Bargain ☐ Prison Diversion Program  
Other Reason \_\_\_\_\_

JUDGE'S SIGNATURE



UCN: 522021CF001504XXXXCF

FL0521400

**COMPLAINT/ARREST AFFIDAVIT – CIRCUIT/COUNTY COURT – PINELLAS COUNTY, FLORIDA**

<b>OBTS #</b>		<b>REPORT # 2021-004576</b>		<b>DOCKET # 1856549</b>																
<b>Person ID</b> 2913053			<b>SSN#</b> [REDACTED]																	
<b>Charge Description</b> <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Warrant <input type="checkbox"/> Traffic <input type="checkbox"/> Ordinance			<b>Traffic Citation # (if any)</b>		<b>Court Case #</b>															
<b>Charge</b> LEAVING SCENE OF AN CRASH INVOLVING DEATH			<b>AEB1Y4E</b>		<b>21-01504-CF-1</b>															
<b>Defendant's Name (Last, First, Middle)</b> HOLLE, JERROD SCOTT		<b>DOB</b> 10/03/1997	<b>Sex</b> M	<b>Race</b> H	<b>Ht</b> 509															
<b>Alias</b>		<b>DL #</b> H400437973630	<b>State</b> FL	<b>Scars/Marks/Tattoos/Physical Features</b>																
<b>Local Address (Street, City, State, Zip Code)</b> 7931 63RD WAY N PINELLAS PARK FL 33781			<b>Telephone</b> 7276438497	<b>Place of Birth</b> FLORIDA	<b>Citizenship</b> US															
<b>Permanent Address (Street, City, State, Zip Code)</b> 7931 63RD WAY N PINELLAS PARK FL 33781			<b>Telephone</b> 7276438497	<b>Employed by / School</b> ENVIRONMENTAL LANDSCAPING																
<b>Weapon Seized Type</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Indication of Drug Influence</b> <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK		<b>Indication of Mental Health Issues</b> <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK																
<b>Indication of Alcohol Influence</b> <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK		<b>Co-Defendant's Name (Last, First, Middle)</b>		<b>In Custody</b> <input type="checkbox"/> Yes <input type="checkbox"/> No																
<b>Co-Defendant's Name (Last, First, Middle)</b>		<b>DOB</b>		<b>Sex</b>																
<b>Co-Defendant's Name (Last, First, Middle)</b>		<b>DOB</b>		<b>Sex</b>																
<b>Co-Defendant's Name (Last, First, Middle)</b>		<b>DOB</b>		<b>Sex</b>																
<p>The undersigned swears that he/she has reasonable grounds to believe that the defendant on the <u>06</u> day of <u>FEBRUARY</u>, 2021, at approximately <u>1:10</u> AM, at <u>38TH AV N / 64TH ST N ST PETERSBURG, FL</u>, in Pinellas County did:</p> <p>THEN AND THERE DRIVE A VEHICLE, TO-WIT: 2013 WHITE FORD F350 DUALY PICK-UP TRUCK BEARING FLORIDA LICENSE TAG 6331XY (VIN: 1FT8W3DT8DEA96251) WHICH WAS INVOLVED IN A CRASH INVOLVING DEATH TO DOUGLAS CLARK HARRY HOOVER, AND THE SAID DEFENDANT DID WILLFULLY FAIL TO STOP SAID VEHICLE AT THE SCENE OF THE CRASH UNTIL HE HAD FULFILLED THE REQUIREMENTS OF FSS 316.062, TO-WIT: DID NOT GIVE HIS NAME AND ADDRESS AND THE REGISTRATION NUMBER OF THE VEHICLE HE WAS DRIVING AND DID NOT RENDER REASONABLE ASSISTANCE TO PERSONS INJURED IN THE CRASH.</p> <p>THE DEF WAS OPERATING THE AFOREMENTIONED MOTOR VEHICLE TRAVELING WEST ON 38TH AVENUE NORTH IN THE MEDIAN LANE. THE DECEASED, WAS STANDING IN THE ROADWAY AND WAS STRUCK BY THE DEF'S VEHICLE. THE IMPACT CAUSED DAMAGE TO THE DEF'S VEHICLE, WHICH ANY REASONABLE PERSON SHOULD HAVE KNOWN THEY WERE INVOLVED IN A MOTOR VEHICLE CRASH. THE DEF FLED THE SCENE AND FAILED TO RENDER AIDE OR EXCHANGE INFORMATION.</p> <p>HOLLE WAS ISSUED CITATION NUMBER AEB1Y4E FOR LEAVING THE SCENE OF A CRASH INVOLVING DEATH.</p> <p>Contrary to Florida Statute/Ordinance <u>316.027.2C</u></p> <p><b>ARREST DATE:</b> <u>2/16/2021</u> <b>Time</b> <u>3:45 PM</u> <b>Aggravating/Mitigating Factors</b> <u>SB</u></p> <p><b>Booking Officer:</b> <u>GOODRICH, L 58205</u> <b>Amount of Bond</b> <u>50000</u> <b>Bond Out Date</b> <u>2/16/21</u> <b>Time</b> <u>21:06</u> <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.</p> <p><b>Victim Notified of Advisory?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Injuries to Victim?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Medical Treatment to Victim?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>The Court reviewed this complaint and finds there: <input type="checkbox"/> is probable cause <input type="checkbox"/> is not probable cause to detain defendant <input type="checkbox"/> Bond Action, if any: _____</p> <p>The probable cause determination is passed for: <input type="checkbox"/> 24 Hrs <input checked="" type="checkbox"/> 24 Hrs on showing of extraordinary circumstances Received by Booking: 2/16/2021 3:53:31 PM</p>																				
<p>Pursuant to F.S. 92.525 and under penalty of perjury, I declare that I have read the foregoing document and that the facts in it are true:</p> <p><i>Michael Weiskopf</i></p> <p><b>Declarant Signature</b> _____ <b>Agency</b> _____</p> <p><b>OFFICER MICHAEL WEISKOPF 35836</b> <b>02418267</b></p> <p><b>Printed Name</b> _____ <b>Declarant ID#</b> _____</p>			<p><b>REQUEST FOR INVESTIGATIVE COSTS, F.S. 938.27(1)</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>DATE</th> <th>OFFICER</th> <th>HOURS X PAY RATE</th> <th>OR</th> <th>COST</th> </tr> <tr> <td>02/16/2021</td> <td>WEISKOPF</td> <td>3</td> <td>25.00</td> <td>\$75.00</td> </tr> <tr> <td colspan="5">OTHER – Describe _____</td> </tr> </table> <p>Continuation sheet <input type="checkbox"/> Yes <input type="checkbox"/> No <b>TOTAL \$ 75.00</b></p>			DATE	OFFICER	HOURS X PAY RATE	OR	COST	02/16/2021	WEISKOPF	3	25.00	\$75.00	OTHER – Describe _____				
DATE	OFFICER	HOURS X PAY RATE	OR	COST																
02/16/2021	WEISKOPF	3	25.00	\$75.00																
OTHER – Describe _____																				

**Defendant** HOLLE, JERROD SCOTT **Court Case No:** 21-01504-CF-1

**ADVISORY AND SOLVENCY HEARING**

The above named Defendant came before me for Advisory and Solvency hearing and was advised by me of the charge(s) against him; his right to remain silent; that any statements by him may be used against him; his right to counsel, and, if he is financially unable to afford counsel, that counsel forthwith will be appointed; of his right to communicate with his counsel, family or friends, and that reasonable implementation will be afforded him to contact the foregoing.

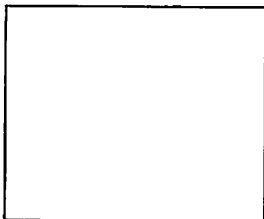
**I FURTHER CERTIFY THAT:**

- ☐ A. Defendant has advised the Court that he has retained counsel or will retain counsel.
- ☐ B. The Court investigated Defendant's solvency and found the Defendant financially able to secure counsel.
- ☐ C. The Court investigated Defendant's solvency and provisionally appointed the Public Defender.
- ☐ D. The Defendant waived the right to counsel at the first appearance only.

\_\_\_\_\_  
DATE AND TIME

\_\_\_\_\_  
JUDGE

- ☐ I hereby waive the right to counsel at the first appearance only.
- ☐ I, having been found solvent and financially able to secure counsel, hereby waive counsel until my attorney files an appearance in this case or until I file a written request for a review of my solvency and ability to secure counsel.



Thumb Print

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

I HEREBY acknowledge receipt of a copy of the foregoing Complaint and Advisory.

\_\_\_\_\_  
DEFENDANT'S SIGNATURE      DEFENDANT'S ATTORNEY'S SIGNATURE      DATE

JUDGE: CHRIS HELINGER

STATE OF FLORIDA

-VS-

JERROD SCOTT HOLLE

PID: 2913053

IN THE SIXTH JUDICIAL CIRCUIT COURT  
IN AND FOR PINELLAS COUNTY

UCN: 522021CF001504000APC - I

REF NO: 21-01504-CF - I

DC NUMBER \_\_\_\_\_

## **ORDER OF COMMUNITY CONTROL FOLLOWED BY PROBATION**

This cause coming before the Court to be heard, and you, the defendant, **JERROD SCOTT HOLLE** being now present before me with counsel **BENJAMIN DEBERG**, Regional Court Counsel, and you having:

**ENTERED A PLEA OF GUILTY TO**

**Count 01**

**LEAVING THE SCENE OF A CRASH INVOLVING DEATH**

### **SECTION 1: JUDGEMENT OF GUILT**

The court hereby adjudges you guilty of the above offense(s).

Now, therefore, it is ordered and adjudged that the imposition of sentence is hereby withheld and that you be placed on **COMMUNITY CONTROL** for a period of **2 YEARS** followed by **PROBATION** for a period of **3 YEARS** under the supervision of the Department of Corrections, subject to Florida law.

**IT IS FURTHER ORDERED** that you shall comply with the following standard conditions of supervision as provided by Florida law:

1. You will report to the probation office as directed.
2. You will pay the State of Florida the amount of \$50.00 (fifty dollars) per month, as well as 4% surcharge, toward the cost of your supervision in accordance with s. 948.09, F.S., unless otherwise exempted in compliance with Florida Statutes.
3. You will remain in a specified place. You will not change your residence or employment or leave the county of your residence without first procuring the consent of your officer.
4. You will not possess, carry or own any firearm. You will not possess, carry, or own any weapons without first procuring the consent of your officer.
5. You will live without violating the law. A conviction in a court of law shall not be necessary for such a violation to constitute a violation of your probation/community control.
6. You will not associate with any person engaged in any criminal activity.

**Return to:**  
**Criminal Court Records Department**

JERROD SCOTT HOLLE

UCN:  
522021CF001504000APC

REF No.21-01504-CF

7. You will not use intoxicants to excess or possess any drugs or narcotics unless prescribed by a physician, an advanced registered nurse practitioner, or a physician assistant. Nor will you visit places where intoxicants, drugs or other dangerous substances are unlawfully sold, dispensed or used.
8. You will work diligently at a lawful occupation, advise your employer of your probation status, and support any dependents to the best of your ability, as directed by your officer.
9. You will promptly and truthfully answer all inquiries directed to you by the court or the officer, and allow your officer to visit in your home, at your employment site or elsewhere, and you will comply with all instructions your officer may give you.
10. You shall submit your person, property, place of residence, vehicle or personal effects to a warrantless search at any time by any probation officer, community control officer, or law enforcement officer.
11. You will pay restitution, court costs, and/or fees in accordance with special conditions imposed or in accordance with the attached orders.
12. You will submit to random testing as directed by your officer or the professional staff of the treatment center where you are receiving treatment to determine the presence or use of alcohol or controlled substances.
13. You will submit a DNA sample, as directed by your officer, for DNA analysis as prescribed in ss. 943.325 and 948.014, F.S.
14. You will submit to taking of a digitized photograph by the department. The photograph may be displayed on the department's website while you are on supervision, unless exempt from disclosure due to requirements of s. 119.07, F.S.
15. You will report in person within 72 hours of your release from incarceration to the probation office in Pinellas County, Florida, unless otherwise instructed by the court or department. (This condition applies only if section 3 is indicated above.) Otherwise, you must report immediately to the probation office located at the Pinellas County Justice Center, 14250 49th Street North, Room 1930 (FIRST FLOOR), Clearwater, Florida.

**AND, IF PLACED ON COMMUNITY CONTROL, YOU WILL COMPLY WITH THE FOLLOWING CONDITIONS, IN ADDITION TO THE STANDARD CONDITIONS LISTED ABOVE AND ANY OTHER SPECIAL CONDITIONS ORDERED BY THE COURT:**

16. You will report to your officer as directed, at least one time a week, unless you have written consent otherwise.
17. You will remain confined to your approved residence except for one half hour before and after your approved employment, public service work, or any other special activities approved by your officer.
18. You will maintain an hourly accounting of all your activities on a daily log, which you will submit to your officer on request.
19. You will successfully complete 50 hours of community service at a rate of the State of Florida minimum wage at a work site approved by your officer. Additional instructions ordered: None

**SPECIAL CONDITIONS:**

20. Other: Exemptions for cost of supervision are hereby ordered for those months while participating in treatment programs or incarcerated without benefit of income. If exemptions do not apply, failure to make monthly payments for cost of supervision will result in a violation of probation. Cost of supervision is to be suspended until such time that the offender has satisfied all restitution and costs as stated on the supervision order.
21. Other: You will not reside in another state without authorization of the Court and contingent upon the approval of the receiving state.
22. Other: Notwithstanding condition 16, if you are placed on community control and are not employed full time, you will report daily to your Community Control Officer unless otherwise directed by your Community Control Officer.
23. Other: If electronic monitoring is imposed, you will pay the costs of electronic monitoring.
24. Other: Probation/community control may not be transferred out of state without express Court approval until all Court ordered and assessed monetary obligations are satisfied.
25. Other: You shall be outfitted with a continuous alcohol monitor for a period of 1 YEAR.
26. Other: Your driver's license is revoked for A PERIOD OF 3 YEARS.

Effective for offenders whose crime was committed on or after September 1, 2005, there is hereby imposed, in addition to any other provision in this section, mandatory electronic monitoring as a condition of supervision for those who:

ICD: DOC (34707192)

2

JERROD SCOTT HOLLE

UCN:  
522021CF001504000APC

REF No.21-01504-CF

- Are placed on supervision for a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older; or
- Are designated as a sexual predator pursuant to s. 775.21; or
- Has previously been convicted of a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older.

**You are hereby placed on notice that should you violate your probation or community control, and the conditions set forth in s. 948.063(1) or (2) are satisfied, whether your probation or community control is revoked or not revoked, you shall be placed on electronic monitoring in accordance with F.S. 948.063.**

**Effective for offenders who are subject to supervision for a crime that was committed on or after May 26, 2010, and who has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses listed in s.943.0435(1)(a)1.a.(I), or similar offense in another jurisdiction, against a victim who was under the age of 18 at the time of the offense: the following conditions are imposed in addition to all other conditions:**

- (a) A prohibition on visiting schools, child care facilities, parks, and playgrounds, without prior approval from the offender's supervising officer. The prohibition ordered under this paragraph does not prohibit the offender from visiting a school, child care facility, park, or playground for the sole purpose of attending a religious service as defined in s. 775.0861 or picking up or dropping off the offender's children or grandchildren at a child care facility or school.
- (b) A prohibition on distributing candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas, wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children's parties; or wearing a clown costume; without prior approval from the court.

**YOU ARE HEREBY PLACED ON NOTICE** that the court may at any time rescind or modify any of the conditions of your probation, or may extend the period of probation as authorized by law, or may discharge you from further supervision. If you violate any of the conditions of your probation, you may be arrested and the court may revoke your probation, adjudicate you guilty if adjudication of guilt was withheld, and impose any sentence that it might have imposed before placing you on probation or require you to serve the balance of the sentence.

**IT IS FURTHER ORDERED** that when you have been instructed as to the conditions of probation, you shall be released from custody if you are in custody, and if you are at liberty on bond, the sureties thereon shall stand discharged from liability. (This paragraph applies only if section 1 or section 2 is checked.)

**IT IS FURTHER ORDERED** that you pay the following charges/costs/fees indicated on the last page of this order entitled Court Ordered Payments.

**IT IS FURTHER ORDERED** that the clerk of this court file this order in the clerk's office and provide certified copies of the same to the officer for use in compliance with the requirements of law.

DONE AND ORDERED on October 25, 2021 in Clearwater, Florida.

  
CHRIS HELINGER, JUDGE

I acknowledge receipt of a certified copy of this Order. The conditions have been explained to me and I agree to abide by them.

Date: \_\_\_\_\_ Probationer

Instructed by: \_\_\_\_\_  
VR

JERROD SCOTT HOLLE

UCN:  
522021CF001504000APC

REF No.21-01504-CF

COURT ORDERED PAYMENTS

CHECK ALL THAT ARE ORDERED:

FINES

- ☒ \$92.39 Total of fines assessed in sentence, pursuant to s. 775.083 (1)(a) through (g) or Chapter 316, F.S.  
☒ \$4.61 Statutorily mandated 5% surcharge/cost of fine assessed (on first line) pursuant to s. 938.04, F.S.

MANDATORY COSTS IN ALL CASES

- ☒ \$225.00 Additional court cost for felony offense, pursuant to s. 938.05(1)(a), F.S.  
☒ \$50.00 Crimes Compensation Trust Fund pursuant to s. 938.03(1), F.S.  
☒ \$50.00 County Crime Prevention Fund pursuant to s. 775.083(2), F.S.  
☒ \$3.00 Additional Court Costs Clearing Trust Fund pursuant to s. 938.01(1), F.S.  
☒ \$100.00 Prosecution Costs, pursuant to s. 938.27, F.S. (Minimum of \$100 Felony/\$50 Misdemeanor).  
☒ \$75.00 Investigative Costs, pursuant to s. 938.27, F.S. (if applicable and requested).  
☒ \$20.00 Crime Stoppers Trust Fund, pursuant to s. 938.06(1), F.S.

MANDATORY COURT COSTS FOR COURT-APPOINTED COUNSEL CASES

- ☒ \$50.00 Public Defender/Appointed Counsel Application Fee, if not previously collected, pursuant to ss. 27.52 and s. 938.29, F.S.  
☒ \$100.00 Public Defender/Appointed Counsel Fees and Costs, pursuant to s. 938.29, F.S. as determined locally (Minimum of \$100 Felony/\$50 Misdemeanor).

MANDATORY COSTS IN SPECIFIC TYPES OF CASES

- ☒ \$3.00 State Agency Law Enforcement Radio System Trust Fund, pursuant to s. 318.18(17), F.S. for any violations of offenses listed in s. 318.17 including ss. 316.1935, 316.027, 316.061, 877.111, chapter 893, ss. 316.193, 316.192, 316.067, 316.072(3), 316.545(1), or any other offense in chapter 316 which is classified as a criminal violation.  
☒ \$2.00 Pinellas Police Standards, pursuant to chapter 97-333.

MANDATORY COURT COSTS AUTHORIZED BY LOCAL GOVERNMENTAL ENTITIES

- ☒ \$2.00 Criminal Justice Education by Municipalities and Counties, pursuant to s. 938.15, F.S. and Pinellas County Code s.46-27.  
☒ \$65.00 Additional court costs for local requirements and other county funded programs pursuant to s. 939.185(1)(a), F.S. and Pinellas County Code 46-32.  
☒ \$3.00 Teen Court pursuant to s. 938.19(2), F.S. and Pinellas County Code s. 46-34  
☒ \$30.00 Court Facilities, pursuant to s. 318.18(13). and Pinellas County Code s. 46-33, applies only to traffic offenses in 318.17, including violations of ch. 316 offenses.

PAYMENT IS TO BE MADE THROUGH AND PAYABLE TO: ☐ Department of Corrections or ☒ Clerk of Court  
(If collected by the Department of Corrections, a surcharge of 4% will be added to all payments ordered by the court, pursuant to s. 945.31, F.S.)

- ☐ Court Costs/Fines Waived.  
☐ Court Costs/Fines in the amount of \_\_\_\_\_ converted to \_\_\_\_\_ community service hours.  
☒ Court Costs/Fines in the amount of \$725.00 reduced to civil judgment.

**SPECIFIC INSTRUCTIONS FOR PAYMENT:** You will pay all fines and court costs specified in this order of probation/community control in full no later than 12 months from the date of this order. You will pay at least \$100 per month toward the fine and court cost. If the Court determines that you have the ability to pay, failure to pay all fines and court costs in full within 12 months will result in a violation of probation or community control, may become a lien against anything you own now or in the future and will accrue interest at the statutory rate, may result in the suspension of your driver's license, and may also result in collections efforts by the Clerk of the Court or its assignee.

DONE AND ORDERED on October 25, 2021 in Clearwater, Florida.

  
CHRIS HELINGER, JUDGE

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA  
CRIMINAL DIVISION

STATE OF FLORIDA,

Case Number(s): 21-D1504CF

vs.

Person ID/SPN: \_\_\_\_\_

Jarrod Helle  
aka \_\_\_\_\_  
Defendant.

**PLEA FORM**

1. I, Jarrod Helle, Defendant herein, do hereby withdraw my plea of Not Guilty and enter a plea of Guilty ☒ No Contest ☐ an Admission ☐ to the charge(s) of Leave Scene Involving Death in the above-referenced case(s). This plea is to reduced charge(s) \_\_\_\_\_.
2. I understand that a plea of Not Guilty denies my guilt, a plea of No Contest means that I will not contest the evidence against me, and a plea of Guilty or Admission to a violation of probation/community control admits my guilt. I understand that if the Court accepts my plea there will be **no trial or evidentiary hearing and I will be sentenced based upon my plea.**
3. I understand that the Judge may question me about the offense(s) and entry of the plea and that any false answer may be used against me in a perjury prosecution.
4. I understand that if the Court accepts my plea, I give up the following rights:
  - a. The right to a trial by jury or, for a violation of probation/community control, the right to a hearing before a judge.
  - b. The right to be represented by an attorney at every stage of the proceedings and the right to have an attorney appointed if I cannot afford one.
  - c. The right to confront and cross-examine witnesses at trial or a hearing on a violation of probation/community control.
  - d. The right to compel the attendance of witnesses at trial or a hearing on a violation of probation/community control.
  - e. The right not to testify or be compelled to incriminate myself.
  - f. The right to require the State to prove my guilt beyond a reasonable doubt or, if charged with a violation of probation/community control, the right to require the State to prove that I have willfully violated my probation by the greater weight of the evidence.
  - g. The right to appeal all matters related to the judgment within 30 days, including the issue of guilt or innocence, unless expressly reserved. I retain my right to review by appropriate collateral attack.
5. I understand the charge(s) placed against me and to which I am pleading. If applicable to my case(s), my lawyer has reviewed the sentencing guidelines scoresheet with me. My lawyer has also explained the following to me:
  - a. The essential elements of the charge(s) to which I am pleading.
  - b. Any possible defenses I may have to the charge(s) to which I am pleading.
  - c. The lowest permissible guidelines sentence and maximum sentence provided by law for the charge(s) to which I am pleading, which is/are: 34.5 - 36
  - d. Any minimum-mandatory penalties provided by law for the charge(s) to which I am pleading, which is/are: 0

JH  
Def. Initial



6. I understand that if I am being sentenced as a ( ) **Habitual Felony Offender**, ( ) **Habitual Violent Felony Offender**, ( ) **Three-Time Violent Felony Offender**, ( ) **Violent Career Criminal**, or ( ) **Prison Releasee Reoffender**, the statutory scoresheet recommendation will **NOT** apply to my sentence. If entitled to notice, I have received notice of the State's intention to enhance my sentence, or I hereby waive my right to such notice. I acknowledge that I have the requisite prior felony convictions to qualify for the indicated designation, that I have not been pardoned for the offense(s) connected with those convictions, and that none of those convictions have been set aside in any postconviction proceeding.
7. I understand that the Department of Corrections is solely responsible for awarding gain time or any type of early release. I further understand that, depending on the nature of the offense(s) to which I am pleading, I may **NOT** be eligible for gain time credits or release programs that shorten the length of the sentence(s) imposed. I understand that any information I have received concerning gain time or early release is not a part of any plea discussion or agreement.
8. I am entering this plea because I acknowledge my guilt or acknowledge that the plea is in my best interest. No one has pressured me or forced me to enter this plea against my will and no one has promised me anything to entice me to enter this plea; however, there has been an understanding that my sentence will consist of:  
Alb 2 yr cc followed by 3 yrs probation 1 year CAM  
SO hrs, C.S. (in schools)
- which ( ) includes a minimum-mandatory term of \_\_\_\_\_.
9. I am not aware of any physical evidence disclosed by the State for which DNA testing may exonerate me. I am not aware of any other physical evidence containing DNA known to exist that could exonerate me.
10. I do not require the State to tell the Judge the facts upon which the charge is based before the Judge accepts my plea and I agree that the Judge may rely upon any probable cause statement or affidavit in the court file for a factual basis to justify the acceptance of my plea.
11. I am not presently suffering from any mental, emotional, or physical problems, which adversely affect my understanding of this plea and I am not under the influence of alcohol, drugs, or medicine at the present time except for \$
12. My education consists of 12 years of school.
13. I understand that if I am not a United States Citizen, this plea may have the additional consequence of changing my immigration status, including deportation or removal from the United States. I understand that if I need additional time to discuss this matter with counsel, I must request to do so at this time, and the court must allow me a reasonable amount of time to confer with counsel before accepting my plea.
14. I understand that if I have ever been convicted of or pled Guilty or No Contest to a sexually violent or sexually motivated offense, or if I am required to register as a sexual offender, or if I have ever been placed in the custody of the Department of Children and Families for evaluation as a sexual violent predator, I may be subject to a civil commitment proceeding for sexually violent predators as a result of this plea.
15. If I am entering a plea to an offense for which automatic, mandatory driver's license suspension or revocation is required, regardless of whether the suspension or revocation is by the court or by a separate agency, I understand that this plea may result in the automatic, mandatory suspension or revocation of my driver's license.
16. I understand that if I am on parole/conditional release, this plea may result in the revocation of my parole/conditional release and my return to prison to complete the sentence from which I was released. I further understand that if I am on probation/community control, this plea may result in the revocation of my probation/community control and the imposition of a separate sentence up to the maximum penalty for the offense for which I was placed on probation/community control.

JH  
Def. Initial

Page 3 of 4 (Circuit Plea Form) Defendant: Jarrod Holt Case Number(s): 21-0504 ✓

17. I understand that if the Judge permits me to remain at liberty pending sentencing, I must notify my lawyer, my bondsman or ROR officer, and the Court of any change of address.
18. I understand that sentencing is scheduled for: \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ AM / PM.

**Presentence Investigation**

19. I understand that if I am being sentenced for my first felony offense, or as a Habitual Felony Offender, a Habitual Violent Felony Offender, Or Three-time Violent Felony Offender, I am entitled to a Presentence Investigation (PSI). I further understand that if I am a juvenile being prosecuted as an adult, I have the right to have the Court consider a Predisposition Report prepared by juvenile authorities, which would assist the Court in deciding if adult or juvenile sanctions should be imposed upon me. I hereby waive my right to a Pre-Sentence Investigation or Predisposition Report so that I may proceed directly to sentencing.

**Credit for Time Served in County Jail**

20. I understand that pursuant to this negotiated plea agreement, I will receive credit for time incarcerated in a county facility before the imposition of the sentence as outlined in this section. I also understand that I am waiving any entitlement to jail credit in the above-styled case(s) other than what is explicitly agreed to below as part of this negotiated plea agreement.

Case Number(s)*	Jail Credit

\*Include all case numbers to which this plea applies.

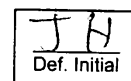
**Restitution**

21. I agree to restitution in the amount indicated in the attached Restitution Addendum incorporated as page 4 of 4. If the amount of restitution is not decided at this time, I understand that I will have 30 days from the date written notification of the preliminary amount of restitution is mailed to me, or otherwise delivered to me, to deliver to the Court a written request for a hearing contesting the preliminary amount of restitution. **Failure to deliver a written request for a restitution hearing within the 30 day time period specified herein will result in the preliminary amount of restitution being established as the final amount of restitution.**
- ( ) A restitution hearing has been scheduled for \_\_\_\_\_, 20 \_\_\_\_ at \_\_\_\_\_ AM / PM.
- ( ) I hereby waive my right to be present at the restitution hearing.

**Costs and Fines**

22. If I am to be placed on probation or community control, I will pay the cost of supervision as ordered by this Court commencing with the first day of probation or community control.
23. My attorney has reviewed with me all statutory costs being assessed by the Court. My attorney has further advised me that I have a right to have the amount of each discretionary cost individually announced in open court. I hereby waive my right to such individual announcement and agree to pay all fines and costs, including the fines and costs checked on the attached sheets. The total fines and costs are \_\_\_\_\_.

SSO Court  
1 SSO State



**Attorney Fees and Costs**

24. If my lawyer was appointed to represent me, I understand that the Court will assess an application fee as part of my sentence or as a condition of probation if the application fee was not paid at the time of the filing my affidavit of indigence with the Clerk of the Circuit Court. I understand that attorney fees and costs will be assessed against me pursuant to Section 938.29, Florida Statutes. I understand that I have a right to a hearing before the Court to determine the amount of attorney's fees and/or costs provided by Section 938.29, Florida Statutes, and that I will be waiving or giving up that right if I do not deliver my written request for a contested hearing to the Court within 30 days from the date the preliminary amount is mailed or otherwise delivered to me.
25. I further understand that there will be lien(s) placed against me and/or my real property for any unpaid fines, attorney fees, costs of prosecution, and court costs.

I have read or had this plea form read to me by the undersigned interpreter, have understood every word, and have discussed it with my lawyer. I am completely satisfied with the services of my lawyer and I feel that I have had enough time to discuss my case(s) and this plea with my lawyer.

SWORN TO, SIGNED, AND FILED IN OPEN COURT in the presence of my lawyer and the Judge this 25 day of Oct, 2021.

X [Signature]  
Defendant

I have read this form to the Defendant in \_\_\_\_\_  
(language)

\_\_\_\_\_  
Interpreter

**CERTIFICATE OF COUNSEL**

I hereby certify that I am counsel for the above-named Defendant and that I have discussed this case with my client and explained the rights, defenses, elements, and evidence relating to this case to my client. I have further reviewed with my client all mandatory and discretionary statutory fines and costs being assessed against him/her. I have reviewed the discovery disclosed by the State, including a listing or a description of physical evidence. I reviewed the nature of the evidence disclosed through discovery with my client. I am personally unaware of any physical evidence for which DNA testing may exonerate my client. I have advised the Defendant of the deportation consequences of this plea including whether this plea will invoke any presumptively mandatory deportation proceedings under the Immigration and Nationality Act. I believe the Defendant understands this plea form, his/her rights and the consequences of pleading and that he/she is entering this plea freely, voluntarily, and knowingly. I do not believe the Defendant to be under the influence of any substances or suffering from any mental or emotional illness that prevents him/her from understanding these proceedings.

[Signature]  
Counsel for the Defendant

I hereby certify that I am personally unaware of any physical evidence for which DNA testing may exonerate the above-named Defendant.

[Signature]  
Assistant State Attorney

I hereby find that the above-named Defendant did, on this date, freely, voluntarily, and knowingly change his/her plea in the above-referenced case(s).

[Signature]  
Circuit Judge

UCN: 522023CF006855XXXXCF

FL0520300

## COMPLAINT/ARREST AFFIDAVIT – CIRCUIT/COUNTY COURT – PINELLAS COUNTY, FLORIDA

OBTS #	REPORT # CW23-102775		DOCKET # 1935888		
Person ID 311410486		SSN# [REDACTED]			
Charge Description	<input checked="" type="checkbox"/> Felony	<input type="checkbox"/> Misdemeanor	<input type="checkbox"/> Warrant	<input type="checkbox"/> Traffic	<input type="checkbox"/> Ordinance
Charge LEAVING SCENE OF AN CRASH INVOLVING DEATH		Traffic Citation # (if any) AHLWEOE		Court Case # 23-06855-CF-1	
Defendant's Name (Last, First, Middle) HOOKS, CHRISTIAN JAMAAL		DOB 11/26/2000	Sex M	Race B	Ht 604
Wt 170		Hair BLK	Eyes BRO	Skin DRK	
Alias	DL # H-200-110-00-426-0	State FL	Scars/Marks/Tattoos/Physical Features		
Local Address (Street, City, State, Zip Code) 1001 MOHAWK ST CLEARWATER FL 33755		Telephone 727-902-5716	Place of Birth NC		Citizenship USA
Permanent Address (Street, City, State, Zip Code) 1001 MOHAWK ST CLEARWATER FL 33755		Telephone 727-902-5716	Employed by / School SANITATION		
Weapon Seized Type <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Indication of Drug Influence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK	Indication of Mental Health Issues <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK	Indication of Alcohol Influence <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> UNK	
Co-Defendant's Name (Last, First, Middle)		DOB	Sex	Race	In Custody <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Co-Defendant's Name (Last, First, Middle)		DOB	Sex	Race	In Custody <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor

The undersigned swears that he/she has reasonable grounds to believe that the above named defendant on the 15 day of JULY, 2023,

at approximately 12:42 AM, at S MISSOURI AVE & DRUID RD, in Pinellas County did:

THEN AND THERE DRIVE A VEHICLE, TO-WIT: A 2009 TOYOTA RAV4, FL TAG 93BYCE, WHICH WAS INVOLVED IN A CRASH INVOLVING DEATH TO JOSHUA MAXSON, AND THE SAID DEFENDANT DID WILLFULLY FAIL TO STOP SAID VEHICLE AT THE SCENE OF THE CRASH UNTIL HE HAD FULFILLED THE REQUIREMENTS OF FSS 316.062, TO-WIT: DID NOT GIVE HIS NAME AND ADDRESS AND THE REGISTRATION NUMBER OF THE VEHICLE HE WAS DRIVING AND DID NOT RENDER REASONABLE ASSISTANCE TO PERSONS INJURED IN THE CRASH.

HOOKS, WAS THE DRIVER, AND SOLE OCCUPANT, OF A VEHICLE (FL TAG 93BYCE) DRIVING NORTHBOUND ON S MISSOURI AVE THE IN CURB LANE. THE VICTIM WAS CROSSING SOUTH MISSOURI AVE, JUST SOUTH OF THE ABOVE INTERSECTION. HOOKS STRUCK THE VICTIM WITH THE FRONT OF HIS VEHICLE CAUSING THE VICTIM TO BE ENTRAPPED WITHIN THE WINDSHIELD OF HOOKS' VEHICLE.

HOOKS TRAVELED AN ESTIMATED 150 FEET WITH THE VICTIM ENTRAPPED IN THE WINDSHIELD OF THE VEHICLE. THE VICTIM THEN STRUCK THE ROADWAY AND CAME TO A FINAL REST IN THE TURN LANE TO TRAVEL EAST ON DRUID RD FROM S MISSOURI AVE.

HOOKS THEN FLED FROM THE SCENE TRAVELING NORTHBOUND ON S MISSOURI AVE. ABOUT 20 MIN LATER CLEARWATER POLICE DISPATCH RECEIVED A CALL FROM A FRIEND OF HOOKS. THE CALLER ADVISED HOOKS WAS IN A CRASH AND FLED THE SCENE BECAUSE HE WAS SCARED.

THERE WAS EXTENSIVE DAMAGE TO THE FRONT OF THE VEHICLE CONSISTENT WITH THE CRASH. USING A SPEED FORMULA, THE ESTIMATED SPEED OF HOOKS WAS 65 MPH IN A 40 MPH ZONE. THE VICTIM DIED FROM INJURIES SUSTAINED IN THE CRASH.

HOOKS WAS ARRESTED FOR DUI BY OFFICER GILES. POST-MIRANDA, HOOKS MADE MULTIPLE INCRIMINATING STATEMENTS ABOUT THE CRASH.

Contrary to Florida Statute/Ordinance 316.027(2)(C) - F2

ARREST DATE: 7/15/2023 Time 1:46 AM . Aggravating/Mitigating Factors HIGH BOND - DUI AS WELL

Booking Officer: GUGLIOTTA, A 54151 Amount of Bond 100,000 Bond Out Date \_\_\_\_\_ Time ☐ a.m. ☐ p.m.

Victim Notified of Advisory? ☐ Yes ☐ No Injuries to Victim? ☐ Yes ☐ No Medical Treatment to Victim? ☒ Yes ☐ No

The Court reviewed this complaint and finds there: ☒ is probable cause ☐ is not probable cause to detain defendant ☐ Bond Action, if any: \_\_\_\_\_

The probable cause determination is passed for: ☐ 24 Hrs ☐ 24 Hrs on showing of extraordinary circumstances Received by Booking: 7/15/2023 5:56:59 AM

Pursuant to F.S. 92.525 and under penalty of perjury, I declare that I have read the foregoing document and that the facts in it are true.

*Justin Buis*

CLEARWATER POLICE DEPT.

Declarant Signature

Agency

OFFICER JUSTIN BUIS 9899

311012341

Printed Name

Declarant ID#

## REQUEST FOR INVESTIGATIVE COSTS, F.S. 938.27(1)

DATE	OFFICER	HOURS X PAY RATE	OR	COST
07/15/2023	J.BUIS	40 29.14		\$1,165.60

OTHER – Describe \_\_\_\_\_

Continuation sheet ☐ Yes ☐ No

TOTAL \$ 1,165.60

COCR59 (Revised 10/2014)

1042673 Copies to:

Court

**Defendant** HOOKS, CHRISTIAN JAMAAL

**Court Case No:** 23-06855-CF-1

**ADVISORY AND SOLVENCY HEARING**

The above named Defendant came before me for Advisory and Solvency hearing and was advised by me of the charge(s) against him; his right to remain silent; that any statements by him may be used against him; his right to counsel, and, if he is financially unable to afford counsel, that counsel forthwith will be appointed; of his right to communicate with his counsel, family or friends, and that reasonable implementation will be afforded him to contact the foregoing.

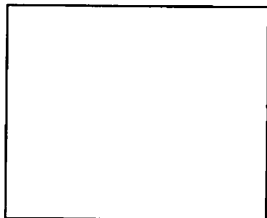
**I FURTHER CERTIFY THAT:**

- ☐ A. Defendant has advised the Court that he has retained counsel or will retain counsel.
- ☐ B. The Court investigated Defendant's solvency and found the Defendant financially able to secure counsel.
- ☐ C. The Court investigated Defendant's solvency and provisionally appointed the Public Defender.
- ☐ D. The Defendant waived the right to counsel at the first appearance only.

\_\_\_\_\_  
DATE AND TIME

  
\_\_\_\_\_  
JUDGE

- ☐ I hereby waive the right to counsel at the first appearance only.
- ☐ I, having been found solvent and financially able to secure counsel, hereby waive counsel until my attorney files an appearance in this case or until I file a written request for a review of my solvency and ability to secure counsel.



Thumb Print

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

I HEREBY acknowledge receipt of a copy of the foregoing Complaint and Advisory.

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

\_\_\_\_\_  
DEFENDANT'S ATTORNEY'S SIGNATURE

\_\_\_\_\_  
DATE



## FLORIDA DUI UNIFORM TRAFFIC CITATION

AHC405E

COUNTY OF <b>PINELLAS 04</b>		<input type="checkbox"/> (1) F.H.P. <input checked="" type="checkbox"/> (2) P.D. <input type="checkbox"/> (3) S.O. <input type="checkbox"/> (4) OTHER	
CITY (IF APPLICABLE) <b>CLEARWATER 36</b>		AGENCY NAME <b>CLEARWATER PD</b>	
IN THE COURT DESIGNATED BELOW THE UNDERSIGNED CERTIFIES THAT HE/SHE HAS JUST AND REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE THAT ON		OHSAAW RECORD FORWARD TO DESIGNATED OHSAAW HEARING OFFICE	
DAY OF WEEK <b>SAT</b>	MONTH <b>7</b>	DAY <b>15</b>	YEAR <b>2023</b>
TIME <b>12:42</b> <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM			
NAME (PRINT) FIRST <b>CHRISTIAN</b>			
NAME (PRINT) MIDDLE <b>JAMAAL</b>			
NAME (PRINT) LAST <b>HOOKS</b>			
STREET <b>1001 MOHAWK ST</b>			
IF DIFFERENT THAN ONE ON DRIVER LICENSE "X" HERE			
CITY <b>CLEARWATER</b>		STATE <b>FL</b>	ZIP CODE <b>33755</b>
TELEPHONE NUMBER	DATE OF BIRTH <b>11 26</b>	YR <b>00</b>	RACE <b>B</b>
		SEX <b>M</b>	HGT <b>604</b>
DRIVER LICENSE NUMBER <b>H 200110004260</b>			
STATE <b>FL</b>	CLASS <b>E</b>	CDL LICENSE <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	YR LICENSE EXP. <b>27</b>
COMMERCIAL VEHICLE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
YR VEHICLE <b>09</b>	MAKE <b>TOYT</b>	STYLE <b>UT</b>	COLOR <b>BLK</b>
PLACARDED HAZARDOUS MATERIAL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
VEHICLE LICENSE NO <b>93BYCE</b>	TRAILER TAG NO	STATE <b>FL</b>	YEAR TAG EXPIRES <b>2023</b>
A 16 PASSENGERS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
UPON A PUBLIC STREET OR HIGHWAY, OR OTHER LOCATION, NAMELY <b>DRUID RD / S MISSOURI AVE</b>			
MOTORCYCLE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
COMPANION CITATION(S) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
FL <input type="checkbox"/> MLES <input type="checkbox"/> N <input checked="" type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W OF NODE			

DID UNLAWFULLY COMMIT THE OFFENSE OF DRIVING UNDER THE INFLUENCE OF ALCOHOLIC BEVERAGES, CHEMICAL OR CONTROLLED SUBSTANCES; DID DRIVE, OR WAS IN ACTUAL PHYSICAL CONTROL OF A VEHICLE, WHILE UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE/CHEMICAL SUBSTANCE/CONTROLLED SUBSTANCE TO THE EXTENT NORMAL FACULTIES WERE IMPAIRED, OR WITH A BLOOD OR BREATH ALCOHOL LEVEL OF .08 OR ABOVE OF .217 / .223

COMMENTS PERTAINING TO OFFENSE (Only one offense each citation)		RE-EXAM <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
LEAVING SCENE VEHICLE VS PED DEATH		
<input type="checkbox"/> AGGRESSIVE DRIVER	PASSENGER < 18 YEARS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	STATE STATUTE <b>316.193(3)(C)3</b>
CRASH <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DAMAGE TO OTHER PROPERTY <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	INJURY TO ANOTHER <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
	\$7000 <input type="checkbox"/> NO	SERIOUS BODILY INJURY TO ANOTHER <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
		FATAL <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

THIS IS A CRIMINAL VIOLATION. COURT APPEARANCE REQUIRED, AS INDICATED BELOW.

AT THE CALL OF THE COURT

AHC405E

COURT DATE  
NORTH COUNTY TRAFFIC COURTCOURT AND LOCATION  
29582 U.S. 19 NORTH, CLEARWATER, FL 33761ARREST DELIVERED TO **PINELLAS COUNTY JAIL** DATE **7/15/2023**

I AGREE AND PROMISE TO COMPLY AND ANSWER TO THE CHARGES AND INSTRUCTIONS SPECIFIED IN THIS CITATION. WILLFUL REFUSAL TO ACCEPT AND SIGN THE CITATION MAY RESULT IN ARREST. I UNDERSTAND MY SIGNATURE IS NOT AN ADMISSION OF GUILT OR WAIVER OF RIGHTS. IF YOU NEED REASONABLE FACILITY ACCOMMODATIONS TO COMPLY WITH THIS CITATION, CONTACT THE CLERK OF THE COURT.

## SIGNATURE OF VIOLATOR

EFFECTIVE IMMEDIATELY, YOUR DRIVING PRIVILEGE IS SUSPENDED/DISQUALIFIED FOR:

- ☒ DRIVING WITH AN UNLAWFUL BLOOD OR BREATH ALCOHOL LEVEL THIS SUSPENSION IS FOR A PERIOD OF SIX MONTHS IF THIS IS THE FIRST VIOLATION OR ONE YEAR IF PREVIOUSLY SUSPENDED FOR DRIVING WITH AN UNLAWFUL BLOOD OR BREATH ALCOHOL LEVEL IF YOU HOLD A CDL OR YOU ARE OPERATING A CMV. YOUR COMMERCIAL DRIVER LICENSE/PRIVILEGE WILL ALSO BE DISQUALIFIED FOR ONE YEAR FOR THE FIRST OFFENSE OR PERMANENTLY DISQUALIFIED FOR A SUBSEQUENT OFFENSE
- ☐ REFUSAL TO SUBMIT TO LAWFUL BREATH, BLOOD OR URINE TEST SECTION 322.2615, F.S. THIS SUSPENSION IS FOR A PERIOD OF ONE YEAR IF THIS IS A FIRST REFUSAL OR 18 MONTHS IF PREVIOUSLY SUSPENDED FOR THIS OFFENSE IF YOU HOLD A CDL OR YOU ARE OPERATING A CMV. YOUR COMMERCIAL DRIVER LICENSE/PRIVILEGE WILL ALSO BE DISQUALIFIED FOR A PERIOD OF ONE YEAR FOR A FIRST REFUSAL OR PERMANENTLY DISQUALIFIED FOR A SUBSEQUENT REFUSAL

LICENSE SURRENDERED? ☒ YES ☐ NO REASONELIGIBLE FOR PERMIT? ☒ YES ☐ NO REASON

UNLESS INELIGIBLE, THIS CITATION SHALL SERVE AS A TEMPORARY DRIVER LICENSE AND WILL EXPIRE AT MIDNIGHT ON THE 10TH DAY FOLLOWING THE DATE OF SUSPENSION.

AT THE **CLEARWATER** BUREAU OF ADMINISTRATIVE REVIEWS  
OFFICE YOU MAY REQUEST, WITHIN 10 DAYS AFTER THE DATE OF SUSPENSION A REVIEW OF SUSPENSION BY THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES OR A REVIEW TO DETERMINE ELIGIBILITY FOR A RESTRICTED LICENSE IF THIS IS YOUR FIRST DUI RELATED OFFENSE. SEE REVERSE SIDE

H. GILES

CW2285

RANK - SIGNATURE OF OFFICER

BADGE NO.

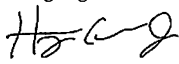
ID NO.

TROOP UNIT

HSM 75904 (Rev. 10/14)

CASE # **CLAD2 1007766**CDL # **006**CDL # **21084226**

## COMPLAINT/ARREST AFFIDAVIT – CIRCUIT/COUNTY COURT – PINELLAS COUNTY, FLORIDA

OBTS #		REPORT #	CW23-102775	DOCKET #	1935888
Person ID	311410486	SSN#	[REDACTED]		
Charge Description	<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Warrant <input type="checkbox"/> Traffic <input type="checkbox"/> Ordinance	Traffic Citation # (if any)	Court Case #		
Charge	DUI MANSLAUGHTER	AHC405E	23-06855-CF-2		
Defendant's Name (Last, First, Middle)	HOOKS, CHRISTIAN JAMAAL	DOB	11/26/2000	Sex	M
Alias		DL #	H-200-110-00-426-0	Race	B
Local Address (Street, City, State, Zip Code)	1001 MOHAWK ST CLEARWATER FL 33755	Ht	604	Wt	170
Permanent Address (Street, City, State, Zip Code)	1001 MOHAWK ST CLEARWATER FL 33755	Scars/Marks/Tattoos/Physical Features			
Telephone	727-902-5716	Place of Birth	NC	Citizenship	USA
Employed by / School	SANITATION				
Weapon Seized Type	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Indication of Drug Influence	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK	Indication of Mental Health Issues	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK
Co-Defendant's Name (Last, First, Middle)		DOB		Sex	
				Race	
				In Custody	<input type="checkbox"/> Yes <input type="checkbox"/> No
				Felony	<input type="checkbox"/> Misdemeanor
Co-Defendant's Name (Last, First, Middle)		DOB		Sex	
				Race	
				In Custody	<input type="checkbox"/> Yes <input type="checkbox"/> No
				Felony	<input type="checkbox"/> Misdemeanor
The undersigned swears that he/she has reasonable grounds to believe that the above named defendant on the <u>15</u> day of <u>JULY</u> , 2023, at approximately <u>12:42</u> AM, at <u>MISSOURI AVE / DRUID RD</u> , in Pinellas County did: DID DRIVE OR BE IN ACTUAL PHYSICAL CONTROL OF A VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOLIC BEVERAGES OR ANY CHEMICAL SUBSTANCE SET FORTH IN F.S.S. 877.111, OR ANY SUBSTANCE CONTROLLED UNDER CHAPTER 893, AND WAS AFFECTED TO THE EXTENT THAT DEFENDANT NORMAL FACULTIES WERE IMPAIRED OR HAD A BLOOD OR BREATH ALCOHOL LEVEL OF 0.08 PERCENT OR HIGHER AND AS A RESULT OF OPERATION OF THE VEHICLE DID CAUSE OR CONTRIBUTE TO CAUSING GREAT BODILY HARM TO, ANOTHER PERSON THEREBY INFLECTING MORTAL WOUNDS UPON ONE JOSHUA BRUCE MAXSON, A HUMAN BEING, OF WHICH SAID MORTAL WOUNDS, AND BY THE MEANS AFORESAID AND AS A DIRECT RESULT THEREOF, THE SAID JOSHUA BRUCE MAXSON DIED. SELECT SUBSECTION: C. BREATH ALCOHOL 0.08 OR MORE PER 210 L REASON FOR STOP: HOOKS WAS INVOLVED IN A CRASH WHERE HE STRUCK A PEDESTRIAN WITH HIS BLACK 2009 TOYOTA UTILITY (FL TAG# 93BYCE) AND LEFT THE SCENE. THE CRASH CAUSED THE DEATH OF JOSHUA BRUCE MAXSON. DURING THE INVESTIGATION IT WAS DETERMINED THAT HOOKS WAS TRAVELING APPROXIMATELY 67 MPH IN A POSTED 40 MPH ZONE USING A SPEED CALCULATION. THE ROADWAY WAS WELL LIT WITH STREET LIGHTS AND THERE APPEARED TO BE NO HEAVY BREAKING ON THE ROADWAY. CONTACT WAS MADE WITH HOOKS APPROXIMATELY 20 MINUTES LATER AFTER A FRIEND OF HIS CALLED 911 TO REPORT THE ACCIDENT. THE FRIEND OBSERVED HOOKS BEHIND THE WHEEL, AND IN ACTUAL CONTROL OF THE VEHICLE. POST MIRANDA, HOOKS MADE SEVERAL INCRIMINATING STATEMENTS. BRAC: .217/223 BREATH: STRONG ODOR OF AN ALCOHOLIC BEVERAGE BALANCE: SWAYING, UNSTEADY, STUBBLING EYES: BLOODSHOT WATERY GLASSY PRIOR CONVICTIONS: NONE FOUND. DEFENDANT DID SHOW SIGNS OF IMPAIRMENT AND PERFORMED POORLY ON FIELD SOBRIETY TESTS. COURT INFORMATION: NORTH COUNTY TRAFFIC COURT AT THE CALL OF THE COURT, CITATION #: AHC405E Contrary to Florida Statute/Ordinance <u>316.193(3)(C)(3)(A) - F2</u> ARREST DATE: <u>7/15/2023</u> Time <u>1:46 AM</u> . Aggravating/Mitigating Factors <u>HIGH BOND</u> Booking Officer: <u>GUGLIOTTA, A 54151</u> Amount of Bond <u>20000</u> Bond Out Date _____ Time _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. Victim Notified of Advisory? <input type="checkbox"/> Yes <input type="checkbox"/> No Injuries to Victim? <input type="checkbox"/> Yes <input type="checkbox"/> No Medical Treatment to Victim? <input type="checkbox"/> Yes <input type="checkbox"/> No The Court reviewed this complaint and finds there: <input checked="" type="checkbox"/> is probable cause <input type="checkbox"/> is not probable cause to detain defendant <input type="checkbox"/> Bond Action, if any: _____ The probable cause determination is passed for: <input type="checkbox"/> 24 Hrs <input type="checkbox"/> 24 Hrs on showing of extraordinary circumstances Received by Booking: 7/15/2023 5:56:47 AM Pursuant to F.S. 92.525 and under penalty of perjury, I declare that I have read the foregoing document and that the facts in it are true.  Declarant Signature _____ Agency _____ OFFICER HENRY GILES 9594 310843226 Printed Name _____ Declarant ID# _____ REQUEST FOR INVESTIGATIVE COSTS, F.S. 938.27(1) DATE 07/15/2023 OFFICER H. GILES HOURS X PAY RATE 6 29.14 OR COST \$174.84 OTHER - Describe _____ Continuation sheet <input type="checkbox"/> Yes <input type="checkbox"/> No TOTAL \$ 174.84					

**Defendant** HOOKS, CHRISTIAN JAMAAL

**Court Case No:** 23-06855-CF-2

**ADVISORY AND SOLVENCY HEARING**

The above named Defendant came before me for Advisory and Solvency hearing and was advised by me of the charge(s) against him; his right to remain silent; that any statements by him may be used against him; his right to counsel, and, if he is financially unable to afford counsel, that counsel forthwith will be appointed; of his right to communicate with his counsel, family or friends, and that reasonable implementation will be afforded him to contact the foregoing.

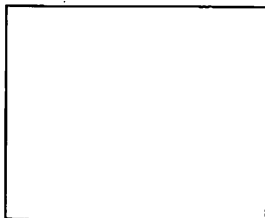
**I FURTHER CERTIFY THAT:**

- ☐ A. Defendant has advised the Court that he has retained counsel or will retain counsel.
- ☐ B. The Court investigated Defendant's solvency and found the Defendant financially able to secure counsel.
- ☐ C. The Court investigated Defendant's solvency and provisionally appointed the Public Defender.
- ☐ D. The Defendant waived the right to counsel at the first appearance only.

\_\_\_\_\_  
DATE AND TIME

  
\_\_\_\_\_  
JUDGE

- ☐ I hereby waive the right to counsel at the first appearance only.
- ☐ I, having been found solvent and financially able to secure counsel, hereby waive counsel until my attorney files an appearance in this case or until I file a written request for a review of my solvency and ability to secure counsel.



Thumb Print

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

I HEREBY acknowledge receipt of a copy of the foregoing Complaint and Advisory.

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

\_\_\_\_\_  
DEFENDANT'S ATTORNEY'S SIGNATURE

\_\_\_\_\_  
DATE



BURKE, CLERK OF COURT AND COMPTROLLER PINELLAS COUNTY, FL BY DEPUTY CLERK:  
CLKSH01

1

IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT,  
IN AND FOR PINELLAS COUNTY FLORIDA  
DIVISION: FELONY

UCN : 522023CF006855000APC

REF No. : 23-06855-CF - T

OBTS NUMBER \_\_\_\_\_

STATE OF FLORIDA  
VS.

**CHRISTIAN HOOKS**  
Defendant

PID: 311410486

SS# [REDACTED]

### JUDGMENT

The Defendant, **CHRISTIAN HOOKS**, being personally before this court represented by **DARRIN E JOHNSON** the attorney of record, and the state represented by **HANNAH FARRELL**, Assistant State Attorney, and having:

entered a plea of guilty to the following crime(s)

COUNT	CRIME	OFFENSE STATUTE NUMBER (S)	DEGREE OF CRIME
01	LEAVING THE SCENE OF A CRASH INVOLVING DEATH	316.027	1F
02	DRIVING UNDER THE INFLUENCE	MISDEMEANOR	

X and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED  
THAT the Defendant is ADJUDICATED GUILTY of the above crime(s).

ICD. JDMT (36732055)  
RETURN TO:

Defendant : CHRISTIAN HOOKS

UCN : 522023CF006855000APC  
REF No. : 23-06855-CF - T

\_\_\_\_\_ and good cause being shown; IT IS ORDERED THAT ADJUDICATION  
OF GUILT BE WITHHELD as to Count(s) \_\_\_\_\_

Sentence Deferred  
Until Later Date  
(Check if Applicable)





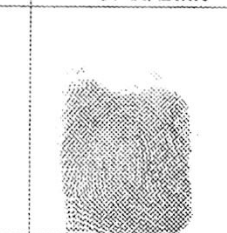





\_\_\_\_\_ The Court hereby defers imposition of sentence until \_\_\_\_\_  
(Date)

The Defendant in Open Court was advised of the right to appeal from this Judgment by filing notice of appeal with the Clerk of the Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The Defendant was also advised of the right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in open court in Pinellas County, Florida on **June 7, 2024**.

\_\_\_\_\_  
JUDGE

FINGERPRINTS OF THE DEFENDANT

1. R. Thumb	2. R. Index	3. R. Middle	4. R. Ring	5. R. Little
				
6. L. Thumb	7. L. Index	8. L. Middle	9. L. Ring	10. L. Little
				

Fingerprints taken by:

\_\_\_\_\_  
(Name and Title)

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, **CHRISTIAN HOOKS**, and that they were placed thereon by the defendant in my presence in open court this day.

\_\_\_\_\_  
JUDGE

Defendant: CHRISTIAN HOOKS

UCN: 522023CF006855000APC  
REF No.: 23-06855-CF - T

OBTS Number \_\_\_\_\_

## SENTENCE

(as to Count 01 )

The defendant, being personally before the court, accompanied by the defendant's attorney of record, **DARRIN E JOHNSON**, and having been adjudicated guilty, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

### It Is the Sentence Of the Court That:

The Defendant pay total statutory costs in the amount of **\$824.84**, inclusive of, Investigative Costs in the amount of **\$174.84** pursuant to s. 938.27 F.S., **\$100.00** as a Cost of Prosecution assessment. These assessments excluding the Investigative Costs and Cost of Prosecution are concurrent with **Count 02**.

The Defendant is **committed to the custody of the Department of Corrections**.

Unless otherwise prohibited by law, the Sheriff is authorized to release the Defendant on electronic monitoring or other sentencing programs subject to the Sheriff's discretion.

### To Be Imprisoned:

The Defendant is to be imprisoned for a term of **5 YEARS**.

Followed by a period of **5 YEARS Probation** under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered.

In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

## SPECIAL PROVISIONS

By appropriate notation, the following provisions apply to the sentence imposed:

### Mandatory/Minimum Provisions:

**DUI Manslaughter**

It is further ordered that the 4 year minimum mandatory imprisonment provision of 316.193(3)(c)3, Florida Statutes, is imposed.

### Other Provisions:

Please see the last page of this document for other provisions.

Defendant: CHRISTIAN HOOKS

UCN: 522023CF006855000APC  
REF No.: 23-06855-CF - T

OBTS Number .....

## SENTENCE

(as to Count 02 )

The defendant, being personally before the court, accompanied by the defendant's attorney of record, **DARRIN E JOHNSON**, and having been adjudicated guilty, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

### It Is the Sentence Of the Court That:

The Defendant pay total statutory costs in the amount of **\$1538.00**, inclusive of, **\$20.00** as a Crime Prevention assessment.

The Defendant is committed to the custody of the Sheriff of Pinellas County, Florida.

Unless otherwise prohibited by law, the Sheriff is authorized to release the Defendant on electronic monitoring or other sentencing programs subject to the Sheriff's discretion.

### To Be Imprisoned:

The Defendant is to be imprisoned for a term of **180 DAYS**.

## SPECIAL PROVISIONS

By appropriate notation, the following provisions apply to the sentence imposed:

### Mandatory/Minimum Provisions:

No Mandatory/Minimum provisions are imposed on this count.

### Other Provisions:

<b>Consecutive/Concurrent As To Other Counts</b>	<b>It is further ordered that the sentence imposed for this count shall run concurrent with the sentence set forth in count 01 of this case.</b>
--	--

Defendant: CHRISTIAN HOOKS

UCN: 522023CF006855000APC  
REF No.: 23-06855-CF - T

OBTS Number \_\_\_\_\_

**Other Provisions: (continued)**

**Jail Credit**

It is further ordered that the defendant shall be allowed a total of 329 DAYS as credit for time incarcerated before imposition of this sentence.

**Immigration Detainer**

It is further ordered that, as per s. 908.104(3)(b), F.S., the secure correctional facility in which the defendant is to be confined shall reduce the defendant's sentence by a period of not more than 12 days on the facility's determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody.

**It is further ordered that:**

**Restitution is not applicable in this case.**

**Restitution to State:**

If applicable, you must make payment of any debt due and owing to the state under section 960.17 and 948.03(1)(h) Florida Statutes. The amount of such debt shall be determined by the Court at a later date upon final payment of the Crimes Compensation Trust Fund on behalf of the victim.

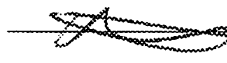
In the event the above sentence is to the Department of Corrections, the Sheriff of Pinellas County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing a notice of appeal within 30 days from this date with the Clerk of the Court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the state on showing of indigency.

In imposing this sentence, the court further orders:

**The defendant shall pay a \$7.00 fee to the Pinellas County Sheriff's Office for DNA testing. The defendant shall complete 50 hours of community service work. Your driver's license is revoked for 3 YEARS. The defendant will enroll in DUI School, including substance abuse evaluation and any recommended treatment, and assume all reasonable costs for such education, evaluation and treatment.**

DONE AND ORDERED in open court at Clearwater, Pinellas County, Florida on **June 7, 2024.**

 \_\_\_\_\_  
Judge

# Rule 3.992(a) Criminal Punishment Code Scoresheet

The Criminal Punishment Code Scoresheet Preparation Manual is available at: [http://www.dc.state.fl.us/pub/sen\\_cpcm/index.html](http://www.dc.state.fl.us/pub/sen_cpcm/index.html)

1. DATE OF SENTENCE <b>6/7/2024</b>	2. PREPARER'S NAME ALEC WAID	3. COUNTY PINELLAS	4. SENTENCING JUDGE JUDGE PAT SIRACUSA	
5. NAME (LAST, FIRST, M.I.) HOOKS, CHRISTIAN	6. DOB 11/26/2000	8. RACE BLACK	10. PRIMARY OFF. DATE 7/14/2023	12. PLEA TRIAL <input checked="" type="checkbox"/>
	7. DC #	9. GENDER MALE	11. PRIMARY DOCKET # 23-06855-CF	

## I. PRIMARY OFFENSE: Qualifier:

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
1	316.027(2)(C)	LEAVE CRASH W/DEATH	7	56

(Level - Points: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=116)

Prior capital felony doubles Primary Offense points ☐

I. 56.0000

## II. ADDITIONAL OFFENSE(S): Supplemental page attached ☐

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	COUNTS	POINTS	TOTAL
23-06855-CF	5/MM	316.193	M		1	0.2	0.2
DESCRIPTION	DUI-MISD.						

DESCRIPTION

DESCRIPTION

DESCRIPTION

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

Prior capital felony doubles Additional Offense points ☐

Supplemental page points

II. 0.2000

## III. VICTIM INJURY:

	Number	Total		Number	Total
2 <sup>nd</sup> Degree Murder	240 X	=	Slight	4 X	=
Death	120 X	=	Sex Penetration	80 X	=
Severe	40 X	=	Sex Contact	40 X	=
Moderate	18 X	=			

III. \_\_\_\_\_

## IV. PRIOR RECORD: Supplemental page attached ☐

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	DESCRIPTION	NUMBER	POINTS	TOTAL
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	

(Level - Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

Supplemental page points

IV. \_\_\_\_\_

Page 1 Subtotal: 56.2000

NAME (LAST, FIRST, MI. I.) HOOKS, CHRISTIAN	DOCKET # 23-06855-CF
--	-------------------------

Page 1 Subtotal: 56.2000

**V. Legal Status Violation = 4 Points**

- ☐ Escape  
 ☐ Fleeing  
 ☐ Failure to Appear  
 ☐ Supersedeas bond  
 ☐ Incarceration  
 ☐ Pretrial intervention or diversion program  
 ☐ Court imposed post prison release community supervision resulting in a conviction

V. \_\_\_\_\_

**VI. Community Sanction Violation before the court for sentencing**

- ☐ Probation  
 ☐ Community Control  
 ☐ Pretrial intervention or diversion
- ☐ 6 points for any violation other than new felony conviction X \_\_\_\_\_ each successive violation OR  
☐ New felony conviction = 12 points X \_\_\_\_\_ each successive violation if new offense results in conviction before or at same time as sentence for violation of probation OR  
☐ 12 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern when the violation is not based solely on failure to pay costs, fines, or restitution OR  
☐ New felony conviction = 24 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern if new offense results in a conviction before or at the same time for violation of probation

VI. \_\_\_\_\_

**VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 points**

VII. \_\_\_\_\_

**VIII. Prior Serious Felony = 30 points**

VIII. \_\_\_\_\_

**Subtotal Sentence Points** 56.2000

**IX. Enhancements (only if primary offense qualifies for enhancement)**

Law Enf. Protect  <input type="checkbox"/> x 1.5 <input type="checkbox"/> x 2.0 <input type="checkbox"/> x 2.5	Drug Trafficker  <input type="checkbox"/> x 1.5	Motor Vehicle Theft  <input type="checkbox"/> x 1.5	Criminal Gang Offense  <input type="checkbox"/> x 1.5	Domestic Violence in the Presence of Related Child (offenses committed on or after 03-12-07)  <input type="checkbox"/> x 1.5	Adult-on-Minor Sex Offense (offenses committed on or after 10-1-14)  <input type="checkbox"/> x 2.0
--	---	---	---	---	--

Enhanced Subtotal Sentence Points

IX. \_\_\_\_\_

**TOTAL SENTENCE POINTS**

56.2000

**SENTENCE COMPUTATION**

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction. If the total sentence points are 22 points or less, see Section 775.082(10), Florida Statutes, to determine if the court must sentence the offender to a non-state prison sanction.

If total sentence points are greater than 44:

$$\frac{56.2000}{\text{total sentence points}} \text{ minus } 28 = \frac{28.2000}{\text{total sentence points}} \times .75 = \frac{21.150000}{\text{Lowest permissible prison sentence in months}}$$

If total sentence points are 60 points or less than and court makes findings pursuant to both Florida Statutes 948.20 and 397.334(3), the court may place the defendant into a treatment-based drug court program.

The maximum sentence for each individual felony offense is the statutory maximum as provided in s. 775.082, F.S., unless the lowest permissible sentence listed above exceeds the statutory maximum for that offense. If the lowest permissible sentence exceeds the statutory maximum for an individual felony offense, the lowest permissible sentence replaces the statutory maximum and must be imposed for that offense. See *State v. Gabriel*, 314 So. 3d 1243 (Fla. 2021). Sentences for multiple felony offenses may be imposed concurrently or consecutively. If total sentence points are greater than or equal to 363, a life sentence may be imposed.

Primary offense:	<u>LEAVE CRASH W/DEATH</u>	30 years
	Description	Maximum sentence in years
Additional offense:	<u>DUI-MISD.</u>	years
	Description	Maximum sentence in years
Additional offense:	_____	Maximum sentence in years
	Description	Maximum sentence in years
Additional offense:	_____	Maximum sentence in years
	Description	Maximum sentence in years
Total maximum sentence in years for all counts above if consecutive sentence imposed:		30 years

**TOTAL SENTENCE IMPOSED**

	Years	Months	Days
<input checked="" type="checkbox"/> State Prison	<u>5</u>		
<input type="checkbox"/> County Jail			
<input type="checkbox"/> Community Control			
<input checked="" type="checkbox"/> Probation	<u>5</u>		
<input type="checkbox"/> Life			
<input type="checkbox"/> Time Served			
<input type="checkbox"/> Modified			

Please check if sentenced as ☐ habitual offender, ☐ habitual violent offender, ☐ violent career offender, ☐ prison release reoffender,

or a ☒ mandatory minimum applies **(4 yrs)**

☐ Mitigated Departure   ☐ Plea Bargain   ☐ Prison Diversion Program

Other Reason \_\_\_\_\_

**JUDGE'S SIGNATURE**

UCN: 522021CF012147XXXXCF

ADDED CHARGE FL0529000

**COMPLAINT/ARREST AFFIDAVIT – CIRCUIT/COUNTY COURT – PINELLAS COUNTY, FLORIDA**

OBTS #	REPORT # <b>21-0047255</b>	DOCKET # <b>1882833</b>
Person ID <b>311186096</b>	SSN# <span style="background-color: black; color: black;">[REDACTED]</span>	
Charge Description <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Warrant <input type="checkbox"/> Traffic <input type="checkbox"/> Ordinance	Traffic Citation # (if any)	Court Case #
Charge <b>LEAVING SCENE OF AN CRASH INVOLVING DEATH</b>	<b>ABJ509E</b>	<b>21-12147-CF-1</b>
Defendant's Name (Last, First, Middle) <b>LEWIS, CHEDDY HERLAND</b>	DOB <b>09/10/1988</b>	Sex <b>M</b> Race <b>B</b> Ht <b>506</b> Wt <b>135</b> Hair <b>BLK</b> Eyes <b>BRO</b> Skin
Alias	DL # <b>L200108883300</b>	State FL
Scars/Marks/Tattoos/Physical Features		
Local Address (Street, City, State, Zip Code) <b>148 DOUGLAS ROAD OLDSMAR FL 34677</b>	Telephone <b>7279530359</b>	Place of Birth <b>JAMAICA</b>
Permanent Address (Street, City, State, Zip Code) <b>148 DOUGLAS ROAD OLDSMAR FL 34677</b>	Telephone <b>7279530359</b>	Citizenship <b>YES</b>
Employed by / School <b>DUNEDIN SMOKEHOUSE</b>		
Weapon Seized Type <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Indication of Drug Influence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK	Indication of Mental Health Issues <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK
	Indication of Alcohol Influence <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> UNK	
Co-Defendant's Name (Last, First, Middle)	DOB	Sex Race In Custody <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Co-Defendant's Name (Last, First, Middle)	DOB	Sex Race In Custody <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor

The undersigned swears that he/she has reasonable grounds to believe that the above named defendant on the 18 day of DECEMBER, 2021, at approximately 2:30 AM, at US 19 ALDERMAN RD, in Pinellas County did:

THEN AND THERE DRIVE A VEHICLE, TO-WIT: RED IN COLOR, 2008 MERCEDES CL550, WHICH WAS INVOLVED IN A HIT AND RUN CRASH INVOLVING DEATH TO MICHAEL PATRICK HOGAN, AND THE SAID DEFENDANT DID WILLFULLY FAIL TO STOP SAID VEHICLE AT THE SCENE OF THE CRASH UNTIL HE HAD FULFILLED THE REQUIREMENTS OF FSS 316.062, TO-WIT: DID NOT GIVE HIS NAME AND ADDRESS AND THE REGISTRATION NUMBER OF THE VEHICLE HE WAS DRIVING AND DID NOT RENDER REASONABLE ASSISTANCE TO PERSONS INJURED IN THE CRASH.

ON 12/18/21 I, CORPORAL O. RODRIGUEZ, WAS DISPATCHED TO A FATAL CRASH INVOLVING A VEHICLE AND PEDESTRIAN RESULTING IN 1 FATALITY. THE DRIVER WAS IDENTIFIED BY HIS FLORIDA DRIVING LICENSE. THE FRONT OF V-1 STRUCK AND KILLED P-1. AFTER THE COLLISION D-1 CONTINUED TO TRAVEL SOUTH ON US-19 FOR OVER A MILE AND FAILED TO STOP AND RENDER AID TO P-1.

THE PINELLAS SHERIFF'S OFFICE WAS ABLE TO FOLLOW V-1 A MADE A TRAFFIC STOP ON D-1. TROOPER SMITH MADE CONTACT WITH MR. LEWIS AND BASED ON HIS TRAINING AND EXPERIENCE BELIEVE THAT MR. LEWIS WAS UNDER THE INFLUENCE OF ALCOHOL. MR. LEWIS FAILED THE FIELD SOBRIETY EXERCISE AND WAS PLACED UNDER ARREST.

WHEN I ARRIVED ON SCENE I OBSERVED A WHITE MALE DECEASED IN THE INSIDE TRAVEL LANE WITH FATAL ENGURIES. THE INJURIES THE PEDESTRIAN EXHIBITED WERE CONSISTENT WITH BEING STRUCK BY A MOTOR VEHICLE A RED PIECE OF FRONT BUMPER, HEADLIGHTS PIECES, AND VEHICLE GLASS WERE LOCATED AT THE CRASH SCENE

I TRAVELED APPROXIMATELY A MILE DOWN BULCHER ROAD AND ALDERMAN ROAD WHERE I OBSERVED THE RED VEHICLE IN THE INSIDE LANE WITH SIGNIFICANT DAMAGE TO THE FRONT. THE DAMAGE OF THE VEHICLE WAS CONSISTENT WITH THE CRASH. I OBTAIN A SWORN RECORDED STATEMENT FROM MR. LEWIS. MR. LEWIS STATED HE WAS THE ONLY PERSON INSIDE V-1 AND WAS IN ACTUAL PHYSICAL CONTROL OF THE VEHICLE AT THE TIME OF THE CRASH. MR. LEWIS STATED HE WAS DRINKING ALCOHOL AT HIS COUSIN HOUSE PRIOR TO THE CRASH. THIS AFFIDAVIT WAS COMPLETED BY CPL. RODRIGUEZ, LEAD INVESTIGATOR, DUE TO NO ACCESS TO VIPAR.

Contrary to Florida Statute/Ordinance 316.027(2)(C) - F1


ARREST DATE: 12/18/2021 Time 3:57 AM Aggravating/Mitigating Factors \_\_\_\_\_

Booking Officer: KIMBLE, E 59770 Amount of Bond 50000 Bond Out Date 12/18/21 Time 20:46 a.m. ☐ p.m.

Victim Notified of Advisory? ☐ Yes ☐ No Injuries to Victim? ☐ Yes ☐ No Medical Treatment to Victim? ☐ Yes ☐ No

The Court reviewed this complaint and finds there: ☐ is probable cause ☐ is not probable cause to detain defendant ☐ Bond Action, if any: \_\_\_\_\_

The probable cause determination is passed for: ☐ 24 Hrs ☐ 24 Hrs on showing of extraordinary circumstances Received by Booking: 12/18/2021 2:10:07 PM

Pursuant to F.S. 92.525 and under penalty of perjury, I declare that I have read the foregoing document and that the facts in it are true.   Declarant Signature <u>FHP PINELLAS</u> Agency TROOPER RACHEL PALFY 3675 310779264 Printed Name Declarant ID#		REQUEST FOR INVESTIGATIVE COSTS, F.S. 938.27(1)			
		DATE	OFFICER	HOURS X PAY RATE	OR
12/18/2021	SMITH	8	25.00		\$200.00
12/18/2021	RODRIGUEZ	30	25.00		750
12/18/2021	THOMPSON	30	25.00		750
12/18/2021	JAMES	8	25.00		200
OTHER - Describe _____					
Continuation sheet <input type="checkbox"/> Yes <input type="checkbox"/> No					TOTAL \$ 1,900.00



**Defendant** LEWIS, CHEDDY HERLAND **Court Case No:** 21-12147-CF-1

**ADVISORY AND SOLVENCY HEARING**

The above named Defendant came before me for Advisory and Solvency hearing and was advised by me of the charge(s) against him; his right to remain silent; that any statements by him may be used against him; his right to counsel, and, if he is financially unable to afford counsel, that counsel forthwith will be appointed; of his right to communicate with his counsel, family or friends, and that reasonable implementation will be afforded him to contact the foregoing.

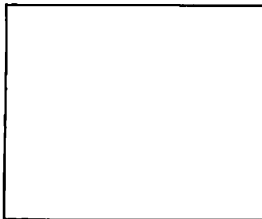
**I FURTHER CERTIFY THAT:**

- ☐ A. Defendant has advised the Court that he has retained counsel or will retain counsel.
- ☐ B. The Court investigated Defendant's solvency and found the Defendant financially able to secure counsel.
- ☐ C. The Court investigated Defendant's solvency and provisionally appointed the Public Defender.
- ☐ D. The Defendant waived the right to counsel at the first appearance only.

\_\_\_\_\_  
DATE AND TIME

\_\_\_\_\_  
JUDGE

- ☐ I hereby waive the right to counsel at the first appearance only.
- ☐ I, having been found solvent and financially able to secure counsel, hereby waive counsel until my attorney files an appearance in this case or until I file a written request for a review of my solvency and ability to secure counsel.



Thumb Print

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

I HEREBY acknowledge receipt of a copy of the foregoing Complaint and Advisory.

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

\_\_\_\_\_  
DEFENDANT'S ATTORNEY'S SIGNATURE

\_\_\_\_\_  
DATE

1

IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT,  
IN AND FOR PINELLAS COUNTY FLORIDA  
DIVISION: FELONY

UCN : 522021CF012147000APC

REF No. : 21-12147-CF - D

OBTs NUMBER .....

STATE OF FLORIDA  
VS.

CHEDDY HERLAND LEWIS  
Defendant

PID: 311186096

SS# [REDACTED]

### JUDGMENT

The Defendant, **CHEDDY HERLAND LEWIS**, being personally before this court represented by **CURTIS M CRIDER ESQ** the attorney of record, and the state represented by **BENJAMIN KANOSKI**, Assistant State Attorney, and having:

entered a plea of guilty to the following crime(s)

COUNT	CRIME	OFFENSE STATUTE NUMBER (S)	DEGREE OF CRIME
01	LEAVING THE SCENE OF A CRASH INVOLVING DEATH	316.027(2) (c) /316.027 (2) (f)	1F
02	DRIVING UNDER THE INFLUENCE	MISDEMEANOR	

X and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED  
THAT the Defendant is ADJUDICATED GUILTY of the above crime(s).

ICD: JDMT (35948630)

RETURN TO:

CRIMINAL JUSTICE DIVISION

Defendant : CHEDDY HERLAND LEWIS

UCN : 522021CF012147000APC

REF No. : 21-12147-CF - D

\_\_\_\_\_ and good cause being shown; IT IS ORDERED THAT ADJUDICATION  
OF GUILT BE WITHHELD as to Count(s) \_\_\_\_\_

Sentence Deferred  
Until Later Date  
(Check if Applicable)











\_\_\_\_\_ The Court hereby defers imposition of sentence until \_\_\_\_\_  
(Date)

The Defendant in Open Court was advised of the right to appeal from this Judgment by filing notice of appeal with the Clerk of the Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The Defendant was also advised of the right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in open court in Pinellas County, Florida on **June 27, 2023**.

\_\_\_\_\_  
JUDGE

FINGERPRINTS OF THE DEFENDANT

1. R. Thumb	2. R. Index	3. R. Middle	4. R. Ring	5. R. Little
				
6. L. Thumb	7. L. Index	8. L. Middle	9. L. Ring	10. L. Little
				

Fingerprints taken by:

Dep. J. AdKisson 54209  
(Name and Title)

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, **CHEDDY HERLAND LEWIS**, and that they were placed thereon by the defendant in my presence in open court this day.

\_\_\_\_\_  
JUDGE

# Rule 6.992(a) Criminal Punishment Code Scoresheet

The Criminal Punishment Code Scoresheet Preparation Manual is available at: [http://www.dc.state.tx.us/pub/sen\\_opcmindex.html](http://www.dc.state.tx.us/pub/sen_opcmindex.html)

1. DATE OF SENTENCE <b>6/27/23</b>	2. PREPARER'S NAME KANOSKI	3. COUNTY PINELLAS	4. SENTENCING JUDGE BULONE	
5. NAME (LAST, FIRST, MI.) LEWIS, CHEDDY	6. DOB 9/10/1988	8. RACE BLACK	10. PRIMARY OFF. DATE 12/18/2021	12. PLEA TRIAL <input checked="" type="checkbox"/>
	7. DC #	9. GENDER MALE	11. PRIMARY DOCKET # 21-12147CF	

## I. PRIMARY OFFENSE: Qualifier:

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
1	316.027(2)(C)	LEAVE CRASH W/DEATH	7	56

(Level - Points: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=116)

Prior capital felony doubles Primary Offense points ☐

I. 56.0000

## II. ADDITIONAL OFFENSE(S): Supplemental page attached ☐

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	COUNTS	POINTS	TOTAL
21-12147CF	5/MM	316.193	M		1	0.2	0.2
DESCRIPTION	DUI-MISD.						

DESCRIPTION

DESCRIPTION

DESCRIPTION

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

Prior capital felony doubles Additional Offense points ☐

Supplemental page points

II. 0.2000

## III. VICTIM INJURY:

	Number	Total		Number	Total
2 <sup>nd</sup> Degree Murder	240 X	=	Slight	4 X	=
Death	120 X	=	Sex Penetration	80 X	=
Severe	40 X	=	Sex Contact	40 X	=
Moderate	18 X	=			

III. \_\_\_\_\_

## IV. PRIOR RECORD: Supplemental page attached ☐

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	DESCRIPTION	NUMBER	POINTS	TOTAL
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	

(Level - Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

Supplemental page points

IV. \_\_\_\_\_

Page 1 Subtotal: 56.2000

NAME (LAST, FIRST, MI. I.) LEWIS, CHEDDY	DOCKET # 21-12147CF
---	------------------------

Page 1 Subtotal: 56.2000

**V. Legal Status Violation = 4 Points**

- ☐ Escape  
 ☐ Fleeing  
 ☐ Failure to Appear  
 ☐ Supersedeas bond  
 ☐ Incarceration  
 ☐ Pretrial intervention or diversion program  
☐ Court imposed post prison release community supervision resulting in a conviction

V. \_\_\_\_\_

**VI. Community Sanction Violation before the court for sentencing**

VI. \_\_\_\_\_

- ☐ Probation  
 ☐ Community Control  
 ☐ Pretrial intervention or diversion  
☐ 6 points for any violation other than new felony conviction X \_\_\_\_\_ each successive violation OR  
☐ New felony conviction = 12 points X \_\_\_\_\_ each successive violation if new offense results in conviction before or at same time as sentence for violation of probation OR  
☐ 12 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern when the violation is not based solely on failure to pay costs, fines, or restitution OR  
☐ New felony conviction = 24 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern if new offense results in a conviction before or at the same time for violation of probation

**VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 points**

VII. \_\_\_\_\_

**VIII. Prior Serious Felony = 30 points**

VIII. \_\_\_\_\_

Subtotal Sentence Points 56.2000

**IX. Enhancements (only if primary offense qualifies for enhancement)**

Law Enf. Protect  <input type="checkbox"/> x 1.5 <input type="checkbox"/> x 2.0 <input type="checkbox"/> x 2.5	Drug Trafficker  <input type="checkbox"/> x 1.5	Motor Vehicle Theft  <input type="checkbox"/> x 1.5	Criminal Gang Offense  <input type="checkbox"/> x 1.5	Domestic Violence in the Presence of Related Child (offenses committed on or after 03-12-07)  <input type="checkbox"/> x 1.5	Adult-on-Minor Sex Offense (offenses committed on or after 10-1-14)  <input type="checkbox"/> x 2.0
--	---	---	---	---	--

Enhanced Subtotal Sentence Points

IX. \_\_\_\_\_

TOTAL SENTENCE POINTS 56.2000

**SENTENCE COMPUTATION**

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction. If the total sentence points are 22 points or less, see Section 775.082(10), Florida Statutes, to determine if the court must sentence the offender to a non-state prison sanction.

If total sentence points are greater than 44:

$$\frac{56.2000}{\text{total sentence points}} \text{ minus } 28 = \frac{28.2000}{\text{total sentence points}} \times .75 = \frac{21.150000}{\text{Lowest permissible prison sentence in months}}$$

If total sentence points are 60 points or less than and court makes findings pursuant to both Florida Statutes 948.20 and 397.334(3), the court may place the defendant into a treatment-based drug court program.

The maximum sentence for each individual felony offense is the statutory maximum as provided in s. 775.082, F.S., unless the lowest permissible sentence listed above exceeds the statutory maximum for that offense. If the lowest permissible sentence exceeds the statutory maximum for an individual felony offense, the lowest permissible sentence replaces the statutory maximum and must be imposed for that offense. See *State v. Gabriel*, 314 So. 3d 1243 (Fla.2021). Sentences for multiple felony offenses may be imposed concurrently or consecutively. If total sentence points are greater than or equal to 363, a life sentence may be imposed.

Primary offense:

LEAVE CRASH W/DEATH

30 years

Additional offense:

DUI-MISD

Description

Maximum sentence in years  
years

Additional offense:

Description

Maximum sentence in years

Additional offense:

Description

Maximum sentence in years

Additional offense:

Description

Maximum sentence in years  
30 years

Total maximum sentence in years for all counts above if consecutive sentence imposed:

**TOTAL SENTENCE IMPOSED**

- ☐ State Prison  
 ☐ Life  
☐ County Jail  
 ☐ Time Served  
☒ Community Control  
☒ Probation  
 ☐ Modified

Years

Months

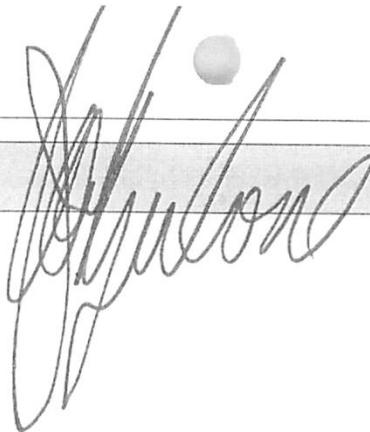
Days

1  
3

Please check if sentenced as ☐ habitual offender, ☐ habitual violent offender, ☐ violent career offender, ☐ prison release reoffender, or a ☐ mandatory minimum applies.

☐ Mitigated Departure ☒ Plea Bargain ☐ Prison Diversion Program  
Other Reason \_\_\_\_\_

**JUDGE'S SIGNATURE**

A handwritten signature in black ink, appearing to read "J. J. Long", is written over a horizontal line. The signature is stylized with large, sweeping loops.

# Rule 3.992(b) Supplemental Criminal Punishment Code Scoresheet

NAME (LAST, FIRST, MI. I.) LEWIS, CHEDDY	DOCKET # 21-12147CF	DATE OF SENTENCE <del>6/6/2022</del> 6/27/23
---	------------------------	---

## X. ADDITIONAL OFFENSE(S):

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	COUNTS	POINTS	TOTAL
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							

(Level – Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

II. \_\_\_\_\_

## IV. PRIOR RECORD:

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	DESCRIPTION	NUMBER	POINTS	TOTAL
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	

(Level – Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

IV. \_\_\_\_\_

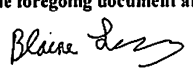
## Reasons for Departure – Mitigating Circumstances

(reasons may be checked here or written on the scoresheet)

- ☐ Legitimate, uncoerced plea bargain.
- ☐ The defendant was an accomplice to the offense and was a relatively minor participant in the criminal conduct.
- ☐ The capacity of the defendant to appreciate the criminal nature of the conduct or to conform that conduct to the requirements of law was substantially impaired.
- ☐ The defendant requires specialized treatment for a mental disorder that is unrelated to substance abuse or addiction, or for a physical disability, and the defendant is amenable to treatment.
- ☐ The need for payment of restitution to the victim outweighs the need for a prison sentence
- ☐ The victim was an initiator, willing participant, aggressor, or provoker of the incident
- ☐ The defendant acted under extreme duress or under the domination of another person
- ☐ Before the identity of the defendant was determined, the victim was substantially compensated
- ☐ The defendant cooperated with the State to resolve the current offense or any other offense.
- ☐ The offense was committed in an unsophisticated manner and was an isolated incident for which the defendant has shown remorse.
- ☐ At the time of the offense the defendant was too young to appreciate the consequences of the offense
- ☐ The defendant is to be sentenced as a youthful offender.
- ☐ The defendant is amenable to the services of a post adjudicatory treatment-based drug court program and is otherwise qualified to participate in the program.
- ☐ The defendant was making a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose

Pursuant to 921.0026(3) the defendant's substance abuse or addiction does not justify a downward departure from the lowest permissible sentence, except for the provisions of s 921.0026(2)(m)

## COMPLAINT/ARREST AFFIDAVIT – CIRCUIT/COUNTY COURT – PINELLAS COUNTY, FLORIDA

OBTS #		REPORT # <b>SO23-365183</b>		DOCKET # <b>1947247</b>																																																					
Person ID <b>312253566</b>		SSN [REDACTED]																																																							
Charge Description <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Warrant <input type="checkbox"/> Traffic <input type="checkbox"/> Ordinance		Traffic Citation # (if any)		Court Case #																																																					
Charge <b>LEAVING SCENE OF AN CRASH INVOLVING DEATH</b>		<b>AIPORRE</b>		<b>23-10954-CF-1</b>																																																					
Defendant's Name (Last, First, Middle) <b>MCKEOWN, MARK ALAN</b>		DOB <b>03/01/1962</b>	Sex <b>M</b>	Race <b>W</b>	Ht <b>508</b>	Wt <b>220</b>	Hair	Eyes	Skin																																																
Alias		DL # <b>M250585040159</b>	State <b>MI</b>	Scars/Marks/Tattoos/Physical Features																																																					
Local Address (Street, City, State, Zip Code) <b>3575 CHEVRON DR HIGHLAND MI 48356</b>		Telephone <b>248-420-6701</b>		Place of Birth <b>MI</b>		Citizenship <b>YES</b>																																																			
Permanent Address (Street, City, State, Zip Code) <b>3575 CHEVRON DR HIGHLAND MI 48356</b>		Telephone <b>248-420-6701</b>		Employed by / School																																																					
Weapon Seized Type <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Indication of Drug Influence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK		Indication of Mental Health Issues <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK		Indication of Alcohol Influence <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> UNK																																																			
Co-Defendant's Name (Last, First, Middle)		DOB		Sex	Race	In Custody <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor																																																			
Co-Defendant's Name (Last, First, Middle)		DOB		Sex	Race	In Custody <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor																																																			
The undersigned swears that he/she has reasonable grounds to believe that the above named defendant on the <u>11</u> day of <u>NOVEMBER</u> , 2023, at approximately <u>8:29</u> PM, at <u>245 108TH AVE, TREASURE ISLAND, FL 33706</u> , in Pinellas County did: THEN AND THERE DRIVE A VEHICLE, TO-WIT: BLACK 2019 DODGE RAM 1500, VIN 1C6SRFFTXXKN899546, MICHIGAN REGISTRATION 0NAC1, WHICH WAS INVOLVED IN A CRASH INVOLVING DEATH TO THOMAS JOSEPH MCKEOWN, AND THE SAID DEFENDANT DID WILLFULLY FAIL TO STOP SAID VEHICLE AT THE SCENE OF THE CRASH UNTIL HE HAD FULFILLED THE REQUIREMENTS OF FSS 316.062, TO-WIT: DID NOT GIVE HIS NAME AND ADDRESS AND THE REGISTRATION NUMBER OF THE VEHICLE HE WAS DRIVING AND DID NOT RENDER REASONABLE ASSISTANCE TO PERSONS INJURED IN THE CRASH.  THE DEF (SON) AND THE VICTIM (FATHER) LEFT THE OCCURRED LOCATION TOGETHER ON FOOT. THE VICTIM FELL DOWN IN FRONT OF THE VEHICLE BELONGING TO THE VICTIM. THE DEF DROVE THE VICTIMS VEHICLE OVER THE VICTIM AND THEN APPEARED TO BACK OVER HIM AND PULL FORWARD OVER HIM MULTIPLE TIMES. THE DEF THEN LEFT THE SCENE IN THE VEHICLE AND CAME BACK ON FOOT. THE DEF ACTED AS IF HE DID NOT KNOW WHAT HAPPENED AND THEN LEFT IN THE VEHICLE PARKING IT AT ANOTHER LOCATION. BLOOD/TISSUE WAS FOUND UNDER THE VEHICLE. THE DEFENDANT ARRIVED AT THE HOSPITAL WHERE THE VICTIM WAS TRANSPORTED. THE VICTIM WAS PRONOUNCED DECEASED AFTER HE WAS TRANSPORTED. THE DEF ADMITTED TO DRIVING THE VICTIM'S VEHICLE FROM THE BAR AND ADMITTED TO RETURNING TO THE SCENE BUT DENIED SEEING THE VICTIM ON THE GROUND AND HE DENIED HITTING ANYONE. SURVEILLANCE FOOTAGE WAS COLLECTED WHICH SHOWED THE ENTIRE OFFENSE. THE DEF WAS ARRESTED FOR THE OFFENSE. SEARCH WARRANT WAS SERVED ON THE VEHICLE.  Contrary to Florida Statute/Ordinance <u>316.027(2)(C) - F1</u>  ARREST DATE: <u>11/12/2023</u> Time: <u>1:50 AM</u> . Aggravating/Mitigating Factors <u>VICTIM/SUSPECT - FATHER/SON</u>  Booking Officer: <u>EELLS, C 56501</u> Amount of Bond <u>50,000</u> Bond Out Date _____ Time _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.  Victim Notified of Advisory? <input type="checkbox"/> Yes <input type="checkbox"/> No Injuries to Victim? <input type="checkbox"/> Yes <input type="checkbox"/> No Medical Treatment to Victim? <input type="checkbox"/> Yes <input type="checkbox"/> No  The Court reviewed this complaint and finds there: <input type="checkbox"/> is probable cause <input type="checkbox"/> is not probable cause to detain defendant <input type="checkbox"/> Bond Action, if any: _____  The probable cause determination is passed for: <input type="checkbox"/> 24 Hrs <input type="checkbox"/> 24 Hrs on showing of extraordinary circumstances Received by Booking: 11/12/2023 4:00:03 AM																																																									
Pursuant to F.S. 92.525 and under penalty of perjury, I declare that I have read the foregoing document and that the facts in it are true.    Declarant Signature _____ Agency _____  DEPUTY BLAINE LORING 59139 310500999 Printed Name _____ Declarant ID# _____		<table border="1" style="width:100%"><thead><tr><th colspan="6">REQUEST FOR INVESTIGATIVE COSTS, F.S. 938.27(1)</th></tr><tr><th>DATE</th><th>OFFICER</th><th>HOURS</th><th>X PAY RATE</th><th>OR</th><th>COST</th></tr></thead><tbody><tr><td>11/11/2023</td><td>B. LORING</td><td>6</td><td>35.00</td><td></td><td>\$210.00</td></tr><tr><td>11/11/2023</td><td>B. HIRSHMAN</td><td>4</td><td>35.00</td><td></td><td>140</td></tr><tr><td>11/11/2023</td><td>G. YEARGIN</td><td>4</td><td>35.00</td><td></td><td>140</td></tr><tr><td>11/11/2023</td><td>T. SPENCER</td><td>4</td><td>35.00</td><td></td><td>140</td></tr><tr><td colspan="6">OTHER – Describe _____</td></tr><tr><td colspan="6">Continuation sheet <input type="checkbox"/> Yes <input type="checkbox"/> No TOTAL \$ <b>\$630.00</b></td></tr></tbody></table>								REQUEST FOR INVESTIGATIVE COSTS, F.S. 938.27(1)						DATE	OFFICER	HOURS	X PAY RATE	OR	COST	11/11/2023	B. LORING	6	35.00		\$210.00	11/11/2023	B. HIRSHMAN	4	35.00		140	11/11/2023	G. YEARGIN	4	35.00		140	11/11/2023	T. SPENCER	4	35.00		140	OTHER – Describe _____						Continuation sheet <input type="checkbox"/> Yes <input type="checkbox"/> No TOTAL \$ <b>\$630.00</b>					
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**Defendant** MCKEOWN, MARK ALAN

**Court Case No:** 23-10954-CF-1

**ADVISORY AND SOLVENCY HEARING**

The above named Defendant came before me for Advisory and Solvency hearing and was advised by me of the charge(s) against him; his right to remain silent; that any statements by him may be used against him; his right to counsel, and, if he is financially unable to afford counsel, that counsel forthwith will be appointed; of his right to communicate with his counsel, family or friends, and that reasonable implementation will be afforded him to contact the foregoing.

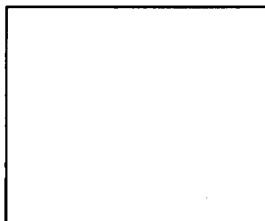
**I FURTHER CERTIFY THAT:**

- ☐ A. Defendant has advised the Court that he has retained counsel or will retain counsel.
- ☐ B. The Court investigated Defendant's solvency and found the Defendant financially able to secure counsel.
- ☐ C. The Court investigated Defendant's solvency and provisionally appointed the Public Defender.
- ☐ D. The Defendant waived the right to counsel at the first appearance only.

\_\_\_\_\_  
DATE AND TIME

\_\_\_\_\_  
JUDGE

- ☐ I hereby waive the right to counsel at the first appearance only.
- ☐ I, having been found solvent and financially able to secure counsel, hereby waive counsel until my attorney files an appearance in this case or until I file a written request for a review of my solvency and ability to secure counsel.



Thumb Print

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

I HEREBY acknowledge receipt of a copy of the foregoing Complaint and Advisory.

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

\_\_\_\_\_  
DEFENDANT'S ATTORNEY'S SIGNATURE

\_\_\_\_\_  
DATE

# Rule 992(a) Criminal Punishment Code Scoresheet

The Criminal Punishment Code Scoresheet Preparation Manual is available at: [http://www.dc.state.fl.us/pub/sen\\_cpcm/index.html](http://www.dc.state.fl.us/pub/sen_cpcm/index.html)

1. DATE OF SENTENCE 11/18/24	2. PREPARER'S NAME CB	3. COUNTY PINELLAS	4. SENTENCING JUDGE JUDGE BULONE	
5. NAME (LAST, FIRST, M.I.) MCKEOWN, MARK A.	6. DOB 3/1/1962	8. RACE WHITE	10. PRIMARY OFF. DATE 11/11/2023	12. PLEA TRIAL <input checked="" type="checkbox"/>
	7. DC #	9. GENDER MALE	11. PRIMARY DOCKET # 23-10954-CF	

**I. PRIMARY OFFENSE:** Qualifier:

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
1	316.027(2)(C)	LEAVE CRASH W/DEATH	7	56

(Level – Points: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=116)

Prior capital felony doubles Primary Offense points ☐

I. 56.0000

**II. ADDITIONAL OFFENSE(S):** Supplemental page attached ☐

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	COUNTS	POINTS	TOTAL
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							

(Level – Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

Prior capital felony doubles Additional Offense points ☐

Supplemental page points                     

II.                     

**III. VICTIM INJURY:**

	Number	Total		Number	Total
2 <sup>nd</sup> Degree Murder	240 X	=	Slight	4 X	=
Death	120 X 1	= 120	Sex Penetration	80 X	=
Severe	40 X	=	Sex Contact	40 X	=
Moderate	18 X	=			

III. 120.0000

**IV. PRIOR RECORD:** Supplemental page attached ☐

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	DESCRIPTION	NUMBER	POINTS	TOTAL
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	

(Level – Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

Supplemental page points                     

IV.                     

Page 1 Subtotal: 176.0000

NAME (LAST, FIRST, MI. I.) MCKEOWN, MARK A.	DOCKET # 23-10954-CF
--	-------------------------

Page 1 Subtotal: 176.0000

## V. LEGAL STATUS VIOLATION= 4 Points

- ☐ Escape ☐ Fleeing ☐ Failure to Appear ☐ Supersedeas Bond ☐ Incarceration ☐ Pretrial Intervention or Diversion Program  
☐ Court Imposed Post Prison Release Community Supervision Resulting in a Conviction

V. \_\_\_\_\_

## VI. COMMUNITY SANCTION VIOLATION BEFORE THE COURT FOR SENTENCING

VI. \_\_\_\_\_

- ☐ Probation ☐ Community Control ☐ Pretrial intervention or Diversion  
☐ 6 points for any violation other than new felony conviction X \_\_\_\_\_ each successive violation OR  
☐ New felony conviction = 12 points X \_\_\_\_\_ each successive violation if new offense results in conviction before or at same time as sentence for violation of probation OR  
☐ 12 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern when the violation is not based solely on failure to pay costs, fines, or restitution OR  
☐ New felony conviction = 24 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern if new offense results in a conviction before or at the same time for violation of probation

## VII. FIREARM/SEMI-AUTOMATIC OR MACHINE GUN = 18 or 25 points

VII. \_\_\_\_\_

## VIII. PRIOR SERIOUS FELONY= 30 points

VIII. \_\_\_\_\_

Subtotal Sentence Points 176.0000

## IX. ENHANCEMENTS (only if primary offense qualifies for enhancement)

Specified Justice System Personnel	Drug Trafficker	Motor Vehicle Theft	Criminal Gang Offense	Domestic Violence in the Presence of Related Child (offenses committed on or after 03-12-07)	Adult-on-Minor Sex Offense (offenses committed on or after 10-1-14)
<input type="checkbox"/> x 1.5 <input type="checkbox"/> x 2.0 <input type="checkbox"/> x 2.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 2.0

Enhanced Subtotal Sentence Points

IX. \_\_\_\_\_

TOTAL SENTENCE POINTS 176.0000

## SENTENCE COMPUTATION

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction. If the total sentence points are 22 points or less, see Section 775.082(10), Florida Statutes, to determine if the court must sentence the offender to a non-state prison sanction.

If total sentence points are greater than 44:

$$\frac{176.0000}{\text{total sentence points}} \text{ minus } 28 = \frac{148.0000}{\text{total sentence points}} \times .75 = \frac{111.000000}{\text{Lowest permissible prison sentence in months}}$$

If total sentence points are 60 points or less than and court makes findings pursuant to both Florida Statutes 948.20 and 397.334(3), the court may place the defendant into a treatment-based drug court program.

The maximum sentence for each individual felony offense is the statutory maximum as provided in s. 775.082, F.S., unless the lowest permissible sentence listed above exceeds the statutory maximum for that offense. If the lowest permissible sentence exceeds the statutory maximum for an individual felony offense, the lowest permissible sentence replaces the statutory maximum and must be imposed for that offense. See *State v. Gabriel*, 314 So. 3d 1243 (Fla.2021). Sentences for multiple felony offenses may be imposed concurrently or consecutively. If total sentence points are greater than or equal to 363, a life sentence may be imposed.

Primary offense:

LEAVE CRASH W/DEATH

30 years

Additional offense:

Description

Maximum sentence in years

Additional offense:

Description

Maximum sentence in years

Additional offense:

Description

Maximum sentence in years

Additional offense:

Description

Maximum sentence in years

Total maximum sentence in years for all counts above if consecutive sentence imposed:

30 years

## TOTAL SENTENCE IMPOSED

Years

Months

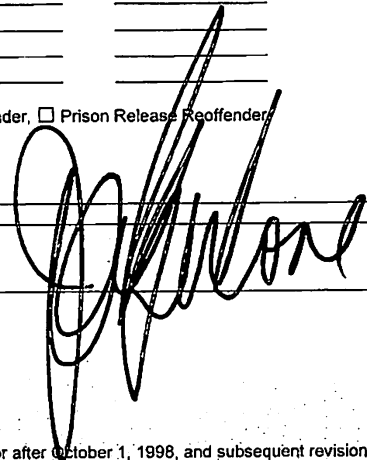
Days

- ☐ State Prison ☐ Life  
☐ County Jail ☐ Time Served  
☐ Community Control  
☒ Probation ☐ Modified

Please check if sentenced as ☐ Habitual Offender, ☐ Habitual Violent Offender, ☐ Violent Career Offender, ☐ Prison Release Reoffender, or a ☐ Mandatory Minimum Applies.

- ☐ Mitigated Departure ☒ Plea Bargain ☐ Prison Diversion Program  
☐ Other Reason(s)

JUDGE'S SIGNATURE



Effective Date: For offenses committed under the Criminal Punishment Code effective for offenses committed on or after October 1, 1998, and subsequent revisions.

JUDGE: JOSEPH BULONE  
STATE OF FLORIDA  
-VS-  
MARK ALAN MCKEOWN  
PID: 312253566

IN THE SIXTH JUDICIAL CIRCUIT COURT  
IN AND FOR PINELLAS COUNTY  
UCN: 522023CF010954000APC - D  
REF NO: 23-10954-CF - D  
DC NUMBER \_\_\_\_\_

## ORDER OF PROBATION

This cause coming before the Court to be heard, and you, the defendant, MARK ALAN MCKEOWN being now present before me with counsel NICHOLAS JOHN CHOTOS ESQ and you having:

ENTERED A PLEA OF GUILTY TO

Count 01

LEAVING THE SCENE OF A CRASH INVOLVING DEATH

### SECTION 1: JUDGEMENT OF GUILT

The court hereby adjudges you guilty of the above offense(s).

Now, therefore, it is ordered and adjudged that the imposition of sentence is hereby withheld and that you be placed on PROBATION for a period of 10 YEARS under the supervision of the Department of Corrections, subject to Florida law.

**IT IS FURTHER ORDERED** that you shall comply with the following standard conditions of supervision as provided by Florida law:

1. You will report to the probation office as directed.
2. You will pay the State of Florida the amount of \$50.00 (fifty dollars) per month, as well as 4% surcharge, toward the cost of your supervision in accordance with s. 948.09, F.S., unless otherwise exempted in compliance with Florida Statutes.
3. You will remain in a specified place. You will not change your residence or employment or leave the county of your residence without first procuring the consent of your officer.
4. You will not possess, carry or own any firearm. You will not possess, carry, or own any weapons without first procuring the consent of your officer.
5. You will live without violating the law. A conviction in a court of law shall not be necessary for such a violation to constitute a violation of your probation/community control.
6. You will not associate with any person engaged in any criminal activity.

Return to:  
Criminal Court Records Department

MARK ALAN MCKEOWN

UCN:  
522023CF010954000APC

REF No.23-10954-CF

7. You will not use intoxicants to excess or possess any drugs or narcotics unless prescribed by a physician, an advanced registered nurse practitioner, or a physician assistant. Nor will you visit places where intoxicants, drugs or other dangerous substances are unlawfully sold, dispensed or used.
8. You will work diligently at a lawful occupation, advise your employer of your probation status, and support any dependents to the best of your ability, as directed by your officer.
9. You will promptly and truthfully answer all inquiries directed to you by the court or the officer, and allow your officer to visit in your home, at your employment site or elsewhere, and you will comply with all instructions your officer may give you.
10. You shall submit to a warrantless search of your person, property, place of residence, vehicle and personal effects at any time by a probation officer or community control officer. You shall also submit to a warrantless search of your person, property, place of residence, vehicle and personal effects at any time by a law enforcement officer if the officer's search was supported by reasonable suspicion of criminal activity.
11. You will pay restitution, court costs, and/or fees in accordance with special conditions imposed or in accordance with the attached orders.
12. You will submit to random testing as directed by your officer or the professional staff of the treatment center where you are receiving treatment to determine the presence or use of alcohol or controlled substances.
13. You will submit a DNA sample, as directed by your officer, for DNA analysis as prescribed in ss. 943.325 and 948.014, F.S.
14. You will submit to taking of a digitized photograph by the department. The photograph may be displayed on the department's website while you are on supervision, unless exempt from disclosure due to requirements of s. 119.07, F.S.
15. You will report in person within 72 hours of your release from incarceration to the probation office in Pinellas County, Florida, unless otherwise instructed by the court or department. (This condition applies only if section 3 is indicated above.) Otherwise, you must report immediately to the probation office located at the Pinellas County Justice Center, 14250 49th Street North, Room 1930 (FIRST FLOOR), Clearwater, Florida.

**SPECIAL CONDITIONS:**

16. You must undergo a Substance Abuse evaluation and, if treatment is deemed necessary, you must successfully complete the treatment, and be responsible for the payment of any costs incurred while receiving said evaluation and treatment, unless waived by the court.  
Additional instructions ordered: None
17. You will abstain entirely from the use of alcohol.
18. You shall submit your person, property, place of residence, vehicle or personal effects to warrantless search at any time, by any probation or community control officer or any law enforcement officer.
19. You will waive confidentiality.
20. Other: Exemptions for cost of supervision are hereby ordered for those months while participating in treatment programs or incarcerated without benefit of income. If exemptions do not apply, failure to make monthly payments for cost of supervision will result in a violation of probation. Cost of supervision is to be suspended until such time that the offender has satisfied all restitution and costs as stated on the supervision order.
21. Other: You will not reside in another state without authorization of the Court and contingent upon the approval of the receiving state.
22. Other: If you are ordered to receive an Alcohol, Drug, Substance Abuse, or Mental Health evaluation and counseling/treatment is deemed necessary, you must complete counseling/treatment and assume all reasonable costs for such counseling/treatment. If treatment is recommended, you only have one (1) opportunity to complete this treatment. You must call to arrange for the treatment within five (5) days of receipt of the recommendation for treatment. You also must schedule your treatment to begin at the first available opening.
23. Other: If electronic monitoring is imposed, you will pay the costs of electronic monitoring.
24. Other: Probation/community control may not be transferred out of state without express Court approval until all Court ordered and assessed monetary obligations are satisfied.
25. Other: Your probation may transfer to MICHIGAN.
26. Other: Your driver's license is revoked for A PERIOD OF 3 YEARS.
27. The Court further directs the Department of Highway Safety and Motor Vehicles to issue the defendant a driver's license restricted to business or employment purposes as defined by Florida Statute 322.271 if the

ICD: DOC (37104970)

2

person otherwise qualifies for such.

**Effective for offenders whose crime was committed on or after September 1, 2005, there is hereby imposed, in addition to any other provision in this section, mandatory electronic monitoring as a condition of supervision for those who:**

- Are placed on supervision for a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older; or
- Are designated as a sexual predator pursuant to s. 775.21; or
- Has previously been convicted of a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older.

**You are hereby placed on notice that should you violate your probation or community control, and the conditions set forth in s. 948.063(1) or (2) are satisfied, whether your probation or community control is revoked or not revoked, you shall be placed on electronic monitoring in accordance with F.S. 948.063.**

**Effective for offenders who are subject to supervision for a crime that was committed on or after May 26, 2010, and who has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses listed in s.943.0435(1)(a)1.a.(I), or similar offense in another jurisdiction, against a victim who was under the age of 18 at the time of the offense: the following conditions are imposed in addition to all other conditions:**

- (a) A prohibition on visiting schools, child care facilities, parks, and playgrounds, without prior approval from the offender's supervising officer. The prohibition ordered under this paragraph does not prohibit the offender from visiting a school, child care facility, park, or playground for the sole purpose of attending a religious service as defined in s. 775.0861 or picking up or dropping off the offender's children or grandchildren at a child care facility or school.
- (b) A prohibition on distributing candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas, wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children's parties; or wearing a clown costume; without prior approval from the court.

**YOU ARE HEREBY PLACED ON NOTICE** that the court may at any time rescind or modify any of the conditions of your probation, or may extend the period of probation as authorized by law, or may discharge you from further supervision. If you violate any of the conditions of your probation, you may be arrested and the court may revoke your probation, adjudicate you guilty if adjudication of guilt was withheld, and impose any sentence that it might have imposed before placing you on probation or require you to serve the balance of the sentence.

**IT IS FURTHER ORDERED** that when you have been instructed as to the conditions of probation, you shall be released from custody if you are in custody, and if you are at liberty on bond, the sureties thereon shall stand discharged from liability. (This paragraph applies only if section 1 or section 2 is checked.)

**IT IS FURTHER ORDERED** that you pay the following charges/costs/fees indicated on the last page of this order entitled Court Ordered Payments.

MARK ALAN MCKEOWN

UCN:  
522023CF010954000APC

REF No.23-10954-CF

**IT IS FURTHER ORDERED** that the clerk of this court file this order in the clerk's office and provide certified copies of the same to the officer for use in compliance with the requirements of law.

DONE AND ORDERED on November 18, 2024 in Clearwater, Florida.

  
\_\_\_\_\_  
JOSEPH BULONE, JUDGE

I acknowledge receipt of a certified copy of this Order. The conditions have been explained to me and I agree to abide by them.

Date: \_\_\_\_\_ Probationer

Instructed by: \_\_\_\_\_  
KT

MARK ALAN MCKEOWN

UCN:  
522023CF010954000APC

REF No.23-10954-CF

**COURT ORDERED PAYMENTS**

**CHECK ALL THAT ARE ORDERED:**

**FINES**

- ☒ \$92.39 Total of fines assessed in sentence, pursuant to s. 775.083 (1)(a) through (g) or Chapter 316, F.S.  
☒ \$4.61 Statutorily mandated 5% surcharge/cost of fine assessed (on first line) pursuant to s. 938.04, F.S.

**MANDATORY COSTS IN ALL CASES**

- ☒ \$225.00 Additional court cost for felony offense, pursuant to s. 938.05(1)(a), F.S.  
☒ \$50.00 Crimes Compensation Trust Fund pursuant to s. 938.03(1), F.S.  
☒ \$50.00 County Crime Prevention Fund pursuant to s. 775.083(2), F.S.  
☒ \$3.00 Additional Court Costs Clearing Trust Fund pursuant to s. 938.01(1), F.S.  
☒ \$100.00 Prosecution Costs, pursuant to s. 938.27, F.S. (Minimum of \$100 Felony/\$50 Misdemeanor).  
☒ \$360.00 Investigative Costs, pursuant to s. 938.27, F.S. (if applicable and requested).  
☒ \$20.00 Crime Stoppers Trust Fund, pursuant to s. 938.06(1), F.S.

**MANDATORY COSTS IN SPECIFIC TYPES OF CASES**

- ☒ \$3.00 State Agency Law Enforcement Radio System Trust Fund, pursuant to s. 318.18(17), F.S. for any violations of offenses listed in s. 318.17 including ss. 316.1935, 316.027, 316.061, 877.111, chapter 893, ss. 316.193, 316.192, 316.067, 316.072(3), 316.545(1), or any other offense in chapter 316 which is classified as a criminal violation.

- ☒ \$2.00 Pinellas Police Standards, pursuant to chapter 97-333.

**MANDATORY COURT COSTS AUTHORIZED BY LOCAL GOVERNMENTAL ENTITIES**

- ☒ \$2.00 Criminal Justice Education by Municipalities and Counties, pursuant to s. 938.15, F.S. and Pinellas County Code s.46-27.  
☒ \$65.00 Additional court costs for local requirements and other county funded programs pursuant to s. 939.185(1)(a), F.S. and Pinellas County Code 46-32.  
☒ \$3.00 Teen Court pursuant to s. 938.19(2), F.S. and Pinellas County Code s. 46-34  
☒ \$30.00 Court Facilities, pursuant to s. 318.18(13). and Pinellas County Code s. 46-33, applies only to traffic offenses in 318.17, including violations of ch. 316 offenses.

**DISCRETIONARY**

- ☒ \$7.00 Pasco/Pinellas County Sheriff's Office fee for DNA testing, if the DNA specimen is taken by the County Sheriff's Office.

**PAYMENT IS TO BE MADE THROUGH AND PAYABLE TO:** ☐ Department of Corrections or ☒ Clerk of Court  
(If collected by the Department of Corrections, a surcharge of 4% will be added to all payments ordered by the court, pursuant to s. 945.31, F.S.)

- ☐ Court Costs/Fines Waived.  
☐ Court Costs/Fines in the amount of \_\_\_\_\_ converted to \_\_\_\_\_ community service hours.  
☐ Court Costs/Fines in the amount of \_\_\_\_\_ reduced to civil judgment.

**SPECIFIC INSTRUCTIONS FOR PAYMENT:** You will pay all fines and court costs specified in this order of probation/community control in full no later than 12 months from the date of this order. You will pay at least \$100 per month toward the fine and court cost. If the Court determines that you have the ability to pay, failure to pay all fines and court costs in full within 12 months will result in a violation of probation or community control, may become a lien against anything you own now or in the future and will accrue interest at the statutory rate, may result in the suspension of your driver's license, and may also result in collections efforts by the Clerk of the Court or its assignee.

DONE AND ORDERED on November 18, 2024 in Clearwater, Florida.

  
JOSEPH BULONE, JUDGE



UCN: 522023CF004743XXXXCF

FL0521400

## COMPLAINT/ARREST AFFIDAVIT – CIRCUIT/COUNTY COURT – PINELLAS COUNTY, FLORIDA

OBTS #		REPORT # 2023-018168	DOCKET # 1930093
Person ID	1930093	SSN#	
Charge Description	<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Warrant <input type="checkbox"/> Traffic <input type="checkbox"/> Ordinance	Traffic Citation # (if any)	Court Case #
Charge	LEAVING SCENE OF AN CRASH INVOLVING DEATH	AHYRWZE	23-04743-CF-1
Defendant's Name (Last, First, Middle)	POWELL, JAKIL JOHN	DOB	07/29/2002
Sex	M	Race	B
Ht	510	Wt	190
Hair	BRO	Eyes	BRO
Skin	DRK		
Alias		DL #	P400430022690
State	FL	Scars/Marks/Tattoos/Physical Features	
Local Address (Street, City, State, Zip Code)	5612 18 WAY S APT C ST PETERSBURG FL 33712	Telephone	7275542398
Place of Birth	USA	Citizenship	USA
Permanent Address (Street, City, State, Zip Code)	5612 18 WAY S APT C ST PETERSBURG FL 33712	Telephone	
Employed by / School	N/A		
Weapon Seized Type	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Indication of Drug Influence	Y N UNK <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
Indication of Mental Health Issues	Y N UNK <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Indication of Alcohol Influence	Y N UNK <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
Co-Defendant's Name (Last, First, Middle)		DOB	
Sex		Race	
In Custody	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Felony	<input type="checkbox"/> Misdemeanor		
Co-Defendant's Name (Last, First, Middle)		DOB	
Sex		Race	
In Custody	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Felony	<input type="checkbox"/> Misdemeanor		
The undersigned swears that he/she has reasonable grounds to believe that the above named defendant on the 13 day of MAY, 2023			
at approximately 3:32 PM, at 22ND AVENUE SOUTH & 45TH STREET SOUTH, in Pinellas County did:			
****REQUEST FOR HIGH BOND*****			
THEN AND THERE DRIVE A VEHICLE, TO-WIT: WHITE 2022 JEEP GRAND CHEROKEE BEARING FL TAG IENH97 IN WHICH WAS INVOLVED IN A CRASH INVOLVING DEATH TO JONATHAN HUGHES (12/9/65), AND THE SAID DEFENDANT DID WILLFULLY FAIL TO STOP SAID VEHICLE AT THE SCENE OF THE CRASH UNTIL HE HAD FULFILLED THE REQUIREMENTS OF FSS 316.062, TO-WIT: DID NOT GIVE HIS NAME AND ADDRESS AND THE REGISTRATION NUMBER OF THE VEHICLE HE WAS DRIVING AND DID NOT RENDER REASONABLE ASSISTANCE TO PERSONS INJURED IN THE CRASH.			
THE DEFT WAS OPERATING A WHITE JEEP GRAND CHEROKEE BEARING FL TAG IENH97 EASTBOUND ON 22ND AVENUE SOUTH, IN THE MEDIAN LANE, MAKING A LEFT(NORTHBOUND) TURN ONTO 45TH STREET SOUTH. A MOTORCYCLIST (HUGHES) WAS TRAVELING WESTBOUND IN THE CURB LANE ON 22ND AVENUE SOUTH APPROACHING 45TH STREET SOUTH. THE DEFT TURNED LEFT, IN FRONT OF THE MOTORCYCLIST, CAUSING THE MOTORCYCLE TO COLLIDE WITH THE PASSENGER SIDE OF THE JEEP. THE MOTORCYCLIST DIED FROM HIS INJURIES SHORTLY AFTER THE CRASH. THE DEFT FAILED TO REMAIN AT THE SCENE OF THE CRASH. THE DEFT CAME TO THE POLICE STATION ON 5/16/23 AT APPROXIMATELY 1430 HOURS TO ADMIT TO BEING THE DRIVER OF THE JEEP AND TO LEAVING THE SCENE.			
Contrary to Florida Statute/Ordinance 316.027(2)(C) - F1			
ARREST DATE: 5/16/2023 Time 2:37 PM Aggravating/Mitigating Factors PRE CONVIC: 316.1935 LEO REQ HIGH BONI			
Booking Officer: AUGUSTA 58493 Amount of Bond ZERO Bond Out Date Time <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.			
Victim Notified of Advisory? <input type="checkbox"/> Yes <input type="checkbox"/> No Injuries to Victim? <input type="checkbox"/> Yes <input type="checkbox"/> No Medical Treatment to Victim? <input type="checkbox"/> Yes <input type="checkbox"/> No			
The Court reviewed this complaint and finds there: <input type="checkbox"/> is probable cause <input type="checkbox"/> is not probable cause to detain defendant <input type="checkbox"/> Bond Action, if any:			
The probable cause determination is passed for: <input type="checkbox"/> 24 Hrs <input type="checkbox"/> 24 Hrs on showing of extraordinary circumstances Received by Booking: 5/16/2023 5:54:21 PM			
Pursuant to F.S. 92.525 and under penalty of perjury, I declare that I have read the foregoing document and that the facts in it are true.		REQUEST FOR INVESTIGATIVE COSTS, F.S. 938.27(1)	
DATE 05/16/2023 OFFICER LENAHA		HOURS X PAY RATE OR COST	
3 35.00		\$105.00	
OTHER - Describe		Continuation sheet <input type="checkbox"/> Yes <input type="checkbox"/> No	
TOTAL \$ 105.00			

COCR59 (Revised 10/2014)

1031501 Copies to:

Court

**Defendant** POWELL, JAKIL JOHN

**Court Case No:** 23-04743-CF-1

**ADVISORY AND SOLVENCY HEARING**

The above named Defendant came before me for Advisory and Solvency hearing and was advised by me of the charge(s) against him; his right to remain silent; that any statements by him may be used against him; his right to counsel, and, if he is financially unable to afford counsel, that counsel forthwith will be appointed; of his right to communicate with his counsel, family or friends, and that reasonable implementation will be afforded him to contact the foregoing.

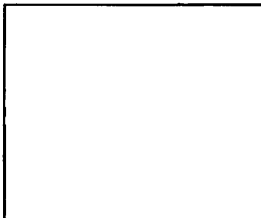
**I FURTHER CERTIFY THAT:**

- ☐ A. Defendant has advised the Court that he has retained counsel or will retain counsel.
- ☐ B. The Court investigated Defendant's solvency and found the Defendant financially able to secure counsel.
- ☐ C. The Court investigated Defendant's solvency and provisionally appointed the Public Defender.
- ☐ D. The Defendant waived the right to counsel at the first appearance only.

\_\_\_\_\_  
DATE AND TIME

\_\_\_\_\_  
JUDGE

- ☐ I hereby waive the right to counsel at the first appearance only.
- ☐ I, having been found solvent and financially able to secure counsel, hereby waive counsel until my attorney files an appearance in this case or until I file a written request for a review of my solvency and ability to secure counsel.



Thumb Print

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

I HEREBY acknowledge receipt of a copy of the foregoing Complaint and Advisory.

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

\_\_\_\_\_  
DEFENDANT'S ATTORNEY'S SIGNATURE

\_\_\_\_\_  
DATE

BURKE, CLERK OF COURT AND COMPTROLLER PINELLAS COUNTY, FL BY DEPUTY CLERK:  
CLKSH03

1

IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT,  
IN AND FOR PINELLAS COUNTY FLORIDA  
DIVISION: FELONY

UCN : 522023CF004743000APC

REF No. : 23-04743-CF - I

OBTs NUMBER .....

STATE OF FLORIDA  
VS.

**JAKIL JOHN POWELL**  
Defendant

PID: 2544680

SS# [REDACTED]

### JUDGMENT

The Defendant, **JAKIL JOHN POWELL**, being personally before this court represented by **STEVEN HEUSSER**, Assistant Public Defender, the attorney of record, and the state represented by **BRITTANY GOVONI**, Assistant State Attorney, and having:

entered a plea of guilty to the following crime(s)

COUNT	CRIME	OFFENSE STATUTE NUMBER (S)	DEGREE OF CRIME
01	LEAVING THE SCENE OF A CRASH INVOLVING DEATH	316.027	1F

X and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED  
THAT the Defendant is ADJUDICATED GUILTY of the above crime(s).

ICD: JDMT (37071310)  
RETURN TO:  
CRIMINAL COURT RECORDS

Defendant : JAKIL JOHN POWELL

UCN : 522023CF004743000APC  
REF No. : 23-04743-CF - I

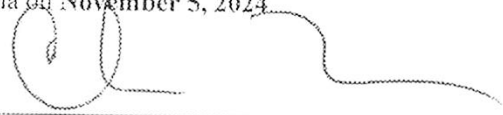
\_\_\_\_\_ and good cause being shown; IT IS ORDERED THAT ADJUDICATION  
OF GUILT BE WITHHELD as to Count(s) \_\_\_\_\_

Sentence Deferred  
Until Later Date  
(Check if Applicable)











\_\_\_\_\_ The Court hereby defers imposition of sentence until \_\_\_\_\_  
(Date)

The Defendant in Open Court was advised of the right to appeal from this Judgment by filing notice of appeal with the Clerk of the Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The Defendant was also advised of the right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

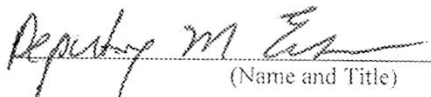
DONE AND ORDERED in open court in Pinellas County, Florida on **November 5, 2024**

  
JUDGE

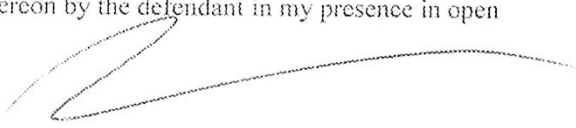
FINGERPRINTS OF THE DEFENDANT

1. R. Thumb	2. R. Index	3. R. Middle	4. R. Ring	5. R. Little
				
6. L. Thumb	7. L. Index	8. L. Middle	9. L. Ring	10. L. Little
				

Fingerprints taken by:

 59304  
(Name and Title)

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, JAKIL JOHN POWELL, and that they were placed thereon by the defendant in my presence in open court this day.

  
JUDGE

## SENTENCE

(as to Count 01 )

The defendant, being personally before the court, accompanied by the defendant's attorney of record, **STEVEN HEUSSER, Assistant Public Defender**, and having been adjudicated guilty, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown.

### It Is the Sentence Of the Court That:

The Defendant pay total statutory costs in the amount of **\$805.00**, inclusive of a **\$50.00** Indigent Criminal Defense Fee as required by s. 27.52 F.S., Investigative Costs in the amount of **\$105.00** pursuant to s. 938.27 F.S., **\$100.00** as a Cost of Prosecution assessment. These assessments are hereby imposed as liens.

The Defendant pay attorney fees and costs of defense as determined by the Court.

The Defendant is committed to the custody of the Department of Corrections.

Unless otherwise prohibited by law, the Sheriff is authorized to release the Defendant on electronic monitoring or other sentencing programs subject to the Sheriff's discretion.

### To Be Imprisoned:

The Defendant is to be imprisoned for a term of **30 MONTHS**.

## SPECIAL PROVISIONS

By appropriate notation, the following provisions apply to the sentence imposed:

### Mandatory/Minimum Provisions:

No Mandatory/Minimum provisions are imposed on this count.

### Other Provisions:

Please see the last page of this document for other provisions.

**Other Provisions: (continued)**

**Jail Credit**

It is further ordered that the defendant shall be allowed a total of 66 DAYS as credit for time incarcerated before imposition of this sentence.

**Immigration Detainer**

It is further ordered that, as per s. 908.104(3)(b), F.S., the secure correctional facility in which the defendant is to be confined shall reduce the defendant's sentence by a period of not more than 12 days on the facility's determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody.

It is further ordered that:

Restitution is ordered as follows:

**\$6991.00 to CRIMES COMPENSATION TRUST FUND  
OFFICE OF ATTY GENERAL  
THE CAPITOL, PL-01  
TALLAHASSEE, FL 32399, as a lien.**

Restitution to State:

If applicable, you must make payment of any debt due and owing to the state under section 960.17 and 948.03(1)(h) Florida Statutes. The amount of such debt shall be determined by the Court at a later date upon final payment of the Crimes Compensation Trust Fund on behalf of the victim.

In the event the above sentence is to the Department of Corrections, the Sheriff of Pinellas County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing a notice of appeal within 30 days from this date with the Clerk of the Court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the state on showing of indigency.

In imposing this sentence, the court further orders:

**Your driver's license is revoked for 3 YEARS.**

DONE AND ORDERED in open court at Clearwater, Pinellas County, Florida on **November 5, 2024.**

\_\_\_\_\_  
Judge

**Rule 3.992(a) Criminal Punishment Code Scoresheet**

The Criminal Punishment Code Scoresheet Preparation Manual is available at: [http://www.dc.state.fl.us/pub/sen\\_cpcm/index.html](http://www.dc.state.fl.us/pub/sen_cpcm/index.html)

1. DATE OF SENTENCE <b>11/5/24</b>	2. PREPARER'S NAME KANOSKI	3. COUNTY PINELLAS	4. SENTENCING JUDGE HELINGER
5. NAME (LAST, FIRST, MI.) POWELL, JAKIL J.	6. DOB 7/29/2002 7 DC #	8 RACE BLACK 9. GENDER MALE	10. PRIMARY OFF. DATE 5/13/2023 11. PRIMARY DOCKET # 23-04743CFANO
			12. PLEA <input type="checkbox"/> TRIAL <input type="checkbox"/>

**I. PRIMARY OFFENSE:** Qualifier: \_\_\_\_\_ F.S.# \_\_\_\_\_ DESCRIPTION \_\_\_\_\_ OFFENSE LEVEL \_\_\_\_\_ POINTS \_\_\_\_\_

FELONY DEGREE \_\_\_\_\_ 1 316.027(2)(C) LEAVE CRASH W/DEATH 7 56

(Level - Points: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=116)

Prior capital felony doubles Primary Offense points ☐ I. 56.0000

**II. ADDITIONAL OFFENSE(S):** Supplemental page attached ☐

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	COUNTS	POINTS	TOTAL
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

Prior capital felony doubles Additional Offense points ☐ Supplemental page points \_\_\_\_\_

II. \_\_\_\_\_

**III. VICTIM INJURY:**

	Number	Total		Number	Total
2 <sup>nd</sup> Degree Murder	240 X	=	Slight	4 X	=
Death	120 X	=	Sex Penetration	80 X	=
Severe	40 X	=	Sex Contact	40 X	=
Moderate	18 X	=			

III. \_\_\_\_\_

**IV. PRIOR RECORD:** Supplemental page attached ☐

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	DESCRIPTION	NUMBER	POINTS	TOTAL
3	790.01(3)	5		UNLAWFUL CARRYING CONCE	1 X	3.6	= 3.6000
3	316.1935(1)	1		FLEE/ELUDE LEO-FELONY	1 X	0.5	= 0.5000
5/MM	VAR	M		VAR	1 X	0.2	= 0.2000
					X		=
					X		=
					X		=
					X		=
					X		=
					X		=

(Level - Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

Supplemental page points \_\_\_\_\_

IV. 4.3000

**Page 1 Subtotal:** 60.3000

NAME (LAST, FIRST, MI. I.)  
POWELL, JAKIL J.

DOCKET #  
23-04743CFANO

Page 1 Subtotal: 60.3000

**V. LEGAL STATUS VIOLATION= 4 Points**

- ☐ Escape ☐ Fleeing ☐ Failure to Appear ☐ Supersedeas Bond ☐ Incarceration ☐ Pretrial Intervention or Diversion Program  
☐ Court Imposed Post Prison Release Community Supervision Resulting in a Conviction

V. \_\_\_\_\_

**VI. COMMUNITY SANCTION VIOLATION BEFORE THE COURT FOR SENTENCING**

- ☐ Probation ☐ Community Control ☐ Pretrial intervention or Diversion  
☐ 6 points for any violation other than new felony conviction X \_\_\_\_\_ each successive violation OR  
☐ New felony conviction = 12 points X \_\_\_\_\_ each successive violation if new offense results in conviction before or at same time as sentence for violation of probation OR  
☐ 12 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern when the violation is not based solely on failure to pay costs, fines, or restitution OR  
☐ New felony conviction = 24 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern if new offense results in a conviction before or at the same time for violation of probation

VI. \_\_\_\_\_

**VII. FIREARM/SEMI-AUTOMATIC OR MACHINE GUN = 18 or 25 points**

VII. \_\_\_\_\_

**VIII. PRIOR SERIOUS FELONY= 30 points**

VIII. \_\_\_\_\_

Subtotal Sentence Points 60.3000

**IX. ENHANCEMENTS (only if primary offense qualifies for enhancement)**

Specified Justice System Personnel	Drug Trafficker	Motor Vehicle Theft	Criminal Gang Offense	Domestic Violence in the Presence of Related Child (offenses committed on or after 03-12-07)	Adult-on-Minor Sex Offense (offenses committed on or after 10-1-14)
<input type="checkbox"/> x 1.5 <input type="checkbox"/> x 2.0 <input type="checkbox"/> x 2.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 2.0

Enhanced Subtotal Sentence Points  
TOTAL SENTENCE POINTS

IX. 60.3000

**SENTENCE COMPUTATION**

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction. If the total sentence points are 22 points or less, see Section 775.082(10), Florida Statutes, to determine if the court must sentence the offender to a non-state prison sanction.

If total sentence points are greater than 44:

$$\frac{60.3000}{\text{total sentence points}} \text{ minus } 28 = \frac{32.3000}{\text{total sentence points}} \times .75 = \frac{24.225000}{\text{Lowest permissible prison sentence in months}}$$

If total sentence points are 60 points or less than and court makes findings pursuant to both Florida Statutes 948.20 and 397.334(3), the court may place the defendant into a treatment-based drug court program.

The maximum sentence for each individual felony offense is the statutory maximum as provided in s. 775.082, F.S., unless the lowest permissible sentence listed above exceeds the statutory maximum for that offense. If the lowest permissible sentence exceeds the statutory maximum for an individual felony offense, the lowest permissible sentence replaces the statutory maximum and must be imposed for that offense. See *State v. Gabriel*, 314 So. 3d 1243 (Fla.2021). Sentences for multiple felony offenses may be imposed concurrently or consecutively. If total sentence points are greater than or equal to 363, a life sentence may be imposed.

Primary offense:	LEAVE CRASH W/DEATH	30 years
	Description	Maximum sentence in years
Additional offense:		Maximum sentence in years
	Description	Maximum sentence in years
Additional offense:		Maximum sentence in years
	Description	Maximum sentence in years
Additional offense:		Maximum sentence in years
	Description	Maximum sentence in years
Total maximum sentence in years for all counts above if consecutive sentence imposed:		30 years

**TOTAL SENTENCE IMPOSED**

- ☒ State Prison  
☐ County Jail  
☐ Community Control  
☐ Probation

- ☐ Life  
☐ Time Served  
☐ Modified

Years

Months  
30

Days

Please check if sentenced as ☐ Habitual Offender, ☐ Habitual Violent Offender, ☐ Violent Career Offender, ☐ Prison Release Reoffender, or a ☐ Mandatory Minimum Applies.

- ☐ Mitigated Departure ☒ Plea Bargain ☐ Prison Diversion Program  
☐ Other Reason(s)

JUDGE'S SIGNATURE

*Chris H*



**Rule 3.992(b) Supplemental Criminal Punishment Code Scoresheet**

NAME (LAST, FIRST, MI. I.) POWELL, JAKIL J.	DOCKET # 23-04743CFANO	DATE OF SENTENCE 11/3/24
--	---------------------------	-----------------------------

**II. ADDITIONAL OFFENSE(S):**

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	COUNTS	POINTS	TOTAL
----------	---------------	-------	---------------	------------------	--------	--------	-------

DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							

(Level – Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

II. \_\_\_\_\_

**IV. PRIOR RECORD:**

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	DESCRIPTION	NUMBER	POINTS	TOTAL
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	

(Level – Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

IV. \_\_\_\_\_

**Reasons for Departure – Mitigating Circumstances**  
(reasons may be checked here or written on the scoresheet)

- ☒ Legitimate, uncoerced plea bargain.
- ☐ The defendant was an accomplice to the offense and was a relatively minor participant in the criminal conduct.
- ☐ The capacity of the defendant to appreciate the criminal nature of the conduct or to conform that conduct to the requirements of law was substantially impaired.
- ☐ The defendant requires specialized treatment for a mental disorder that is unrelated to substance abuse or addiction, or for a physical disability, and the defendant is amenable to treatment.
- ☐ The need for payment of restitution to the victim outweighs the need for a prison sentence.
- ☐ The victim was an initiator, willing participant, aggressor, or provoker of the incident.
- ☐ The defendant acted under extreme duress or under the domination of another person.
- ☐ Before the identity of the defendant was determined, the victim was substantially compensated.
- ☐ The defendant cooperated with the State to resolve the current offense or any other offense.
- ☐ The offense was committed in an unsophisticated manner and was an isolated incident for which the defendant has shown remorse.
- ☐ At the time of the offense the defendant was too young to appreciate the consequences of the offense.
- ☐ The defendant is to be sentenced as a youthful offender.
- ☐ The defendant is amenable to the services of a post adjudicatory treatment-based drug court program and is otherwise qualified to participate in the program.
- ☐ The defendant was making a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose.
- ☐ Other Reason(s): \_\_\_\_\_

Pursuant to 921.0026(3) the defendant's substance abuse or addiction does not justify a downward departure from the lowest permissible sentence, except for the provisions of s. 921.0026(2)(m).

UCN: 522023CF002449XXXXCF

FL0520000

## COMPLAINT/ARREST AFFIDAVIT - CIRCUIT/COUNTY COURT - PINELLAS COUNTY, FLORIDA

OBTS #		REPORT # <b>SO23-77526</b>		DOCKET # <b>1923870</b>	
Person ID <b>1487407</b>			SSN# [REDACTED]		
Charge Description <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Warrant <input type="checkbox"/> Traffic <input type="checkbox"/> Ordinance			Traffic Citation # (if any)		Court Case #
Charge <b>LEAVING SCENE OF AN CRASH INVOLVING DEATH</b>			<b>AH5NT6E</b>		<b>23-02449-CF-1</b>
Defendant's Name (Last, First, Middle) <b>RUSH, TIMOTHY LEONARD</b>		DOB <b>12/26/1936</b>	Sex <b>M</b>	Race <b>W</b>	Ht <b>600</b>
Wt <b>180</b>		Hair <b>GRY</b>	Eyes <b>BLU</b>	Skin	
Alias	DL # <b>R-200-812-36-466-0</b>	State <b>FL</b>	Scars/Marks/Tattoos/Physical Features		
Local Address (Street, City, State, Zip Code) <b>1655 LEE RD CLEARWATER FL 33764</b>		Telephone <b>7275602429</b>	Place of Birth <b>PA</b>		Citizenship <b>USA</b>
Permanent Address (Street, City, State, Zip Code) <b>1655 LEE RD CLEARWATER FL 33764</b>		Telephone <b>7275602429</b>	Employed by / School		
Weapon Seized Type <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Indication of Drug Influence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK		Indication of Mental Health Issues <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK	
Co-Defendant's Name (Last, First, Middle)		DOB	Sex	Race	In Custody <input type="checkbox"/> Yes <input type="checkbox"/> No
					<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Co-Defendant's Name (Last, First, Middle)		DOB	Sex	Race	In Custody <input type="checkbox"/> Yes <input type="checkbox"/> No
					<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor

The undersigned swears that he/she has reasonable grounds to believe that the above named defendant on the 09 day of MARCH, 2023, at approximately 9:07 AM, at 3180 ENTERPRISE RD E, in Pinellas County did:

THEN AND THERE DRIVE A VEHICLE, TO-WIT: 2017 WHITE BUICK ENCLAVE WHICH WAS INVOLVED IN A CRASH INVOLVING DEATH TO MINDY YI, AND THE SAID DEFENDANT DID WILLFULLY FAIL TO STOP SAID VEHICLE AT THE SCENE OF THE CRASH UNTIL HE HAD FULFILLED THE REQUIREMENTS OF FSS 316.062, TO-WIT: DID NOT GIVE HIS NAME AND ADDRESS AND THE REGISTRATION NUMBER OF THE VEHICLE HE WAS DRIVING AND DID NOT RENDER REASONABLE ASSISTANCE TO PERSONS INJURED IN THE CRASH.

SEE ATTACHED FOR DETAILED PC

Ret  
Tues  
3/14 atty

Contrary to Florida Statute/Ordinance 316.027(2)(C) - F1

ARREST DATE: 3/11/2023 Time 1:28 AM . Aggravating/Mitigating Factors \_\_\_\_\_

Booking Officer: RUSSELL 60573 Amount of Bond 50,000.00 Bond Out Date \_\_\_\_\_ Time \_\_\_\_\_ ☐ a.m. ☐ p.m.

Victim Notified of Advisory? ☐ Yes ☐ No Injuries to Victim? ☐ Yes ☐ No Medical Treatment to Victim? ☐ Yes ☐ No

The Court reviewed this complaint and finds there: ☒ is probable cause ☐ is not probable cause to detain defendant ☐ Bond Action, if any: \_\_\_\_\_

The probable cause determination is passed for: ☒ 24 Hrs ☐ 24 Hrs on showing of extraordinary circumstances Received by Booking: 3/11/2023 1:48:30 AM

Pursuant to F.S. 92.525 and under penalty of perjury, I declare that I have read the foregoing document and that the facts in it are true.   PINELLAS COUNTY SHERIFF		REQUEST FOR INVESTIGATIVE COSTS, F.S. 938.27(1)						
		DATE	OFFICER	HOURS X PAY RATE	OR	COST		
Declarant Signature  DEPUTY DAMON LANEY 58140 Printed Name		Agency  03190766 Declarant ID#		03/09/2023	D.LANEY	20 25.00	OR	\$500.00
				03/09/2023	M.EASTTY	20 25.00		500
				OTHER - Describe				
				Continuation sheet <input type="checkbox"/> Yes <input type="checkbox"/> No		TOTAL \$ <u>\$1,000.00</u>		

**Defendant** RUSH, TIMOTHY LEONARD

**Court Case No:** 23-02449-CF-1

**ADVISORY AND SOLVENCY HEARING**

The above named Defendant came before me for Advisory and Solvency hearing and was advised by me of the charge(s) against him; his right to remain silent; that any statements by him may be used against him; his right to counsel, and, if he is financially unable to afford counsel, that counsel forthwith will be appointed; of his right to communicate with his counsel, family or friends, and that reasonable implementation will be afforded him to contact the foregoing.

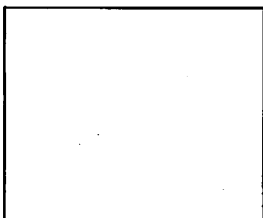
**I FURTHER CERTIFY THAT:**

- ☒ A. Defendant has advised the Court that he has retained counsel or will retain counsel.  
☐ B. The Court investigated Defendant's solvency and found the Defendant financially able to secure counsel.  
☐ C. The Court investigated Defendant's solvency and provisionally appointed the Public Defender.  
☐ D. The Defendant waived the right to counsel at the first appearance only.

3/11/23  
DATE AND TIME

[Signature]  
JUDGE

- ☐ I hereby waive the right to counsel at the first appearance only.  
☐ I, having been found solvent and financially able to secure counsel, hereby waive counsel until my attorney files an appearance in this case or until I file a written request for a review of my solvency and ability to secure counsel.



Thumb Print

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

I HEREBY acknowledge receipt of a copy of the foregoing Complaint and Advisory.

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

\_\_\_\_\_  
DEFENDANT'S ATTORNEY'S SIGNATURE

\_\_\_\_\_  
DATE

On March 10, 2023, Cpl. Laney received a voice mail at approximately 8:41AM. On the voicemail, the def identified himself as Tim Rush who stated that he wished to speak with Cpl. Laney regarding the crash on Enterprise Road and provided a contact number of 727-560-2429. Cpl. Laney attempted to call the number back on multiple occasions with no response.

Research of the phone number in police information systems and learned the number belonged to TIMOTHY LEONARD RUSH, residing at 1655 Lee Road, Clearwater, Florida.

Cpl. Laney spoke with Sergeant Mark Eastty who was sent to 1655 Lee Road to speak with TIMOTHY LEONARD RUSH. Cpl. Laney learned from Sergeant Eastty no one was present at the home. Sergeant Eastty then spoke with a neighbor, Danny Overton residing at 1677 Lee Road, Clearwater, Florida, from whom Sergeant Eastty learned TIMOTHY LEONARD RUSH owns and operates a Buick Enclave, white in color. Sergeant Eastty informed Cpl. Laney, Overton stated TIMOTHY RUSH is married to Barbara McNeill, but is the only person to operate the Buick Enclave. Overton also informed Sergeant Eastty a Belleair Police Lieutenant arrived at the house on the morning of March 10, 2023, at approximately 8:30AM. Cpl. Laney learned Overton informed Sergeant Eastty that TIMOTHY LEONARD RUSH is Catholic.

Cpl. Laney was informed by Sergeant Eastty he made contact with Belleair Police Department and identified the Lieutenant as Brian Beery. Cpl. Laney was informed by Sergeant Eastty, he spoke with Lieutenant Beery and learned he is a friend of TIMOTHY LEONARD RUSH and was supposed to meet him in the morning on March 10, 2023, to have a meal. Sergeant Eastty learned from Lieutenant Beery when he arrived at the home, he observed TIMOTHY LEONARD RUSH and Barbara McNeill, the wife of TIMOTHY LEONARD RUSH, who appeared to be hysterical. In the presence of TIMOTHY LEONARD RUSH, she stated TIMOTHY LEONARD RUSH was in an accident last night and believed he hit a barrel on the way back from church. She asked Lieutenant Beery what they should do. Lieutenant Beery responded that he could not give legal advice. Barbara McNeill asked if Lieutenant Beery knew a good attorney. In response, Lieutenant Beery provided the name of a local attorney.

Cpl. Laney was informed by Sergeant Eastty he identified a catholic church, Espiritu Santo Catholic Church, located at 2405 Philippe Parkway, Safety Harbor, Florida. This church is approximately a mile and a half east of the scene of the crash and would be on a likely path of travel for a person traveling from Espiritu Santo and the residence of TIMOTHY LEONARD RUSH.

Cpl. Laney was informed by Deputy Melonie Stickney she spoke with the officer manager of the church, Michelle Ishman, who informed her TIMOTHY LEONARD RUSH is a member of the

church and there was a single event on the night of March 9, 2023, a Knight of Columbus meeting, from 6:00PM to 9:00PM. Deputy Stickney spoke with the Grand Knight of Counsel, Eugene Jajuga, and learned that TIMOTHY LEONARD RUSH was observed at the meeting at 6:00PM. Eugene left at 8:30PM and RUSH was still there. Deputy Stickney spoke with the Deputy Grand Knight Thomas Krichania who left the event at 9:15PM and TIMOTHY RUSH was already gone. Krichania informed Deputy Stickney, RUSH attended the event alone. Krichania confirmed that he knows RUSH to own a Buick Enclave, white in color, but did not observe him arrive or leave in the vehicle.

Deputy Alex Mitchell informed Cpl. Laney she spoke with Father Michael Cooper. Cooper informed Deputy Mitchell he observed RUSH enter the driver's seat of a gray or bland SUV in the north parking lot between 8:45PM and 9:00PM. Cooper confirmed that RUSH made a left turn exiting the parking lot to head home.

After the scene was processed, Cpl. Laney analyzed the pieces of the head light and assembled them together. Cpl. Laney photographed the assembled pieces and began comparing them with headlight assemblies for sedans and SUVs. TIMOTHY LEONARD RUSH was the registered owner of a Buick Enclave, assigned tag JH89M, vehicle identification number 5GAKRBKD3HJ161184. With this information, Cpl. Laney compared the assembled pieces to the headlight of a Buick Enclave and found that they were consistent in appearance, with similarities in both shape and contours and detailing on the interior edge with a check pattern. The shape of the assembled pieces is consistent with the passenger headlight of a Buick Enclave.

After a search warrant was served on the vehicle, there was purple paint transfer on the front passenger bumper (consistent with the crash scene), which is the same color of the bicycle on scene. The lower passenger corner of the window shield was shattered, with brown hair (color consistent with the victim's hair) and possible bio matter. The passenger mirror was also pushed back and cracked. The passenger side headlight lens was broken out consistent with the pieces found at the scene of the crash.

Cpl. Laney was informed there was video of the Buick Enclave coming from the location of the scene three (3) minute prior to the complainant calling 911.

Cpl. [Signature]  
38170  
3/11/23

JUDGE: JULIE L SERCUS

STATE OF FLORIDA

-VS-

TIMOTHY L RUSH

PID: 1487407

IN THE SIXTH JUDICIAL CIRCUIT COURT  
IN AND FOR PINELLAS COUNTY

UCN: 522023CF002449000APC - C

REF NO: 23-02449-CF - C

DC NUMBER \_\_\_\_\_

## ORDER OF PROBATION

This cause coming before the Court to be heard, and you, the defendant, **TIMOTHY L RUSH** being now present before me with counsel **ROGER D FUTERMAN ESQ** and you having:

**ENTERED A PLEA OF GUILTY TO**

**Count 01**

**LEAVING THE SCENE OF A CRASH INVOLVING DEATH**

### SECTION 1: JUDGEMENT OF GUILT

The court hereby adjudges you guilty of the above offense(s).

Now, therefore, it is ordered and adjudged that the imposition of sentence is hereby withheld and that you be placed on PROBATION for a period of 4 YEARS under the supervision of the Department of Corrections, subject to Florida law.

**IT IS FURTHER ORDERED** that you shall comply with the following standard conditions of supervision as provided by Florida law:

1. You will report to the probation office as directed.
2. You will pay the State of Florida the amount of \$50.00 (fifty dollars) per month, as well as 4% surcharge, toward the cost of your supervision in accordance with s. 948.09, F.S., unless otherwise exempted in compliance with Florida Statutes.
3. You will remain in a specified place. You will not change your residence or employment or leave the county of your residence without first procuring the consent of your officer.
4. You will not possess, carry or own any firearm. You will not possess, carry, or own any weapons without first procuring the consent of your officer.
5. You will live without violating the law. A conviction in a court of law shall not be necessary for such a violation to constitute a violation of your probation/community control.
6. You will not associate with any person engaged in any criminal activity.

**Return to:**  
**Criminal Court Records Department**

TIMOTHY L RUSH

UCN:  
522023CF002449000APC

REF No.23-02449-CF

7. You will not use intoxicants to excess or possess any drugs or narcotics unless prescribed by a physician, an advanced registered nurse practitioner, or a physician assistant. Nor will you visit places where intoxicants, drugs or other dangerous substances are unlawfully sold, dispensed or used.
8. You will work diligently at a lawful occupation, advise your employer of your probation status, and support any dependents to the best of your ability, as directed by your officer.
9. You will promptly and truthfully answer all inquiries directed to you by the court or the officer, and allow your officer to visit in your home, at your employment site or elsewhere, and you will comply with all instructions your officer may give you.
10. You shall submit to a warrantless search of your person, property, place of residence, vehicle and personal effects at any time by a probation officer or community control officer. You shall also submit to a warrantless search of your person, property, place of residence, vehicle and personal effects at any time by a law enforcement officer if the officer's search was supported by reasonable suspicion of criminal activity.
11. You will pay restitution, court costs, and/or fees in accordance with special conditions imposed or in accordance with the attached orders.
12. You will submit to random testing as directed by your officer or the professional staff of the treatment center where you are receiving treatment to determine the presence or use of alcohol or controlled substances.
13. You will submit a DNA sample, as directed by your officer, for DNA analysis as prescribed in ss. 943.325 and 948.014, F.S.
14. You will submit to taking of a digitized photograph by the department. The photograph may be displayed on the department's website while you are on supervision, unless exempt from disclosure due to requirements of s. 119.07, F.S.
15. You will report in person within 72 hours of your release from incarceration to the probation office in Pinellas County, Florida, unless otherwise instructed by the court or department. (This condition applies only if section 3 is indicated above.) Otherwise, you must report immediately to the probation office located at the Pinellas County Justice Center, 14250 49th Street North, Room 1930 (FIRST FLOOR), Clearwater, Florida.

**SPECIAL CONDITIONS:**

16. You will successfully complete 100 hours of community service at a rate of the State of Florida minimum wage at a work site approved by your officer. Additional instructions ordered: You may pay off the Community Service hours at the rate of \$12.00 per hour.
17. Other: Exemptions for cost of supervision are hereby ordered for those months while participating in treatment programs or incarcerated without benefit of income. If exemptions do not apply, failure to make monthly payments for cost of supervision will result in a violation of probation. Cost of supervision is to be suspended until such time that the offender has satisfied all restitution and costs as stated on the supervision order.
18. Other: You will not reside in another state without authorization of the Court and contingent upon the approval of the receiving state.
19. Other: If electronic monitoring is imposed, you will pay the costs of electronic monitoring.
20. Other: Probation/community control may not be transferred out of state without express Court approval until all Court ordered and assessed monetary obligations are satisfied.
21. Other: You will not operate a vehicle requiring a driver's license unless and until you are licensed to do so.
22. Other: Your driver's license is revoked for **A PERIOD OF 3 YEARS**.
23. Other: You will attend a Victim Impact Educational Seminar(s). You shall remit a twenty-five (\$25.00) dollar administrative fee prior to attending the Victim Impact Course.
24. The defendant will sit through 1 victim impact panel annually on or around March 9th.

Effective for offenders whose crime was committed on or after September 1, 2005, there is hereby imposed, in addition to any other provision in this section, mandatory electronic monitoring as a condition of supervision for those who:

- Are placed on supervision for a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older; or
- Are designated as a sexual predator pursuant to s. 775.21; or

TIMOTHY L RUSH

UCN:  
522023CF002449000APC

REF No.23-02449-CF

- Has previously been convicted of a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older.

**You are hereby placed on notice that should you violate your probation or community control, and the conditions set forth in s. 948.063(1) or (2) are satisfied, whether your probation or community control is revoked or not revoked, you shall be placed on electronic monitoring in accordance with F.S. 948.063.**

**Effective for offenders who are subject to supervision for a crime that was committed on or after May 26, 2010, and who has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses listed in s.943.0435(1)(a)1.a.(1), or similar offense in another jurisdiction, against a victim who was under the age of 18 at the time of the offense: the following conditions are imposed in addition to all other conditions:**

- (a) A prohibition on visiting schools, child care facilities, parks, and playgrounds, without prior approval from the offender's supervising officer. The prohibition ordered under this paragraph does not prohibit the offender from visiting a school, child care facility, park, or playground for the sole purpose of attending a religious service as defined in s. 775.0861 or picking up or dropping off the offender's children or grandchildren at a child care facility or school.
- (b) A prohibition on distributing candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas, wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children's parties; or wearing a clown costume; without prior approval from the court.

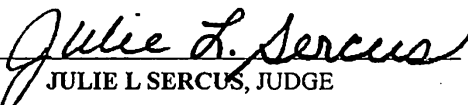
**YOU ARE HEREBY PLACED ON NOTICE** that the court may at any time rescind or modify any of the conditions of your probation, or may extend the period of probation as authorized by law, or may discharge you from further supervision. If you violate any of the conditions of your probation, you may be arrested and the court may revoke your probation, adjudicate you guilty if adjudication of guilt was withheld, and impose any sentence that it might have imposed before placing you on probation or require you to serve the balance of the sentence.

**IT IS FURTHER ORDERED** that when you have been instructed as to the conditions of probation, you shall be released from custody if you are in custody, and if you are at liberty on bond, the sureties thereon shall stand discharged from liability. (This paragraph applies only if section 1 or section 2 is checked.)

**IT IS FURTHER ORDERED** that you pay the following charges/costs/fees indicated on the last page of this order entitled Court Ordered Payments.

**IT IS FURTHER ORDERED** that the clerk of this court file this order in the clerk's office and provide certified copies of the same to the officer for use in compliance with the requirements of law.

DONE AND ORDERED on **March 18, 2024** in Clearwater, Florida.

  
JULIE L SERCUS, JUDGE

I acknowledge receipt of a certified copy of this Order. The conditions have been explained to me and I agree to abide by them.

Date: \_\_\_\_\_

\_\_\_\_\_  
Probationer

Instructed by: \_\_\_\_\_

C.K.



TIMOTHY L RUSH

UCN:  
522023CF002449000APC

REF No.23-02449-CF

**COURT ORDERED PAYMENTS**

**CHECK ALL THAT ARE ORDERED:**

**FINES**

- ☒ \$92.39 Total of fines assessed in sentence, pursuant to s. 775.083 (1)(a) through (g) or Chapter 316, F.S.  
☒ \$4.61 Statutorily mandated 5% surcharge/cost of fine assessed (on first line) pursuant to s. 938.04, F.S.

**MANDATORY COSTS IN ALL CASES**

- ☒ \$225.00 Additional court cost for felony offense, pursuant to s. 938.05(1)(a), F.S.  
☒ \$50.00 Crimes Compensation Trust Fund pursuant to s. 938.03(1), F.S.  
☒ \$50.00 County Crime Prevention Fund pursuant to s. 775.083(2), F.S.  
☒ \$3.00 Additional Court Costs Clearing Trust Fund pursuant to s. 938.01(1), F.S.  
☒ \$100.00 Prosecution Costs, pursuant to s. 938.27, F.S. (Minimum of \$100 Felony/\$50 Misdemeanor).  
☒ \$1000.00 Investigative Costs, pursuant to s. 938.27, F.S. (if applicable and requested).  
☒ \$20.00 Crime Stoppers Trust Fund, pursuant to s. 938.06(1), F.S.

**MANDATORY COSTS IN SPECIFIC TYPES OF CASES**

- ☒ \$3.00 State Agency Law Enforcement Radio System Trust Fund, pursuant to s. 318.18(17), F.S. for any violations of offenses listed in s. 318.17 including ss. 316.1935, 316.027, 316.061, 877.111, chapter 893, ss. 316.193, 316.192, 316.067, 316.072(3), 316.545(1), or any other offense in chapter 316 which is classified as a criminal violation.  
☒ \$2.00 Pinellas Police Standards, pursuant to chapter 97-333.

**MANDATORY COURT COSTS AUTHORIZED BY LOCAL GOVERNMENTAL ENTITIES**


- ☒ \$2.00 Criminal Justice Education by Municipalities and Counties, pursuant to s. 938.15, F.S. and Pinellas County Code s.46-27.  
☒ \$65.00 Additional court costs for local requirements and other county funded programs pursuant to s. 939.185(1)(a), F.S. and Pinellas County Code 46-32.  
☒ \$3.00 Teen Court pursuant to s. 938.19(2), F.S. and Pinellas County Code s. 46-34  
☒ \$30.00 Court Facilities, pursuant to s. 318.18(13), and Pinellas County Code s. 46-33, applies only to traffic offenses in 318.17, including violations of ch. 316 offenses.

**PAYMENT IS TO BE MADE THROUGH AND PAYABLE TO:** ☐ Department of Corrections or ☒ Clerk of Court  
(If collected by the Department of Corrections, a surcharge of 4% will be added to all payments ordered by the court, pursuant to s. 945.31, F.S.)

- ☐ Court Costs/Fines Waived.  
☐ Court Costs/Fines in the amount of \_\_\_\_\_ converted to \_\_\_\_\_ community service hours.  
☐ Court Costs/Fines in the amount of \_\_\_\_\_ reduced to civil judgment.

**SPECIFIC INSTRUCTIONS FOR PAYMENT:** You will pay all fines and court costs specified in this order of probation/community control in full no later than 12 months from the date of this order. You will pay at least \$100 per month toward the fine and court cost. If the Court determines that you have the ability to pay, failure to pay all fines and court costs in full within 12 months will result in a violation of probation or community control, may become a lien against anything you own now or in the future and will accrue interest at the statutory rate, may result in the suspension of your driver's license, and may also result in collections efforts by the Clerk of the Court or its assignee.

DONE AND ORDERED on March 18, 2024 in Clearwater, Florida.

  
JULIE L SERCUS, JUDGE

# Rule 3.992(a) Criminal Punishment Code Scoresheet

The Criminal Punishment Code Scoresheet Preparation Manual is available at: [http://www.dc.state.fl.us/pub/sen\\_cpcm/index.html](http://www.dc.state.fl.us/pub/sen_cpcm/index.html)

1. DATE OF SENTENCE <b>3/18/24</b>	2. PREPARER'S NAME KANOSKI	3. COUNTY PINELLAS	4. SENTENCING JUDGE <b>BURGESS Sercus</b>	
5. NAME (LAST, FIRST, M.I.) RUSH, TIMOTHY L.	6. DOB 12/26/1936	8. RACE WHITE	10. PRIMARY OFF. DATE 3/9/2023	12. PLEA <input checked="" type="checkbox"/> TRIAL <input type="checkbox"/>
	7. DC #	9. GENDER MALE	11. PRIMARY DOCKET # 23-02449CFANO	

## I. PRIMARY OFFENSE: Qualifier:

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
1	316.027(2)(C)	LEAVE CRASH W/DEATH	7	56

(Level - Points: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=116)

Prior capital felony doubles Primary Offense points ☐

I. 56.0000

## II. ADDITIONAL OFFENSE(S): Supplemental page attached ☐

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	COUNTS	POINTS	TOTAL
----------	---------------	-------	---------------	------------------	--------	--------	-------

DESCRIPTION

DESCRIPTION

DESCRIPTION

DESCRIPTION

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

Prior capital felony doubles Additional Offense points ☐

Supplemental page points

II.           

## III. VICTIM INJURY:

	Number	Total		Number	Total
2 <sup>nd</sup> Degree Murder	240 X	=	Slight	4 X	=
Death	120 X	=	Sex Penetration	80 X	=
Severe	40 X	=	Sex Contact	40 X	=
Moderate	18 X	=			

III.           

## IV. PRIOR RECORD: Supplemental page attached ☐

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	DESCRIPTION	NUMBER	POINTS	TOTAL
---------------	-------	---------------	------------------	-------------	--------	--------	-------

					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	

(Level - Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

Supplemental page points

IV.           

Page 1 Subtotal: 56.0000

NAME (LAST, FIRST, MI. I.)  
RUSH, TIMOTHY L.

DOCKET #  
23-02449CFANO

Page 1 Subtotal: 56.0000

V. Legal Status Violation = 4 Points

- ☐ Escape ☐ Fleeing ☐ Failure to Appear ☐ Supersedeas bond ☐ Incarceration ☐ Pretrial intervention or diversion program  
☐ Court imposed post prison release community supervision resulting in a conviction

V. \_\_\_\_\_

VI. Community Sanction Violation before the court for sentencing

VI. \_\_\_\_\_

- ☐ Probation ☐ Community Control ☐ Pretrial intervention or diversion  
☐ 6 points for any violation other than new felony conviction X \_\_\_\_\_ each successive violation OR  
☐ New felony conviction = 12 points X \_\_\_\_\_ each successive violation if new offense results in conviction before or at same time as sentence for violation of probation OR  
☐ 12 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern when the violation is not based solely on failure to pay costs, fines, or restitution OR  
☐ New felony conviction = 24 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern if new offense results in a conviction before or at the same time for violation of probation

VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 points

VII. \_\_\_\_\_

VIII. Prior Serious Felony = 30 points

VIII. \_\_\_\_\_

Subtotal Sentence Points 56.0000

IX. Enhancements (only if primary offense qualifies for enhancement)

Law Enf. Protect.	Drug Trafficker	Motor Vehicle Theft	Criminal Gang Offense	Domestic Violence in the Presence of Related Child (offenses committed on or after 03-12-07)	Adult-on-Minor Sex Offense (offenses committed on or after 10-1-14)
<input type="checkbox"/> x 1.5 <input type="checkbox"/> x 2.0 <input type="checkbox"/> x 2.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 2.0

Enhanced Subtotal Sentence Points

IX. \_\_\_\_\_

TOTAL SENTENCE POINTS

56.0000

SENTENCE COMPUTATION

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction. If the total sentence points are 22 points or less, see Section 775.082(10), Florida Statutes, to determine if the court must sentence the offender to a non-state prison sanction.

If total sentence points are greater than 44:

$$\frac{56.0000}{\text{total sentence points}} \text{ minus } 28 = \frac{28.0000}{\text{total sentence points}} \times .75 = \frac{21.000000}{\text{Lowest permissible prison sentence in months}}$$

If total sentence points are 60 points or less than and court makes findings pursuant to both Florida Statutes 948.20 and 397.334(3), the court may place the defendant into a treatment-based drug court program.

The maximum sentence for each individual felony offense is the statutory maximum as provided in s. 775.082, F.S., unless the lowest permissible sentence listed above exceeds the statutory maximum for that offense. If the lowest permissible sentence exceeds the statutory maximum for an individual felony offense, the lowest permissible sentence replaces the statutory maximum and must be imposed for that offense. See *State v. Gabriel*, 314 So. 3d 1243 (Fla.2021). Sentences for multiple felony offenses may be imposed concurrently or consecutively. If total sentence points are greater than or equal to 363, a life sentence may be imposed.

Primary offense:

LEAVE CRASH W/DEATH

30 years

Additional offense:

Description

Maximum sentence in years

Additional offense:

Description

Maximum sentence in years

Additional offense:

Description

Maximum sentence in years

Additional offense:

Description

Maximum sentence in years

Total maximum sentence in years for all counts above if consecutive sentence imposed:

30 years

TOTAL SENTENCE IMPOSED

- ☐ State Prison ☐ Life  
☐ County Jail ☐ Time Served  
☐ Community Control  
☒ Probation ☐ Modified

Years

Months

Days

4

Please check if sentenced as ☐ habitual offender, ☐ habitual violent offender, ☐ violent career offender, ☐ prison release reoffender, or a ☐ mandatory minimum applies.

☐ Mitigated Departure ☒ Plea Bargain ☐ Prison Diversion Program  
Other Reason \_\_\_\_\_

JUDGE'S SIGNATURE

*Julie K. Parker*

**Rule 3.992(b) Supplemental Criminal Punishment Code Scoresheet**

<b>NAME (LAST, FIRST, MI. I.)</b> RUSH, TIMOTHY L.	<b>DOCKET #</b> 23-02449CFANO	<b>DATE OF SENTENCE</b> 8/9/2023 <u>3/18/24</u>
---	----------------------------------	--

**X. ADDITIONAL OFFENSE(S):**

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	COUNTS	POINTS	TOTAL
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							

(Level – Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

II. \_\_\_\_\_

**IV. PRIOR RECORD:**

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	DESCRIPTION	NUMBER	POINTS	TOTAL
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	

(Level – Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

IV. \_\_\_\_\_

**Reasons for Departure – Mitigating Circumstances**

(reasons may be checked here or written on the scoresheet)

- ☐ Legitimate, uncoerced plea bargain.
- ☐ The defendant was an accomplice to the offense and was a relatively minor participant in the criminal conduct.
- ☐ The capacity of the defendant to appreciate the criminal nature of the conduct or to conform that conduct to the requirements of law was substantially impaired.
- ☐ The defendant requires specialized treatment for a mental disorder that is unrelated to substance abuse or addiction, or for a physical disability, and the defendant is amenable to treatment.
- ☐ The need for payment of restitution to the victim outweighs the need for a prison sentence.
- ☐ The victim was an initiator, willing participant, aggressor, or provoker of the incident.
- ☐ The defendant acted under extreme duress or under the domination of another person.
- ☐ Before the identity of the defendant was determined, the victim was substantially compensated.
- ☐ The defendant cooperated with the State to resolve the current offense or any other offense.
- ☐ The offense was committed in an unsophisticated manner and was an isolated incident for which the defendant has shown remorse.
- ☐ At the time of the offense the defendant was too young to appreciate the consequences of the offense.
- ☐ The defendant is to be sentenced as a youthful offender.
- ☐ The defendant is amenable to the services of a post adjudicatory treatment-based drug court program and is otherwise qualified to participate in the program.
- ☐ The defendant was making a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose.

Pursuant to 921.0026(3) the defendant's substance abuse or addiction does not justify a downward departure from the lowest permissible sentence, except for the provisions of s. 921.0026(2)(m).

## COMPLAINT/ARREST AFFIDAVIT – CIRCUIT/COUNTY COURT – PINELLAS COUNTY, FLORIDA

OBTS #		REPORT # 2023-017203	DOCKET # 1932891
Person ID	2188753	SSN#	
Charge Description	<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Warrant <input type="checkbox"/> Traffic <input type="checkbox"/> Ordinance	Traffic Citation # (if any)	Court Case #
Charge	LEAVE SCENE OF CRASH INVOLVING DEATH	AHYTLBE	23-05782-CF-1
Defendant's Name (Last, First, Middle)	SHAW, TWANDA	DOB	03/03/1985
Sex	F	Race	B
Ht	5'6	Wt	173
Hair	BLK	Eyes	BRO
Skin	DRK		
Alias	N/A	DL #	S000813855830
State	FL	Scars/Marks/Tattoos/Physical Features	TATTOO OF TWEETY BIRD ON UPPER LEFT ARM.
Local Address (Street, City, State, Zip Code)	905 CARLTON STREET CLEARWATER, FL 33756	Telephone	813-439-2157
Place of Birth	FL	Citizenship	US
Permanent Address (Street, City, State, Zip Code)	905 CARLTON STREET CLEARWATER, FL 33756	Telephone	813-439-2157
Employed by / School	DISABLED		
Weapon Seized Type	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Indication of Drug Influence	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK
Indication of Mental Health Issues	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK	Indication of Alcohol Influence	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK
Co-Defendant's Name (Last, First, Middle)		DOB	
Sex		Race	
In Custody	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Felony	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor		
Co-Defendant's Name (Last, First, Middle)		DOB	
Sex		Race	
In Custody	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Felony	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor		

The undersigned swears that he/she has reasonable grounds to believe that the above named defendant on the 06 day of MAY, 2023, at approximately 2:15 AM, at 15TH AVE S/ 34TH STREET S, in Pinellas County did:

ON MAY 6TH, 2023, AT APPROXIMATELY 0215 HOURS, THE DEFENDANT DID THEN AND THERE STRIKE A PEDESTRIAN IN THE ROADWAY WHILE OPERATING A MOTOR VEHICLE TO WIT: A GRAY IN COLOR 2006 LEXUS SUV BEARING FL TAG# Z892RC, DURING THE CRASH CAUSING THE PEDESTRIANS DEATH.

THE VEHICLE WAS FOUND TO HAVE BEEN TRAVELING NORTHBOUND ON 34TH STREET SOUTH IN THE MIDDLE LANE THROUGH THE INTERSECTION OF 15TH AVENUE SOUTH WHEN THE CRASH OCCURED. THE VEHICLE STRUCK THE PEDESTRIAN IN THE SOUTH CROSSWALK. THE DEFENDANT THEN FAILED TO REMAIN ON SCENE AND PROVIDE THE INFORMATION REQUIRED IN STATE STATUTE 316.062. THE VEHICLE THE DEFENDANT WAS DRIVING WAS FOUND TO HAVE NO FORCED ENTRY AND LEFT ABANDONED IN THE AREA OF THE CRASH. IT WAS LATER DETERMINED TROUGH INVESTIGATIVE TECHNIQUES, THE DEFENDANT WAS THE DRIVER OF THE VEHICLE AT THE TIME OF THE CRASH.

CITATION# AHYTLBE, 316.027(2)(C) LEAVING THE SCENE OF A CRASH INVOLVING DEATH.

Contrary to Florida Statute/Ordinance 316.027(1)(B) - F2

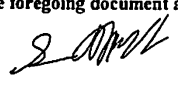
ARREST DATE: 6/6/2023 Time: 2:15 PM Aggravating/Mitigating Factors \_\_\_\_\_

Booking Officer: PATRICK 58099 Amount of Bond 10,000 Bond Out Date \_\_\_\_\_ Time \_\_\_\_\_ ☐ a.m. ☐ p.m.

Victim Notified of Advisory? ☐ Yes ☐ No Injuries to Victim? ☐ Yes ☐ No Medical Treatment to Victim? ☐ Yes ☐ No

The Court reviewed this complaint and finds there: ☐ is probable cause ☐ is not probable cause to detain defendant ☐ Bond Action, if any: \_\_\_\_\_

The probable cause determination is passed for: ☐ 24 Hrs ☐ 24 Hrs on showing of extraordinary circumstances Received by Booking: 6/14/2023 2:57:28 PM

Pursuant to F.S. 92.525 and under penalty of perjury, I declare that I have read the foregoing document and that the facts in it are true.   Declarant Signature _____ OFFICER SEAN MCCULLOUGH 44650 Printed Name _____	REQUEST FOR INVESTIGATIVE COSTS, F.S. 938.27(1) <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>DATE</th> <th>OFFICER</th> <th>HOURS X PAY RATE</th> <th>OR</th> <th>COST</th> </tr> <tr> <td>06/14/2023</td> <td>S.MCCULLOUGH</td> <td>3 35.00</td> <td></td> <td>\$105.00</td> </tr> </table> OTHER – Describe _____ Continuation sheet <input type="checkbox"/> Yes <input type="checkbox"/> No TOTAL \$ <u>105.00</u>	DATE	OFFICER	HOURS X PAY RATE	OR	COST	06/14/2023	S.MCCULLOUGH	3 35.00		\$105.00
DATE	OFFICER	HOURS X PAY RATE	OR	COST							
06/14/2023	S.MCCULLOUGH	3 35.00		\$105.00							

ST. PETERSBURG POLICE  
Agency

10747825  
Declarant ID#

**Defendant** SHAW, TWANDA

**Court Case No:** 23-05782-CF-1

**ADVISORY AND SOLVENCY HEARING**

The above named Defendant came before me for Advisory and Solvency hearing and was advised by me of the charge(s) against him; his right to remain silent; that any statements by him may be used against him; his right to counsel, and, if he is financially unable to afford counsel, that counsel forthwith will be appointed; of his right to communicate with his counsel, family or friends, and that reasonable implementation will be afforded him to contact the foregoing.

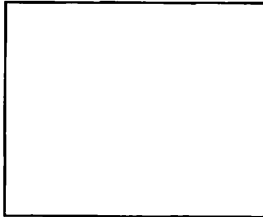
**I FURTHER CERTIFY THAT:**

- ☐ A. Defendant has advised the Court that he has retained counsel or will retain counsel.
- ☐ B. The Court investigated Defendant's solvency and found the Defendant financially able to secure counsel.
- ☐ C. The Court investigated Defendant's solvency and provisionally appointed the Public Defender.
- ☐ D. The Defendant waived the right to counsel at the first appearance only.

\_\_\_\_\_  
DATE AND TIME

\_\_\_\_\_  
JUDGE

- ☐ I hereby waive the right to counsel at the first appearance only.
- ☐ I, having been found solvent and financially able to secure counsel, hereby waive counsel until my attorney files an appearance in this case or until I file a written request for a review of my solvency and ability to secure counsel.



Thumb Print

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

I HEREBY acknowledge receipt of a copy of the foregoing Complaint and Advisory.

\_\_\_\_\_  
DEFENDANT'S SIGNATURE

\_\_\_\_\_  
DEFENDANT'S ATTORNEY'S SIGNATURE

\_\_\_\_\_  
DATE

KEN BURKE, CLERK OF COURT AND COMPTROLLER PINELLAS COUNTY, FL BY DEPUTY CLERK:  
CLKSH03

1

IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT,  
IN AND FOR PINELLAS COUNTY FLORIDA  
DIVISION: FELONY

UCN : 522023CF005782000APC

REF No. : 23-05782-CF - I

OBTS NUMBER \_\_\_\_\_

STATE OF FLORIDA  
VS.

TWANDA MONIQUE SHAW  
Defendant

PID: 1861666

SS# [REDACTED]

### JUDGMENT

The Defendant, TWANDA MONIQUE SHAW, being personally before this court represented by ROBERT A LOVE ESQ the attorney of record, and the state represented by NOELLE CUMMINS, Assistant State Attorney, and having:

entered a plea of guilty to the following crime(s)

COUNT	CRIME	OFFENSE STATUTE NUMBER (S)	DEGREE OF CRIME
01	LEAVING THE SCENE OF A CRASH INVOLVING DEATH	316.027	1F

X and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED  
THAT the Defendant is ADJUDICATED GUILTY of the above crime(s).

ICD: JDMT (36971464)  
RETURN TO: \_\_\_\_\_



Defendant : TWANDA MONIQUE SHAW

UCN : 522023CF005782000APC

REF No. : 23-05782-CF - I

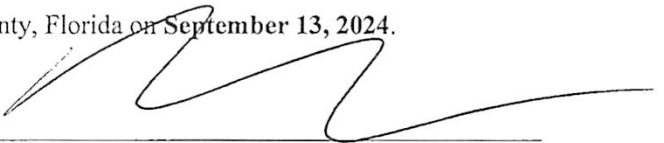
\_\_\_\_\_ and good cause being shown; IT IS ORDERED THAT ADJUDICATION  
OF GUILT BE WITHHELD as to Count(s) \_\_\_\_\_

Sentence Deferred  
Until Later Date  
(Check if Applicable)











\_\_\_\_\_ The Court hereby defers imposition of sentence until \_\_\_\_\_  
(Date)

The Defendant in Open Court was advised of the right to appeal from this Judgment by filing notice of appeal with the Clerk of the Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The Defendant was also advised of the right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in open court in Pinellas County, Florida on September 13, 2024.

  
\_\_\_\_\_  
JUDGE


FINGERPRINTS OF THE DEFENDANT

1. R. Thumb	2. R. Index	3. R. Middle	4. R. Ring	5. R. Little
				
6. L. Thumb	7. L. Index	8. L. Middle	9. L. Ring	10. L. Little
				

Fingerprints taken by:

Det. KARABEKOU 57418   
(Name and Title)

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, **TWANDA MONIQUE SHAW**, and that they were placed thereon by the defendant in my presence in open court this day.

  
\_\_\_\_\_  
JUDGE

## SENTENCE

(as to Count 01 )

The defendant, being personally before the court, accompanied by the defendant's attorney of record, **ROBERT A LOVE ESQ**, and having been adjudicated guilty, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

### It Is the Sentence Of the Court That:

The Defendant pay total statutory costs in the amount of **\$755.00**, inclusive of, Investigative Costs in the amount of **\$105.00** pursuant to s. 938.27 F.S., **\$100.00** as a Cost of Prosecution assessment. These assessments are hereby imposed as liens.

The Defendant is committed to the custody of the Department of Corrections.

Unless otherwise prohibited by law, the Sheriff is authorized to release the Defendant on electronic monitoring or other sentencing programs subject to the Sheriff's discretion.

### To Be Imprisoned:

The Defendant is to be imprisoned for a term of **7 YEARS**.

## SPECIAL PROVISIONS

By appropriate notation, the following provisions apply to the sentence imposed:

### Mandatory/Minimum Provisions:

**Driver Leaving Scene Involving  
Death**

It is further ordered that the 4 year mandatory minimum imprisonment provision of 316.027(2)(c), Florida Statutes, is imposed.

### Other Provisions:

Please see the last page of this document for other provisions.

Defendant: TWANDA MONIQUE SHAW

UCN: 522023CF005782000APC  
REF No.: 23-05782-CF - 1

OBTS Number \_\_\_\_\_

**Other Provisions: (continued)**

**Jail Credit**

It is further ordered that the defendant shall be allowed a total of 40 DAYS as credit for time incarcerated before imposition of this sentence.

**Immigration Detainer**

It is further ordered that, as per s. 908.104(3)(b), F.S., the secure correctional facility in which the defendant is to be confined shall reduce the defendant's sentence by a period of not more than 12 days on the facility's determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody.

**It is further ordered that:**

**Restitution is not applicable in this case.**

**Restitution to State:**

If applicable, you must make payment of any debt due and owing to the state under section 960.17 and 948.03(1)(h) Florida Statutes. The amount of such debt shall be determined by the Court at a later date upon final payment of the Crimes Compensation Trust Fund on behalf of the victim.

In the event the above sentence is to the Department of Corrections, the Sheriff of Pinellas County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing a notice of appeal within 30 days from this date with the Clerk of the Court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the state on showing of indigency.

In imposing this sentence, the court further orders:

**Your driver's license is revoked for 3 YEARS.**

DONE AND ORDERED in open court at Clearwater, Pinellas County, Florida on **September 13, 2024.**

  
\_\_\_\_\_  
Judge

# Rule 3.992(a) Criminal Punishment Code Scoresheet

The Criminal Punishment Code Scoresheet Preparation Manual is available at: [http://www.dc.state.fl.us/pub/sen\\_cpcm/index.html](http://www.dc.state.fl.us/pub/sen_cpcm/index.html)

1. DATE OF SENTENCE <del>9/07/2022</del> 9/13/24	2. PREPARER'S NAME HOMBURG Cummins	3. COUNTY PINELLAS	4. SENTENCING JUDGE HELINGER	
5. NAME (LAST, FIRST, M.I.) SHAW, TWANDA	6. DOB 3/3/1985	8. RACE BLACK	10. PRIMARY OFF. DATE 5/6/2023	12. PLEA <input checked="" type="checkbox"/> TRIAL <input type="checkbox"/>
	7. DC #	9. GENDER FEMALE	11. PRIMARY DOCKET # 23-05782-CF	

## I. PRIMARY OFFENSE: Qualifier: RECLASSIFICATION

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
1	316.027(2)(C)	LEAVE CRASH W/DEATH	8	74

(Level - Points: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=116)

Prior capital felony doubles Primary Offense points ☐

I. 74.0000

## II. ADDITIONAL OFFENSE(S): Supplemental page attached ☐

DOCKET # FEL/MM DEGREE F.S.# OFFENSE LEVEL QUALIFY: A/S/C/R COUNTS POINTS TOTAL

DESCRIPTION

DESCRIPTION

DESCRIPTION

DESCRIPTION

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

Prior capital felony doubles Additional Offense points ☐

Supplemental page points

II.

## III. VICTIM INJURY:

	Number	Total		Number	Total
2 <sup>nd</sup> Degree Murder	240 X	=	Slight	4 X	=
Death	120 X	=	Sex Penetration	80 X	=
Severe	40 X	=	Sex Contact	40 X	=
Moderate	18 X	=			

III.

## IV. PRIOR RECORD: Supplemental page attached ☐

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	DESCRIPTION	NUMBER	POINTS	TOTAL
2	893.13(1)(A)1	5		COCAINE-SALE/MANUF/DELI	4	X 3.6	= 14.4000
3	893.13(6)(A)	3		COCAINE - POSSESSION	4	X 1.6	= 6.4000
5/MM	9100	M		Various	8	X 0.2	= 1.6000
					X		=
					X		=
					X		=
					X		=
					X		=
					X		=

(Level - Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

Supplemental page points

IV. 22.4000

Page 1 Subtotal: 96.4000

NAME (LAST, FIRST, MI. I.)  
SHAW, TWANDA

DOCKET #  
23-05782-CF

Page 1 Subtotal: 96.4000

V. Legal Status Violation = 4 Points

- ☐ Escape ☐ Fleeing ☐ Failure to Appear ☐ Supersedeas bond ☐ Incarceration ☐ Pretrial intervention or diversion program  
☐ Court imposed post prison release community supervision resulting in a conviction

V. \_\_\_\_\_

VI. Community Sanction Violation before the court for sentencing

VI. \_\_\_\_\_

- ☐ Probation ☐ Community Control ☐ Pretrial intervention or diversion  
☐ 6 points for any violation other than new felony conviction X \_\_\_\_\_ each successive violation OR  
☐ New felony conviction = 12 points X \_\_\_\_\_ each successive violation if new offense results in conviction before or at same time as sentence for violation of probation OR  
☐ 12 points X \_\_\_\_\_ each successive violation for a violent felony offender  
of special concern when the violation is not based solely on failure to pay costs, fines, or restitution OR  
☐ New felony conviction = 24 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern if new offense results in a conviction before or at the same time for violation of probation

VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 points

VII. \_\_\_\_\_

VIII. Prior Serious Felony = 30 points

VIII. \_\_\_\_\_

Subtotal Sentence Points 96.4000

IX. Enhancements (only if primary offense qualifies for enhancement)

Law Enf. Protect.	Drug Trafficker	Motor Vehicle Theft	Criminal Gang Offense	Domestic Violence in the Presence of Related Child (offenses committed on or after 03-12-07)	Adult-on-Minor Sex Offense (offenses committed on or after 10-1-14)
<input type="checkbox"/> x 1.5 <input type="checkbox"/> x 2.0 <input type="checkbox"/> x 2.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 2.0

Enhanced Subtotal Sentence Points

IX. \_\_\_\_\_

TOTAL SENTENCE POINTS

96.4000

SENTENCE COMPUTATION

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction. If the total sentence points are 22 points or less, see Section 775.082(10), Florida Statutes, to determine if the court must sentence the offender to a non-state prison sanction.

If total sentence points are greater than 44:

$\frac{96.4000}{\text{total sentence points}} \text{ minus } 28 = \frac{68.4000}{\text{total sentence points}} \times .75 = \frac{51.300000}{\text{Lowest permissible prison sentence in months}}$

If total sentence points are 60 points or less than and court makes findings pursuant to both Florida Statutes 948.20 and 397.334(3), the court may place the defendant into a treatment-based drug court program.

The maximum sentence for each individual felony offense is the statutory maximum as provided in s. 775.082, F.S., unless the lowest permissible sentence listed above exceeds the statutory maximum for that offense. If the lowest permissible sentence exceeds the statutory maximum for an individual felony offense, the lowest permissible sentence replaces the statutory maximum and must be imposed for that offense. See *State v. Gabriel*, 314 So. 3d 1243 (Fla.2021). Sentences for multiple felony offenses may be imposed concurrently or consecutively. If total sentence points are greater than or equal to 363, a life sentence may be imposed.

Primary offense:

LEAVE CRASH W/DEATH

30 years

Description

Maximum sentence in years

Total maximum sentence in years for all counts above if consecutive sentence imposed:

30 years

TOTAL SENTENCE IMPOSED

	Years	Months	Days
<input checked="" type="checkbox"/> State Prison	7		
<input type="checkbox"/> County Jail			
<input type="checkbox"/> Community Control			
<input type="checkbox"/> Probation			
<input type="checkbox"/> Life			
<input type="checkbox"/> Time Served			
<input type="checkbox"/> Modified			

*AC 4 yr min men*

Please check if sentenced as ☐ habitual offender, ☐ habitual violent offender, ☐ violent career offender, ☐ prison release reoffender, or a ☒ mandatory minimum applies.

☐ Mitigated Departure ☐ Plea Bargain ☐ Prison Diversion Program

Other Reason \_\_\_\_\_

JUDGE'S SIGNATURE

**Rule 3.992(b) Supplemental Criminal Punishment Code Scoresheet**

NAME (LAST, FIRST, MI. I.) SHAW, TWANDA	DOCKET # 23-05782-CF	DATE OF SENTENCE 2/6/2023 9/13/24
--	-------------------------	--------------------------------------

**X. ADDITIONAL OFFENSE(S):**

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	COUNTS	POINTS	TOTAL
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							

(Level – Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

II. \_\_\_\_\_

**IV. PRIOR RECORD:**

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	DESCRIPTION	NUMBER	POINTS	TOTAL
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	

(Level – Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

IV. \_\_\_\_\_

**Reasons for Departure – Mitigating Circumstances**

(reasons may be checked here or written on the scoresheet)

- ☐ Legitimate, uncoerced plea bargain.
- ☐ The defendant was an accomplice to the offense and was a relatively minor participant in the criminal conduct.
- ☐ The capacity of the defendant to appreciate the criminal nature of the conduct or to conform that conduct to the requirements of law was substantially impaired.
- ☐ The defendant requires specialized treatment for a mental disorder that is unrelated to substance abuse or addiction, or for a physical disability, and the defendant is amenable to treatment.
- ☐ The need for payment of restitution to the victim outweighs the need for a prison sentence.
- ☐ The victim was an initiator, willing participant, aggressor, or provoker of the incident.
- ☐ The defendant acted under extreme duress or under the domination of another person.
- ☐ Before the identity of the defendant was determined, the victim was substantially compensated.
- ☐ The defendant cooperated with the State to resolve the current offense or any other offense.
- ☐ The offense was committed in an unsophisticated manner and was an isolated incident for which the defendant has shown remorse.
- ☐ At the time of the offense the defendant was too young to appreciate the consequences of the offense.
- ☐ The defendant is to be sentenced as a youthful offender.
- ☐ The defendant is amenable to the services of a post adjudicatory treatment-based drug court program and is otherwise qualified to participate in the program.
- ☐ The defendant was making a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose.

Pursuant to 921.0026(3) the defendant's substance abuse or addiction does not justify a downward departure from the lowest permissible sentence, except for the provisions of s. 921.0026(2)(m).

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA IN AND FOR PINELLAS COUNTY

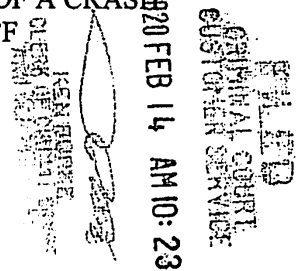
STATE OF FLORIDA

20-01706-CF (C)

v.

LEAVING THE SCENE OF A CRASH  
INVOLVING DEATH; 1°F

KEITH ERIC WHITE JR  
SPN: 311474755 (CF)  
B/M DOB: 04/16/1981



AFFIDAVIT

BEFORE ME, A JUDGE OF THE CIRCUIT COURT, in and for said County, personally came Officer MICHAEL F. JOCKERS, who, being duly sworn, says that on February 8<sup>th</sup>, 2020, in the County aforesaid, one KEITH ERIC WHITE JR (B/M DOB: 04/16/1981) did unlawfully, operate a motor vehicle; a 2005 Hyundai Accent bearing Florida tag IC16BP, and was involved in a motor vehicle crash on public property, which resulted in the death of another; BRENDAN MARKEITH HAWKINS, and then fled the scene without providing his information or rendering aid as required in Chapter 316.062(1). Your Affiant, MICHAEL F. JOCKERS is a sworn Police Officer with the St. Petersburg Police Department, St. Petersburg, Pinellas County, Florida and has been employed for 29 years. Your Affiant, MICHAEL F. JOCKERS is presently serving the City of St. Petersburg Police Department in the capacity of a Traffic Homicide Investigator and has been doing so for twenty years. Your Affiant, MICHAEL F. JOCKERS has experience in criminal investigations and is especially familiar with traffic homicide investigations and accident reconstructions. Your Affiant, MICHAEL F. JOCKERS' knowledge in the area of traffic homicide investigations and accident reconstructions has been gained through specialized training, as well as in-service studies and training provided by the Institute of Police Technology and Management (IPTM).

Your Affiant, MICHAEL F. JOCKERS has personally participated in investigations concerning traffic homicide and accident reconstructions within St. Petersburg, Pinellas County, Florida, which have resulted in numerous arrests of subjects for Vehicular Homicide, Driving Under the Influence Manslaughter, and Leaving the Scene of Fatal Crashes.

Your Affiant, MICHAEL F. JOCKERS also received specialized training from attending and completing the eighty (80) hour course on At Scene Traffic Homicide Investigation, the eighty (80) hour course on Advanced Traffic Homicide Investigation, the eighty (80) hour course on Accident Reconstruction from IPTM and the forty (40) hour course on Crash Data Retrieval Technician and Data Analyst from the Collision Safety Institute.

On February 8<sup>th</sup>, 2020, at approximately 7:41 PM at the intersection of 5<sup>th</sup> Avenue South and 37<sup>th</sup> Street in St. Petersburg, Pinellas County Florida, a motor vehicle crash occurred involving a red sedan and a 2017 Suzuki motorcycle bearing Florida temporary tag 04YHA. Your Affiant learned through his investigation of the scene, the evidence and video obtained of the crash and the events leading up to it, the red sedan was westbound on 5<sup>th</sup> Avenue North attempting to turn left onto 37<sup>th</sup> Street South. The Suzuki motorcycle, being driven by BRENDAN MARKEITH HAWKINS was eastbound on 5<sup>th</sup> Avenue South at a speed over the posted speed limit of 35 miles per hour. According to your Affiant's investigation of the scene, the evidence and the video obtained of the crash and the events leading up to it, the turning vehicle caused HAWKINS to lock his rear tire, which in turn caused the motorcycle to fall onto its right side. The motorcycle continued sliding almost 300 feet to its point of final rest. Hawkins, who was wearing a helmet, struck the right rear corner of the red sedan with his head and almost immediately stopped in the roadway. Hawkins was unresponsive at the scene and was transported to Bayfront health St. Petersburg where he was pronounced dead at 8:24 PM.



The driver of the red sedan slowed down, then left the scene of the crash, southbound on 37<sup>th</sup> Street South. The red sedan suffered heavy damage to the right rear corner to include the rear bumper and right rear taillight assembly. Pieces of the bumper, taillight assembly and reflectors were found at the scene and placed into evidence. One of the reflectors contained part #Korea SAE AP2 01 DOT.

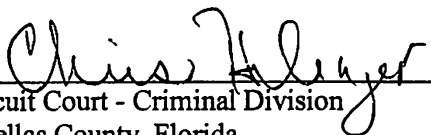
On Tuesday, February 11<sup>th</sup>, your affiant was contact by CHASTITY MCNEAL and advised the vehicle we were looking for had been at The Lamplighter Motel, 12208 North Florida Avenue, Tampa, Florida. The owner of the vehicle was known to MCNEAL as KEITH WHITE and he has been staying with the resident of unit #5. MCNEAL stated that the vehicle left the motel on Saturday, February 8<sup>th</sup>, and was unremarkable. It returned during the morning hours on Sunday, February 9<sup>th</sup> and had massive damage on the right rear corner. A Computer search for KEITH WHITE turned up KEITH ERIC WHITE JR, B/M, 08/16/1981 who owned a 2005 Hyundai 3 door, red in color, with Florida tag IC16BP. A photo of KEITH ERIC WHITE JR was shown to MCNEAL and she positively identified his as the driver of the red Hyundai that stays at The Lamplighter Motel. A review of the security camera footage of the Lamplighter Motel showed Hyundai leaving on Saturday, February 8<sup>th</sup>, 2020 at 11:19 AM in good condition. The vehicle returns to The Lamplighter on Sunday, February 9<sup>th</sup>, 2020 at 8:29 AM and has significant damage to the right rear corner to include the right rear bumper and right rear taillight assembly. A check of the reflector which contained part #Korea SAE AP2 01 DOT showed it is a rear bumper reflector for a 2005 Hyundai Accent.

Your Affiant conducted a canvas of The Lamplighter Motel and found room #5 to be rented and occupied by CHRISTINE CABRERA, W/F, 11/03/1980. Your Affiant conducted an in-person interview with CABRERA after confirming her identity via Florida Driver's License

and was informed by her that she has known KEITH WHITE for about a year. Your Affiant was informed by CABRERA that she and WHITE are fiends and he usually stays with her in room #5 of The Lamplighter Motel. Your Affiant was informed by CABRERA that she and WHITE had an argument on Saturday, February 8<sup>th</sup>, 2020 and he left. Your Affiant was informed by CABRERA that she tried calling and texting him several times throughout the afternoon. CABRERA informed Your Affiant that KEITH WHITE eventually answered his phone about 10:30 PM and sounded very scared. Your Affiant was informed by CABRERA that KEITH WHITE admitted to her that he had been involved in an accident involving a motorcycle and that the motorcyclist had been hurt. Your Affiant was informed by CABRERA that KEITH WHITE admitted to CABRERA that he last saw the motorcyclist lying on the roadway as he drove away. Your Affiant was informed by CABRERA that WHITE further stated that he was afraid and that was why he took off. CABRERA stated KEITH WHITE drove back to The Lamplighter Motel Sunday morning, February 9<sup>th</sup>, 2020. CABRERA informed Your Affiant that she observed the damage to the right rear corner to his vehicle. Your Affiant was informed by CABRERA that KEITH WHITE again recounted the events of being involved in a crash which left a motorcyclist lying on the road after hitting his vehicle, and then leaving the scene.

All of the events occurred in Pinellas County, Florida. At this time, KEITH ERIC WHITE JR has not since been located. Based on the above-mentioned events, YOUR AFFIANT respectfully requests this Honorable Court issue a Capias so that KEITH ERIC WHITE JR can be made to answer to the charge of LEAVING THE SCENE OF A CRASH INVOLVING DEATH, pursuant to Chapter 316.027(2) Florida Statute.

Sworn to and subscribed before me  
this 13 Day of FEBRUARY, 2020

  
\_\_\_\_\_  
Circuit Court - Criminal Division  
Pinellas County, Florida  
SP2020-005678  
NAF20-00554-C

  
\_\_\_\_\_  
AFFIANT

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA IN AND FOR PINELLAS COUNTY

WARRANT

STATE OF FLORIDA

v.

KEITH ERIC WHITE JR  
SPN:  
B/M  
DOB: 04/16/1981

LEAVING THE SCENE OF A CRASH,  
INVOLVING DEATH; 1°F

FILED  
CRIMINAL COURT  
CLERK OF DISTRICT  
AND COUNTY CLERK  
2020 FEB 14 AM 10:23

IN THE NAME OF THE STATE OF FLORIDA, TO ALL AND SINGULAR THE  
SHERIFFS AND INVESTIGATORS OF THE STATE ATTORNEY,

WHEREAS, Officer MICHAEL JOCKERS has this day made oath before this Court that on February 8<sup>th</sup>, 2020, in the County and District aforesaid, one KEITH ERIC WHITE JR (B/M DOB: 04/16/1981) did unlawfully, operate a motor vehicle; a 2005 Hyundai Accent bearing Florida tag IC16BP, and was involved in a motor vehicle crash on public property, which resulted in the death of another; BRENDAN MARKEITH HAWKINS, and then fled the scene without providing his information or rendering aid as required in Chapter 316.027(2)(c).

These are, therefore, to command you to arrest instanter the said KEITH ERIC WHITE JR, and bring him before me to be dealt with according to the law.

Given under my hand and seal this 13 day of FEBRUARY, 2020.

Chris Helmer  
JUDGE OF THE CIRCUIT COURT

SP2020-005678  
NAF20-00554-C

RECEIVED THIS WARRANT

On the \_\_\_\_\_ day of FEBRUARY, 2020

And executed same on the

\_\_\_\_\_ by arresting the within

named KEITH ERIC WHITE JR

and having him now before the

Court.

\_\_\_\_\_  
ARRESTING OFFICER

IN THE CIRCUIT COURT OF THE  
SIXTH JUDICIAL CIRCUIT

Pinellas County  
Florida  
STATE OF FLORIDA

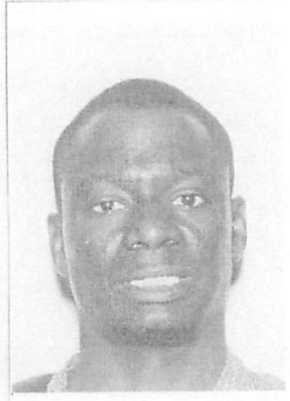
VS

KEITH ERIC WHITE JR  
WARRANT

Filed this 13 day of FEBRUARY, 2020

BOND SET IN THIS CASE IN THE  
AMOUNT

\$ 100,000.00

<b>PERSONAL DATA INFORMATION SHEET</b>			
ALL INFORMATION MUST BE PROVIDED BY THE INVESTIGATING OFFICER I			
*Note: Starred lines are required for computer warrant entries. *FCIC System (local) **NCIC System			
* Defendant's Full Name: <div style="text-align: center; font-size: 1.2em;">KEITH ERIC WHITE JR.</div>			
* Alias:	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">* SSN: <div style="background-color: black; width: 100px; height: 1.2em; margin: 5px 0;"></div></div> <div style="width: 45%;">* SID #:</div> </div>		
Last Known Address: <div style="text-align: center; font-size: 1.2em;">12208 N. FLORIDA AV. #5, TAMPA, FL, 33612</div>			
Place of Employment: <div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <span>(company)</span> <span>(business address)</span> </div>			
*DOB: <div style="text-align: center; font-size: 1.2em;">08/16/1981</div>	*SEX: <div style="text-align: center; font-size: 1.2em;">M</div>	*RACE: <div style="text-align: center; font-size: 1.2em;">B</div>	FINGERPRINTS AVAILABLE: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
**HT: 5'06"	**WT: 150	**HAIR: BLK/PLATS	I EYES: BROWN
OTHER FEATURES: (BEARD, MARKS, SCARS, TATTOOS)			
Per FLCrRule 3.121 attach photo - SOPICS preferred! Originating Source of PHOTO:  <input type="checkbox"/> SOPICS Docket # <input checked="" type="checkbox"/> FL DL # DAVID Photo confirmed accurate by: <i>1/1/2 28526</i>  <input type="checkbox"/> Other State DL # State  <input type="checkbox"/> Other Photo Source #  <input type="checkbox"/> NO PHOTO AVAILABLE — Explanation For No Photo:			
*AGENCY: S.P.P.D.		OFFENSE NUMBER: 2020-005678	
*INVESTIGATING OFFICER: <div style="text-align: center; font-size: 1.2em;">OFF. MICHAEL JOCKERS</div>			

1

IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT,  
IN AND FOR PINELLAS COUNTY FLORIDA  
DIVISION: FELONY

UCN : 522020CF001706000APC

REF No. : 20-01706-CF - D

OBTs NUMBER \_\_\_\_\_

STATE OF FLORIDA  
VS.

**KEITH WHITE JR**  
Defendant

PID: 311474755

SS# [REDACTED]

### JUDGMENT

The Defendant, **KEITH WHITE JR**, being personally before this court represented by **MARIA E DELIBERATO**, Assistant Public Defender, the attorney of record, and the state represented by **ALEC WAID**, Assistant State Attorney, and having:

entered a plea of guilty to the following crime(s)

COUNT	CRIME	OFFENSE STATUTE NUMBER (S)	DEGREE OF CRIME
01	LEAVING THE SCENE OF A CRASH INVOLVING DEATH	316.027	1F

X and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED  
THAT the Defendant is ADJUDICATED GUILTY of the above crime(s).

ICD: JDMT (35964377)

RETURN TO:

CRIMINAL COURT RECORDS

Defendant : KEITH WHITE JR

UCN : 522020CF001706000APC

REF No. : 20-01706-CF - D

\_\_\_\_\_ and good cause being shown; IT IS ORDERED THAT ADJUDICATION  
OF GUILT BE WITHHELD as to Count(s) \_\_\_\_\_

Sentence Deferred  
Until Later Date  
(Check if Applicable)











\_\_\_\_\_ The Court hereby defers imposition of sentence until \_\_\_\_\_  
(Date)

The Defendant in Open Court was advised of the right to appeal from this Judgment by filing notice of appeal with the Clerk of the Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The Defendant was also advised of the right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

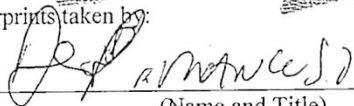
DONE AND ORDERED in open court in Pinellas County, Florida on July 7, 2023.

JUDGE

FINGERPRINTS OF THE DEFENDANT

1. R. Thumb 	2. R. Index 	3. R. Middle 	4. R. Ring 	5. R. Little 
6. L. Thumb 	7. L. Index 	8. L. Middle 	9. L. Ring 	10. L. Little 

Fingerprints taken by:

  
(Name and Title)

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, **KEITH WHITE JR**, and that they were placed thereon by the defendant in my presence in open court this day.

JUDGE



Defendant: KEITH WHITE JR

UCN: 522020CF001706000APC  
REF No.: 20-01706-CF - D

OBTS Number \_\_\_\_\_

## **SENTENCE**

(as to Count 01 )

The defendant, being personally before the court, accompanied by the defendant's attorney of record, **MARIA E DELIBERATO**, Assistant Public Defender, and having been adjudicated guilty, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

### **It Is the Sentence Of the Court That:**

The Defendant pay total statutory costs in the amount of **\$700.00**, inclusive of a **\$50.00** Indigent Criminal Defense Fee as required by s. 27.52 F.S., **\$100.00** as a Cost of Prosecution assessment.

The Defendant pay attorney fees and costs of defense as determined by the Court.

The Defendant is committed to the custody of the Department of Corrections.

Unless otherwise prohibited by law, the Sheriff is authorized to release the Defendant on electronic monitoring or other sentencing programs subject to the Sheriff's discretion.

### **To Be Imprisoned:**

The Defendant is to be imprisoned for a term of **5 YEARS**.

## **SPECIAL PROVISIONS**

By appropriate notation, the following provisions apply to the sentence imposed:

### **Mandatory/Minimum Provisions:**

**Driver Leaving Scene Involving  
Death**

It is further ordered that the 4 year mandatory minimum imprisonment provision of 316.027(2)(c), Florida Statutes, is imposed.

### **Other Provisions:**

Please see the last page of this document for other provisions.

Defendant: KEITH WHITE JR

UCN: 522020CF001706000APC  
REF No.: 20-01706-CF - D

OBTS Number \_\_\_\_\_

**Other Provisions: (continued)**

**Jail Credit**

It is further ordered that the defendant shall be allowed a total of 645 DAYS as credit for time incarcerated before imposition of this sentence.

**Immigration Detainer**

It is further ordered that, as per s. 908.104(3)(b), F.S., the secure correctional facility in which the defendant is to be confined shall reduce the defendant's sentence by a period of not more than 12 days on the facility's determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody.

**Prison Credit**

It is further ordered that the defendant shall be allowed credit for all time previously served on this count in the Department of Corrections prior to resentencing.

**It is further ordered that:**

**Restitution is ordered as follows:**

**\$5680.00 to LINWA WRIGHT  
7708 GULF COURT  
TEMPLE TERRACE, FL 33637, as a lien.**

**Restitution is ordered as follows:**

**\$1013.75 to PINELLAS COUNTY SHERIFF  
14400 49TH ST N  
CLEARWATER, FL 33762, as a lien.**

**Restitution to State:**

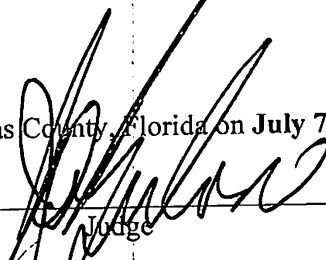
If applicable, you must make payment of any debt due and owing to the state under section 960.17 and 948.03(1)(h) Florida Statutes. The amount of such debt shall be determined by the Court at a later date upon final payment of the Crimes Compensation Trust Fund on behalf of the victim.

In the event the above sentence is to the Department of Corrections, the Sheriff of Pinellas County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing a notice of appeal within 30 days from this date with the Clerk of the Court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the state on showing of indigency.

In imposing this sentence, the court further orders:  
**Your driver's license is revoked for 3 YEARS.**

DONE AND ORDERED in open court at Clearwater, Pinellas County, Florida on July 7, 2023.

  
\_\_\_\_\_  
Judge

# Rule 3.992(a) Criminal Punishment Code Scoresheet

The Criminal Punishment Code Scoresheet Preparation Manual is available at: [http://www.dc.state.fl.us/pub/sen\\_cpcm/index.html](http://www.dc.state.fl.us/pub/sen_cpcm/index.html)

1. DATE OF SENTENCE <b>7/7/23</b>	2. PREPARER'S NAME <b>WADE - waid</b>	3. COUNTY <b>Pinellas</b>	4. SENTENCING JUDGE <b>ANDREWS Bulone</b>
5. NAME (LAST, FIRST, MI.) <b>WHITE, JR., KEITH E.</b>	6. DOB <b>8/16/1981</b>	8. RACE <b>BLACK</b>	10. PRIMARY OFF. DATE <b>2/8/2020</b>
	7. DC #	9. GENDER <b>MALE</b>	11. PRIMARY DOCKET # <b>20-01706CF</b>
			12. PLEA <input checked="" type="checkbox"/> <b>TRIAL</b> <input type="checkbox"/>

**I. PRIMARY OFFENSE:** Qualifier: \_\_\_\_\_

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
<b>1</b>	<b>316.027(2)(C)</b>	<b>LEAVE CRASH W/DEATH</b>	<b>7</b>	<b>56</b>

(Level - Points: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=116)

Prior capital felony doubles Primary Offense points ☐

**I. 56.0000**

**II. ADDITIONAL OFFENSE(S):** Supplemental page attached ☐

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	COUNTS	POINTS	TOTAL
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

Prior capital felony doubles Additional Offense points ☐

Supplemental page points \_\_\_\_\_

**II. \_\_\_\_\_**

**III. VICTIM INJURY:**

	Number	Total		Number	Total
2 <sup>nd</sup> Degree Murder	240 X	=	Slight	4 X	=
Death	120 X	=	Sex Penetration	80 X	=
Severe	40 X	=	Sex Contact	40 X	=
Moderate	18 X	=			

**III. \_\_\_\_\_**

**IV. PRIOR RECORD:** Supplemental page attached ☐

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	DESCRIPTION	NUMBER	POINTS	TOTAL
<b>3</b>	<b>831.01</b>	<b>2</b>		<b>FORGERY/UTTERING</b>	<b>1</b>	<b>X 0.8</b>	<b>= 0.8000</b>
<b>5/MM</b>	<b>893.13(6)(B)</b>	<b>M</b>		<b>POSSES MARIJUANA-MISD</b>	<b>1</b>	<b>X 0.2</b>	<b>= 0.2000</b>
					X		=
					X		=
					X		=
					X		=
					X		=
					X		=

(Level - Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

Supplemental page points \_\_\_\_\_

**IV. 1.0000**

**Page 1 Subtotal: 57.0000**

NAME (LAST, FIRST, MI. I.)  
WHITE, JR., KEITH E.

DOCKET #  
20-01706CF

Page 1 Subtotal: 57.0000

V. Legal Status Violation = 4 Points

- ☐ Escape ☐ Fleeing ☐ Failure to Appear ☐ Supersedeas bond ☐ Incarceration ☐ Pretrial intervention or diversion program  
☐ Court imposed post prison release community supervision resulting in a conviction

V. \_\_\_\_\_

VI. \_\_\_\_\_

VI. Community Sanction Violation before the court for sentencing

- ☐ Probation ☐ Community Control ☐ Pretrial intervention or diversion  
☐ 6 points for any violation other than new felony conviction X \_\_\_\_\_ each successive violation OR  
☐ New felony conviction = 12 points X \_\_\_\_\_ each successive violation if new offense results in conviction before or at same time as sentence for violation of probation OR  
☐ 12 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern when the violation is not based solely on failure to pay costs, fines, or restitution OR  
☐ New felony conviction = 24 points X \_\_\_\_\_ each successive violation for a violent felony offender of special concern if new offense results in a conviction before or at the same time for violation of probation

VII. \_\_\_\_\_

VIII. \_\_\_\_\_

VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 points

VIII. Prior Serious Felony = 30 points

Subtotal Sentence Points 57.0000

IX. Enhancements (only if primary offense qualifies for enhancement)

Law Enf. Protect.	Drug Trafficker	Motor Vehicle Theft	Criminal Gang Offense	Domestic Violence in the Presence of Related Child (offenses committed on or after 03-12-07)	Adult-on-Minor Sex Offense (offenses committed on or after 10-1-14)
<input type="checkbox"/> x 1.5 <input type="checkbox"/> x 2.0 <input type="checkbox"/> x 2.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 2.0

Enhanced Subtotal Sentence Points

TOTAL SENTENCE POINTS

57.0000

SENTENCE COMPUTATION

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction. If the total sentence points are 22 points or less, see Section 775.082(10), Florida Statutes, to determine if the court must sentence the offender to a non-state prison sanction.

If total sentence points are greater than 44:

57.0000 minus 28 = 29.0000 x .75 = 21.750000  
total sentence points Lowest permissible prison sentence in months

If total sentence points are 60 points or less than and court makes findings pursuant to both Florida Statutes 948.20 and 397.334(3), the court may place the defendant into a treatment-based drug court program.

The maximum sentence is up to the statutory maximum for the primary and any additional offenses as provided in s.775.082, F.S., unless the lowest permissible sentence under the code, exceeds the statutory maximum. Such sentences may be imposed concurrently or consecutively. If the total sentence points are greater than or equal to 363, a life sentence may be imposed.

30  
maximum sentence in years

TOTAL SENTENCE IMPOSED

- ☒ State Prison ☐ Life  
☐ County Jail ☐ Time Served  
☐ Community Control  
☐ Probation ☐ Modified

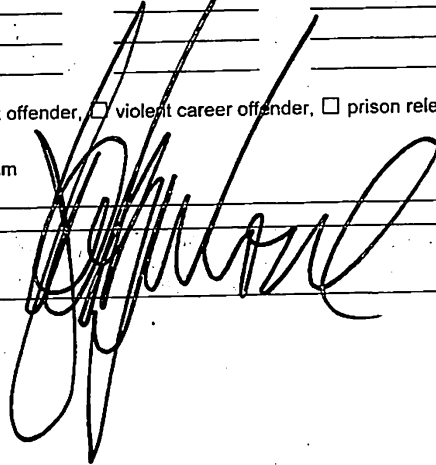
Years Months Days  
5 yr w/ 4 yr m/m

lien Restit.  
and Costs  
Extradition

Please check if sentenced as ☐ habitual offender, ☐ habitual violent offender, ☐ violent career offender, ☐ prison release reoffender, or a ☒ mandatory minimum applies.

☐ Mitigated Departure ☐ Plea Bargain ☐ Prison Diversion Program  
Other Reason \_\_\_\_\_

JUDGE'S SIGNATURE



**CIRCUIT/COUNTY COURT  
PINELLAS COUNTY FLORIDA**

PAGE 1 OF 1

- ☒ Felony  
☐ Misdemeanor  
☐ Traffic  
☐ Juvenile  
☐ Civil

UCN: \_\_\_\_\_

Reference No: 22-09348-CF

IN THE INTEREST OF :  
MOLINA-SALLES, JUAN

CEC BOX# 333

DRGS BOX # \_\_\_\_\_

SHELF # \_\_\_\_\_

SECTION # \_\_\_\_\_

SPN:

- ☒ STATE    ☐ DEFENSE    ☐ COURT    ☐ PLAINTIFF

LIST OF EXHIBITS      FOR: SENTENCING

DATE	EXH. NO.	IDEN.	EVID.	DESCRIPTION
3/4/25	1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	A SMALL MANALA ENVELOPE WITH A BLACK USB DRIVE INSIDE. THERE IS A WHITE LABEL ON THE USB THAT READS "COMP. VID"
	2A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	A SMALL MANALA ENVELOPE WITH A ORANGE USB DRIVE INSIDE. PHOTO 2A APPEARS TO BE BODY WORN CAMERA
	2B	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	A SMALL MANALA ENVELOPE WITH A ORANGE USB DRIVE INSIDE. PHOTO 2B APPEARS TO BE CRIME SCENE PHOTOS.
		<input type="checkbox"/>	<input type="checkbox"/>	

Exhibits Verified by **KEN BURKE**  
Clerk of the Circuit Court

By: [Signature]  
Deputy Clerk

Date: 3/4/25

By: [Signature]  
Evidence Clerk

Date: 3/6/2025

### EVIDENCE CUSTODY CONTROL RECORD

Page1 of 1

UCN:

Reference No: 22-09348-CF

[illegible]

**CLERK'S COMMENTS:** (Please **Initial** and **Date** anything written in this area)

CIRCUIT/COUNTY COURT  
PINELLAS COUNTY FLORIDA

PAGE 1 OF 2

- ☒ Felony  
☐ Misdemeanor  
☐ Traffic  
☐ Juvenile  
☐ Civil

UCN: \_\_\_\_\_

Reference No: 22-09348-CF

CRC BOX# 333

DRGS BOX # \_\_\_\_\_

STATE OF FLORIDA  
VS.  
MOLINA-SALLES, JUAN

SHELF # \_\_\_\_\_

SECTION # \_\_\_\_\_

SPN:

☐ STATE ☒ DEFENSE ☐ COURT ☐ PLAINTIFF

LIST OF EXHIBITS FOR: SENTENCING

DATE	EXH. NO.	IDEN.	EVID.	DESCRIPTION
3/4/25	1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	ONE PAGE COLORED PHOTOCOPY OF WHAT APPEARS TO BE TWO CONTRUCTION WORKERS USING A MACHINE. THERE ARE SPARKS COMING FROM THE MACHINE AND THE GROUND.
3/4/25	2	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	A SMALL WHITE SQUARE ENVELOPE WITH "911 CALLS" WRITTEN IN BLUE INK ON THE BOTTOM. THERE IS A STAPLES CD-R INSIDE
3/4/25	3	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	A SMALL WHITE SQUARE ENVELOPE WITH A SILVER VERBATIM DVD-R INSIDE. THERE IS A LOT OF WRITING IN BLACK INK ON THE DVD-R
3/4/25	4	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	A COLORED PHOTOGRAPH OF WHAT APPEARS TO BE THE INSIDE OF A CAR WITH BLACK SEATS AND A GUN WITH ORANGE ON IT. THERE IS A YELLOW VEST.
3/4/25	5	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	19 PAGE BLACK AND WHITE DOCUMENT WITH "JTP REPORTING 727-422-8287" TYPED ON THE BOTTOM OF THE FIRST PAGE.

By: [Signature]  
Deputy Clerk

Date: 3/4/25

By: [Signature]  
Evidence Clerk

Date: 3/6/2025

## EVIDENCE CUSTODY CONTROL RECORD

Page2 of 2

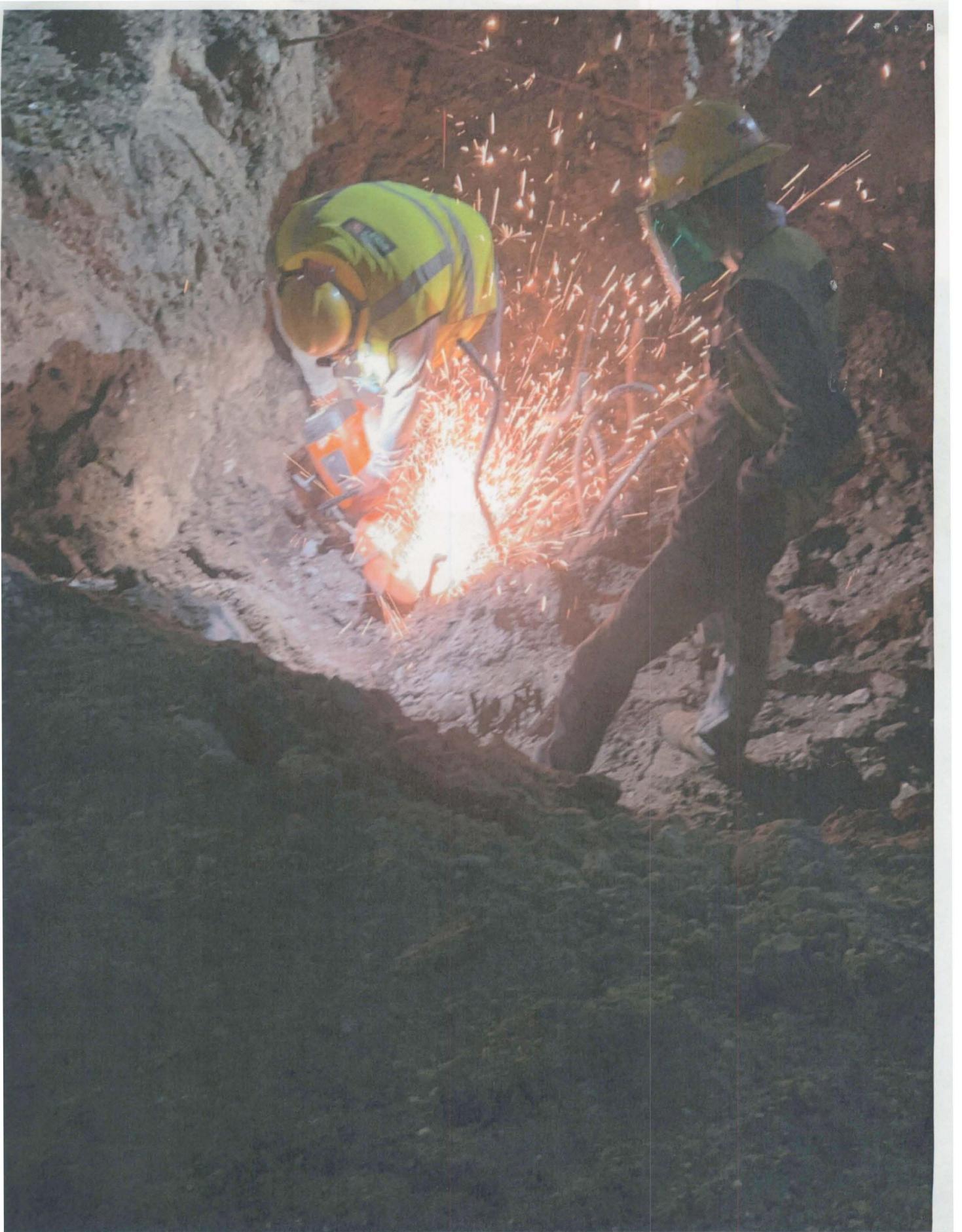
UCN:

Reference No: 22-09348-CF

[illegible]

**CLERK'S COMMENTS:** (Please **Initial** and **Date** anything written in this area)









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:

SERGEANT ALAN CLARK

TAKEN BY:

Counsel for the Defendant

DATE:

November 18, 2024

TIME:

1:42 p.m. - 1:56 p.m.

PLACE:

ZOOM Videoconference

REPORTED BY:

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

Pages 1 - 19

## ZOOM VIDEOCONFERENCE APPEARANCES

ELIZABETH CONSTANTINE, ESQUIRE

NATHAN VONDERHEIDE, ESQUIRE

Assistant State Attorneys

14250 49th Street North

Clearwater, Florida 34620

Attorneys for the State of Florida

MARIA DELIBERATO, ESQUIRE

NICHOLE BLAQUIERE, ESQUIRE

Assistant Public Defenders

14250 49th Street North

Clearwater, Florida 34620

Attorneys for the Defendant

## INDEX

SGT. ALAN CLARK	PAGE:
Examination by Ms. DeLiberato.....	4
Certificate of Oath.....	17
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## EXHIBITS

(No exhibits were marked for identification.)

1 WHEREUPON,

2 ALAN CLARK

3 (was adduced as the deponent herein, and being first duly  
4 sworn on oath, was examined and testified as follows:)

5 EXAMINATION

6 BY MS. DELIBERATO:

7 Q Good afternoon. Can you please state and spell  
8 your last name for the record.

9 A My name is Alan Clark, C-L-A-R-K.

10 Q And how are you employed?

11 A I'm a sergeant with the Pinellas County  
12 Sheriff's Office.

13 Q My name is Maria DeLiberato. I'm an assistant  
14 public defender. Myself and Nichole Baquiere represent  
15 Juan Molina-Salles in this case. Elizabeth Constantine  
16 and Nathan Vonderheide are here for the State.

17 It's PCSO case number 22-305232. I don't have  
18 that you authored a supplement here. I think you were  
19 acting in a supervisory capacity. Is that correct, or do  
20 you have a supplement?

21 A I do not. I was just the scene supervisor. I  
22 just controlled the area until the on-duty lieutenants  
23 arrived, and then after that, I took over the command bus  
24 operations.

25 Q Okay. We'll walk through your involvement. I

1 just wanted to make sure that I didn't miss anything in my  
2 discovery.

3 A No.

4 Q Can you tell me a little bit about your career  
5 in law enforcement. How long have you been with PCSO?

6 A This month is 27 years.

7 Q Any prior law enforcement before PCSO?

8 A No.

9 Q And this is a question I ask of everybody. Have  
10 you ever had any complaints sustained against you for any  
11 reason?

12 A No.

13 Q So do you have an independent recollection of  
14 this traffic accident and scene?

15 A I do.

16 Q Is that because it was a deputy-involved death?

17 A Yes. It was a little more traumatic.

18 Q Understood. Did you know Deputy Hartwick  
19 personally?

20 A Yes.

21 Q Did you talk to him regularly inside and outside  
22 the office?

23 A Not so much outside, but inside, yes. He worked  
24 with me the day before.

25 Q That was my next question. The last time you

1 saw him was the day before?

2 A Yeah. I was -- at the time, I was a supervisor  
3 for the Seminole area and also the Largo area around  
4 Seminole, and he filled in an overtime spot for me.  
5 Ultimately, I moved him out to the beach because he wasn't  
6 feeling well that night, so I let him go to a slower area.

7 Q Okay. Do you remember, did he have a cold or  
8 something?

9 A Yeah.

10 Q Okay. So you sent him out to take a little bit  
11 of an easier shift since he wasn't feeling well?

12 A If I remember the correct night, yeah. There  
13 was a couple of times he filled in for me as overtime  
14 during that last few weeks.

15 Q Okay. Did he ever talk to you about the Archer  
16 Western detail, the construction detail or anything like  
17 that?

18 A Not specifically. A lot of us work it on a  
19 regular basis.

20 Q That was my next question. Did you ever work  
21 that detail?

22 A Yes. I have frequently.

23 Q Okay. Both before and after the accident?

24 A Yes.

25 Q Anything -- any concerns that you had about



1 Archer Western and their safety protocols or anything like  
2 that?

3 A Specifically, I know that there were a number of  
4 accidents that were unrelated to police involvement. In  
5 particular, one where a car drove around some barricades.  
6 It was a pickup truck for the Fourth Street exit coming  
7 off of 275 and went over the non-existent bridge and ended  
8 up falling down below. There were -- there have been  
9 other incidents of people getting injured and dying as a  
10 result of injuries sustained there.

11 Q Anything that Archer Western talked to the  
12 police officers about regarding safety protocols or  
13 wearing a safety vest or anything like that?

14 A No.

15 Q Not that you're aware of?

16 A Not with me.

17 Q Okay. So that night were you on duty when this  
18 happened, or did you get called in?

19 A I was on duty, and I was working our Sector-3  
20 area. I was 30, meaning that I was a supervisor for the  
21 Largo and Seminole area, which goes basically from Lake  
22 Seminole west out towards the beaches and includes the  
23 City of Seminole and the unincorporated areas of Largo up  
24 to the Clearwater-Largo Road area.

25 Q Okay. And what do you remember about the call?

1 How did it come out, and how did you get involved?

2 A I remember hearing the radio talk about a deputy  
3 being struck by a vehicle. They were trying to raise the  
4 deputies on the radio to try to confirm everybody was  
5 okay. We were getting calls about a deputy being down.  
6 So when I started hearing that radio talk, I immediately  
7 went lights and siren out towards the area to try and  
8 assess the situation from a supervisory perspective.

9 Q What do you remember seeing when you got on  
10 scene?

11 A When I got on scene, there were already several  
12 people on scene. It probably took me, if I remember  
13 correctly, ten or twelve minutes to get across the county  
14 and become involved, so maybe even up to fifteen. It  
15 was -- it was a few minutes, like I said, getting from the  
16 Bay Pines area over towards the Howard Frankland area.

17 There were several people on scene already, to  
18 include Deputy Hirshman, and I can't recall the others. I  
19 know Deputy Hirshman was one of the first people to arrive  
20 on scene. I know there were several deputies that were  
21 there for the off-duty as well, part of the Archer detail;  
22 so they were able to respond more quickly than I was. So  
23 when I got on scene and I was able to confirm Deputy  
24 Hartwick had passed as a result of the injuries, then I  
25 just began to take over in a scene-control method.

1           Q     And what does that mean, scene control? What  
2 did you do?

3           A     I stopped the traffic on the interstate because  
4 initially we weren't sure. The initial reports were that  
5 it could have been a hit-and-run. We didn't know if  
6 somebody, a citizen ignored the barricades and cones and  
7 struck him and continued. We weren't positive of the  
8 cause yet.

9                     So what I did was, I stopped the traffic on both  
10 directions of the interstate. I ordered that the exits  
11 north and south of the occurred location get blocked by  
12 police to divert people off the roadway so that we could  
13 do two things: One would be to look for any evidence in  
14 the area regarding the injury and the crash that resulted  
15 in the death; and two, also protect the people that were  
16 working in the area to not be struck by somebody who was  
17 being careless and inattentive trying to see what the  
18 police activity was about. I knew it was going to be what  
19 we call a MAIT, Major Accident Investigation Team. So I  
20 knew that stopping the traffic and preserving the evidence  
21 was the primary concern at that time.

22           Q     Did you get close to Deputy Hartwick to observe  
23 his injuries, or he was already pronounced and covered by  
24 the time you arrived?

25           A     He was already pronounced and covered. When

1 Lieutenant Killian arrived, we walked over and I glanced.  
2 we lifted the cover to observe him briefly. I honestly  
3 don't remember -- I remember seeing him. I don't remember  
4 specifics. I couldn't look any further. That's only the  
5 second time. I've been in charge twice now, when Deputy  
6 Magli was killed and -- well, I wasn't the scene  
7 supervisor on that one. I was a corporal. But I was  
8 directly involved in his as well, and it was just a little  
9 bit much to see him.

10 So once Lieutenant Killian was able to confirm  
11 that it wasn't something like a drive-by shooting, that it  
12 was an apparent auto-related injury, then we replaced the  
13 cover over him and backed away from the area. I do recall  
14 seeing pieces of his belt and his camera -- body-camera  
15 and things like that strewn about, indicating an impact  
16 versus something like a shooting that might have kept all  
17 of his equipment intact on his body.

18 Q Okay. And then you started sort of protecting  
19 the scene. Do you also direct deputies to do certain  
20 things or collect certain pieces of evidence?

21 A I remember that there were a couple of employees  
22 on scene, and I don't remember their names. There were a  
23 couple of employees on scene, and I directed the deputies  
24 to keep them separate so that we could interview them in a  
25 controlled manner separately, not have them influencing

1 each other's testimony. The deputy that I recall speaking  
2 to was Deputy Duran, Denise Duran.

3 But there were several deputies, and we  
4 basically just went into a holding pattern at that point  
5 until other outfits could get there, including the command  
6 staff, the Major Accident Team, homicide investigators.  
7 At that point, it's trying to determine whether or not it  
8 was an actual hit-and-run by somebody who was passing by  
9 coming from Tampa to St. Pete kind of thing or if it was  
10 something else. And we were still gathering our  
11 information at that time, and it was still in that respect  
12 very fluid.

13 Q It looks like you maybe sat in on some of the  
14 interviews with some of the first responding officers,  
15 like your name is there, or is that just your name is on  
16 there because it happened -- like, there's a police report  
17 that talks about an interview with Deputy Hirshman. Did  
18 you sit in on that, or is your name just on that report  
19 because you're the sergeant?

20 A I think it must have just been attached by CAD  
21 records. I did not sit in on any direct interviews that I  
22 recall. I primarily stayed at the scene with the command  
23 bus. I did not bring the command bus out there, but I'm  
24 one of two operators. And because I was already on  
25 duty, I maintained control of the command bus.

1           In doing that, we do things like we access the  
2 computer systems. We access cameras. We access other  
3 data to provide to the Sheriff and anybody else who was in  
4 command and requests something, like Major Lazaris or  
5 anybody else. I did not sit in on any interviews. If  
6 you're talking about an interview with traffic crash  
7 investigators or homicide investigators, no.

8           Q     Did you yourself interview any lay witnesses on  
9 scene?

10          A     I was trying to figure out what we needed as far  
11 as a bulletin, but I did not interview anybody directly.  
12 I was just trying to gather information, if anybody saw a  
13 particular vehicle for description reasons, a driver,  
14 anything like that that we could put out so that we could  
15 put out a be-on-the-lookout, a BOLO alert for anybody that  
16 was in the area in respect to the event.

17          Q     And did you gather that information? Do you  
18 remember anything that you gathered?

19          A     Not prior to the other command staff arriving on  
20 scene. Lieutenant Kiñian was a north county commander.  
21 She arrived a short time after me and took over and  
22 controlled the scene.

23          Q     Okay. Then did you stay with the command bus at  
24 that point?

25          A     Primarily the command bus. There were other

1 times when Deputy Hartwick was transported to the medical  
2 examiner's office in a caravan, but otherwise, yes, I was  
3 just on scene with the command bus, ensuring the operation  
4 was successful for the command staff to gather the  
5 information that they wished to gather, such as the camera  
6 system from Deputy Hartwick's cruiser and things like  
7 that.

8 Q You said you were part of the caravan that  
9 transported him to the medical examiner's office. Were  
10 you driving, or you were just in one of the line of cars?

11 A I was driving my own cruiser, but I was in the  
12 line of cars back. I wasn't toward the front. I was  
13 somewhere in the middle or the rear end of the caravan  
14 itself. I know that the ambulance was leading the  
15 caravan, so I wasn't part of that portion of it.

16 Q Were you on scene at the command bus when  
17 Mr. Molina-Salles was ultimately taken into custody?

18 A I don't recall. I did not have any interaction  
19 with him. As far as that goes, I don't recall. I  
20 remember hearing about him being taken into custody. It  
21 was after sunrise. But I don't recall seeing him directly  
22 myself.

23 Q Okay. Do you remember -- what do you remember  
24 hearing about it, if anything?

25 A Just that he was captured in the wooded area a

1 little bit north and west of us, kind of south of  
2 Ulmerton, west of the interstate; that he had been in  
3 there for a number of hours; and that a K9 unit found him  
4 later that morning.

5 Q Okay. Anything else that you remember hearing  
6 about Mr. Molina-Salles either that day, night, or in the  
7 days later? Anything about his background or anything  
8 like that?

9 A No. I do recall there was a camera that was  
10 being obtained from one of the semi-trucks, and it showed  
11 him handing his yellow jacket or yellow vest to another  
12 person before leaving the area. I wasn't involved in  
13 recovering that. I recall seeing it, but I did not have  
14 anything to do with recovering it or placing it in  
15 evidence.

16 That would be part of the case evidence, that  
17 particular video of some sort of dash cam from one of the  
18 semi-trucks. Because the construction that was going on  
19 at that time was a front-end loader moving some of those  
20 concrete jersey barriers from semi-trucks to the Roosevelt  
21 exit to create a new exit lane when the crash occurred.  
22 So that's what was occurring at the time. One of the  
23 semi-trucks had some sort of dash cam that they were able  
24 to recover.

25 Q So you say you remember seeing the video of him



1 handing the construction vest, right?

2 A Yes.

3 Q Did you see the actual recovery of the vest  
4 itsef?

5 A I know it was recovered, but I did not see it,  
6 no.

7 Q And you already said no contact with  
8 Mr. Molina-Sales, and no research about him or his  
9 background. Anything after your -- how long were you on  
10 the scene? How long did you stay?

11 A After Deputy Hartwick was transported to the  
12 medical examiner's, my computer and laptop were still at  
13 the command bus, so I had to return to the command bus to  
14 get it. I probably didn't get home until 11 or 12 --  
15 between 10 a.m. and noon, if I remember correctly, and it  
16 began around 11 o'clock the night before.

17 Q Did you attend any briefings either in your  
18 department or with the State Attorney's office about this  
19 case afterwards?

20 A No. I was not involved in any briefings or  
21 investigation of the event itself.

22 Q And you said you did not author any reports.  
23 Did you review or sign-off on any reports?

24 A I don't recall. I don't know. I would have to  
25 look and see through the supplements and see that, but

1 they would not have been part of the investigation, like  
2 the MAIT Team or Homicide Team. I would not have seen  
3 that. Deputy Duran was not under my supervision, so I  
4 would not have seen hers. It would not be in my chain of  
5 command to have seen those. I don't know if there were  
6 any other deputies that responded that may have authored  
7 something minor that I would have approved but nothing  
8 substantial.

9 Q Okay. Anything that I have not asked you about  
10 today that I missed on your involvement in this particular  
11 case?

12 A No.

13 MS. DELIBERATO: I don't have any further  
14 questions. I don't know if co-counsel does or the  
15 State does.

16 MS. BLAQUIERE: No.

17 MS. DELIBERATO: Thank you so much. I really  
18 appreciate your time this afternoon.

19 (Deposition concludes at 1:56 p.m.)  
20  
21  
22  
23  
24  
25

1 COUNTY OF PINELLAS )

2 STATE OF FLORIDA )

3 CERTIFICATE OF OATH

4

5 I, the undersigned authority, certify that SGT.  
6 ALAN CLARK personally appeared before me and was duly  
7 sworn.

8 Witness my hand and official seal this 18TH day  
9 of JANUARY, 2025.

10

11

Tamara M. Pacheco

12

Tamara M. Pacheco, RPR  
COMMISSION # 474485  
EXPIRES: March 30, 2028

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CERTIFICATE OF REPORTER

STATE OF FLORIDA )

COUNTY OF PINELLAS )

I, Tamara M. Pacheco, certify that I was authorized to and did stenographically report the Deposition of SGT. ALAN CLARK; that a review of the transcript was requested; and that the transcript is a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

Tamara M. Pacheco

Tamara M. Pacheco, RPR

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## ERRATA SHEET

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

NAME OF DEPONENT: SGT. ALAN CLARK

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
------	------	-----------------	-------------------

Signature

Date \_\_\_\_\_

# Rule 3.992(a) Criminal Punishment Code Scoresheet

The Criminal Punishment Code Scoresheet Preparation Manual is available at: [http://www.dc.state.fl.us/pub/sen\\_cpcm/index.html](http://www.dc.state.fl.us/pub/sen_cpcm/index.html)

1. DATE OF SENTENCE <b>3/4/25</b>	2. PREPARER'S NAME <b>Constantine Pinellas</b>	3. COUNTY <b>Pinellas</b>	4. SENTENCING JUDGE <b>Siracusa</b>
5. NAME (LAST, FIRST, M.I.) <b>Hollna-Salles, Juan</b>	6. DOB <b>05/04/90</b>	8. RACE <b>H</b>	10. PRIMARY OFF. DATE <b>9/22/22</b>
	7. DC #	9. GENDER <b>m</b>	11. PRIMARY DOCKET # <b>2209348</b>
			12. PLEA TRIAL <input checked="" type="checkbox"/>

## I. PRIMARY OFFENSE: Qualifier:

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
<b>1</b>	<b>316.027</b>	<b>1st degree murder</b>	<b>8</b>	<b>74</b>
(Level - Points: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=116)				<b>74</b>
Prior capital felony doubles Primary Offense points <input type="checkbox"/>				

## II. ADDITIONAL OFFENSE(S): Supplemental page attached ☐

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	COUNTS	POINTS	TOTAL
----------	---------------	-------	---------------	------------------	--------	--------	-------

DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

Prior capital felony doubles Additional Offense points ☐

Supplemental page points

II.           

## III. VICTIM INJURY:

	Number	Total		Number	Total
2nd Degree Murder	240 X	=	Slight	4 X	=
Death	120 X	= <b>120</b>	Sex Penetration	80 X	=
Severe	40 X	=	Sex Contact	40 X	=
Moderate	18 X	=			

III. **120**

## IV. PRIOR RECORD: Supplemental page attached ☐

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	DESCRIPTION	NUMBER	POINTS	TOTAL
---------------	-------	---------------	------------------	-------------	--------	--------	-------

					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	

(Level - Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

Supplemental page points

IV. **194**  
Page 1 Subtotal:

NAME (LAST, FIRST, MI. I.) Molina-Salles, Juan DOCKET # 22-09348 CF  
Page 1 Subtotal: 194

**V. Legal Status Violation = 4 Points**

- ☐ Escape ☐ Fleeing ☐ Failure to Appear ☐ Supersedeas bond ☐ Incarceration ☐ Pretrial intervention or diversion program  
☐ Court imposed post prison release community supervision resulting in a conviction

V.           

**VI. Community Sanction Violation before the court for sentencing**

VI.           

- ☐ Probation ☐ Community Control ☐ Pretrial intervention or diversion  
☐ 6 points for any violation other than new felony conviction X            each successive violation OR  
☐ New felony conviction = 12 points X            each successive violation if new offense results in conviction before or at same time as sentence for violation of probation OR  
☐ 12 points X            each successive violation for a violent felony offender of special concern when the violation is not based solely on failure to pay costs, fines, or restitution OR  
☐ New felony conviction = 24 points X            each successive violation for a violent felony offender of special concern if new offense results in a conviction before or at the same time for violation of probation

**VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 points**

VII.           

**VIII. Prior Serious Felony = 30 points**

VIII.           

Subtotal Sentence Points

**IX. Enhancements (only if primary offense qualifies for enhancement)**

Law Enf. Protect.	Drug Trafficker	Motor Vehicle Theft	Criminal Gang Offense	Domestic Violence in the Presence of Related Child	Adult-on-Minor Sex Offense
<input type="checkbox"/> x 1.5 <input type="checkbox"/> x 2.0 <input type="checkbox"/> x 2.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	<input type="checkbox"/> x 1.5	(offenses committed on or after 03-12-07) <input type="checkbox"/> x 1.5	(offenses committed on or after 10-1-14) <input type="checkbox"/> x 2.0

Enhanced Subtotal Sentence Points

TOTAL SENTENCE POINTS

**SENTENCE COMPUTATION**

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction. If the total sentence points are 22 points or less, see Section 775.082(10), Florida Statutes, to determine if the court must sentence the offender to a non-state prison sanction.

If total sentence points are greater than 44:

           minus 28 = 166 x .75 = 124.5m (~ 10.375y)  
total sentence points Lowest permissible prison sentence in months

If total sentence points are 60 points or less than and court makes findings pursuant to both Florida Statutes 948.20 and 397.334(3), the court may place the defendant into a treatment-based drug court program.

The maximum sentence is up to the statutory maximum for the primary and any additional offenses as provided in s.775.082, F.S., unless the lowest permissible sentence under the code, exceeds the statutory maximum. Such sentences may be imposed concurrently or consecutively. If the total sentence points are greater than or equal to 363, a life sentence may be imposed.

30y  
maximum sentence in years

**TOTAL SENTENCE IMPOSED**

- ☒ State Prison ☐ Life 12 Years            Months            Days  
☐ County Jail ☐ Time Served             
☐ Community Control             
☐ Probation ☐ Modified

Please check if sentenced as ☐ habitual offender, ☐ habitual violent offender, ☐ violent career offender, ☐ prison release reoffender, or a ☒ mandatory minimum applies.

☐ Mitigated Departure ☐ Plea Bargain ☐ Prison Diversion Program

Other Reason           

**JUDGE'S SIGNATURE**

**Rule 3.992(b) Supplemental Criminal Punishment Code Scoresheet**

NAME (LAST, FIRST, MI. I.) <b>Molina-Sailes, Juan</b>	DOCKET # <b>22-093484</b>	DATE OF SENTENCE
--	------------------------------	------------------

**X. ADDITIONAL OFFENSE(S):**

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	COUNTS	POINTS	TOTAL
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							
DESCRIPTION							

(Level – Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

II. \_\_\_\_\_

**IV. PRIOR RECORD:**

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A/S/C/R	DESCRIPTION	NUMBER	POINTS	TOTAL
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	
					X	=	

(Level – Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

IV. \_\_\_\_\_

**Reasons for Departure – Mitigating Circumstances**  
(reasons may be checked here or written on the scoresheet)

- ☐ Legitimate, uncoerced plea bargain.
- ☐ The defendant was an accomplice to the offense and was a relatively minor participant in the criminal conduct.
- ☐ The capacity of the defendant to appreciate the criminal nature of the conduct or to conform that conduct to the requirements of law was substantially impaired.
- ☐ The defendant requires specialized treatment for a mental disorder that is unrelated to substance abuse or addition, or for the physical disability, and the defendant it amenable to treatment.
- ☐ The need for payment of restitution to the victim outweighs the need for a prison sentence.
- ☐ The victim was an initiator, willing participant, aggressor, or provoker of the incident.
- ☐ The defendant acted under extreme duress or under the domination of another person.
- ☐ Before the identity of the defendant was determined, the victim was substantially compensated.
- ☐ The defendant cooperated with the State to resolve the current offense or any other offense.
- ☐ The offense was committed in an unsophisticated manner and was an isolated incident for which the defendant has shown remorse.
- ☐ At the time of the offense the defendant was too young to appreciate the consequences of the offense.
- ☐ The defendant is to be sentenced as a youthful offender.
- ☐ The defendant is amenable to the services of a post adjudicatory treatment-based drug court program and is otherwise qualified to participate in the program.
- ☐ The defendant was making a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose.

Pursuant to 921.0026(3) the defendant's substance abuse or addiction does not justify a downward departure from the lowest permissible sentence, except for the provisions of s. 921.0026(2)(m).



1

IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT,  
IN AND FOR PINELLAS COUNTY FLORIDA  
DIVISION: FELONY

UCN : 522022CF009348000APC

REF No. : 22-09348-CF - T

OBTS NUMBER \_\_\_\_\_

STATE OF FLORIDA  
VS.

**JUAN ARIEL MOLINA-SALLES**  
Defendant

**PID: 312000026**  
**SS# Not Available**

### **JUDGMENT**

The Defendant, **JUAN ARIEL MOLINA-SALLES**, being personally before this court represented by **NICHOLE D. BLAQUIERE**, Assistant Public Defender, and **MARIA E DELIBERATO**, Assistant Public Defender, the attorneys of record, and the state represented by **ELIZABETH CONSTANTINE**, Assistant State Attorney, and having:

**entered a plea of guilty to the following crime(s)**

COUNT	CRIME	OFFENSE STATUTE NUMBER (S)	DEGREE OF CRIME
01	LEAVING THE SCENE OF A CRASH INVOLVING DEATH	316.027/316.027/921.0 021	1F

  X   and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED  
THAT the Defendant is ADJUDICATED GUILTY of the above crime(s).

ICD: JDMT (37332293)  
**RETURN TO:**  
**CRIMINAL COURT RECORDS**

Defendant : JUAN ARIEL MOLINA-SALLES

UCN : 522022CF009348000APC

REF No. : 22-09348-CF - T

\_\_\_\_\_ and good cause being shown; IT IS ORDERED THAT ADJUDICATION  
OF GUILT BE WITHHELD as to Count(s) \_\_\_\_\_

Sentence Deferred  
Until Later Date  
(Check if Applicable)





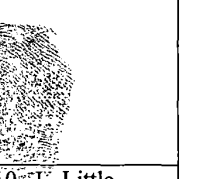




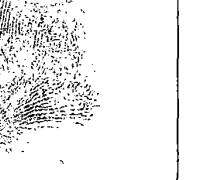
\_\_\_\_\_ The Court hereby defers imposition of sentence until \_\_\_\_\_  
(Date)

The Defendant in Open Court was advised of the right to appeal from this Judgment by filing notice of appeal with the Clerk of the Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The Defendant was also advised of the right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in open court in Pinellas County, Florida on **March 4, 2025**.

\_\_\_\_\_  
JUDGE

FINGERPRINTS OF THE DEFENDANT

1. R. Thumb	2. R. Index	3. R. Middle	4. R. Ring	5. R. Little
				
6. L. Thumb	7. L. Index	8. L. Middle	9. L. Ring	10. L. Little
				

Fingerprints taken by:

\_\_\_\_\_  
(Name and Title)

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, **JUAN ARIEL MOLINA-SALLES**, and that they were placed thereon by the defendant in my presence in open court this day.

\_\_\_\_\_  
JUDGE

Defendant: JUAN ARIEL MOLINA-SALLES

UCN: 522022CF009348000APC  
REF No.: 22-09348-CF - T

OBTS Number \_\_\_\_\_

## SENTENCE

(as to Count 01 )

The defendant, being personally before the court, accompanied by the defendant's attorneys of record, **NICHOLE D. BLAQUIERE, Assistant Public Defender**, and **MARIA E DELIBERATO, Assistant Public Defender**, and having been adjudicated guilty, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

### It Is the Sentence Of the Court That:

The Defendant pay total statutory costs in the amount of **\$1469.60**, inclusive of a **\$50.00** Indigent Criminal Defense Fee as required by s. 27.52 F.S., Investigative Costs in the amount of **\$769.60** pursuant to s. 938.27 F.S., **\$100.00** as a Cost of Prosecution assessment. These assessments are hereby imposed as liens.

The Defendant **pay attorney fees and costs of defense as determined by the Court.**

The Defendant is **committed to the custody of the Department of Corrections.**

Unless otherwise prohibited by law, the Sheriff is authorized to release the Defendant on electronic monitoring or other sentencing programs subject to the Sheriff's discretion.

### To Be Imprisoned:

The Defendant is to be imprisoned for a term of **12 YEARS.**

## SPECIAL PROVISIONS

By appropriate notation, the following provisions apply to the sentence imposed:

### Mandatory/Minimum Provisions:

<b>Driver Leaving Scene Involving Death</b>	<b>It is further ordered that the 4 year mandatory minimum imprisonment provision of 316.027(2)(c), Florida Statutes, is imposed.</b>
---	---

### Other Provisions:

**Please see the last page of this document for other provisions.**

Defendant: JUAN ARIEL MOLINA-SALLES

UCN: 522022CF009348000APC  
REF No.: 22-09348-CF - T

OBTS Number \_\_\_\_\_

**Other Provisions: (continued)**

**Jail Credit**

**It is further ordered that the defendant shall be allowed a total of 894 DAYS as credit for time incarcerated before imposition of this sentence.**

**Immigration Detainer**

**It is further ordered that, as per s. 908.104(3)(b), F.S., the secure correctional facility in which the defendant is to be confined shall reduce the defendant's sentence by a period of not more than 12 days on the facility's determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody.**

**It is further ordered that:**

**Restitution is ordered as follows:**

**\$50000.00 to CRIMES COMP**

**PL-01 THE CAPITOL**

**ATY GENERALS OFFICE**

**TALLAHASSEE, FL 32399, as a lien.**

**Restitution to State:**

If applicable, you must make payment of any debt due and owing to the state under section 960.17 and 948.03(1)(h) Florida Statutes. The amount of such debt shall be determined by the Court at a later date upon final payment of the Crimes Compensation Trust Fund on behalf of the victim.

In the event the above sentence is to the Department of Corrections, the Sheriff of Pinellas County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing a notice of appeal within 30 days from this date with the Clerk of the Court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the state on showing of indigency.

In imposing this sentence, the court further orders:

**The defendant shall pay a \$7.00 fee to the Pinellas County Sheriff's Office for DNA testing as a lien.  
Your driver's license is revoked for Life.**

**DONE AND ORDERED** in open court at Clearwater, Pinellas County, Florida on **March 4, 2025.**

  
\_\_\_\_\_  
Judge

03/04/2025  
Event: JDFC or JCOS

**CIRCUIT/COUNTY COURT, PINELLAS COUNTY, FLORIDA  
CRIMINAL DIVISION**

UCN:  
522022CF009348000APC - T

REF No.  
22-09348-CF - T

STATE OF FLORIDA

PID: 312000026

VS.

SS#: Not Available

JUAN ARIEL MOLINA-SALLES  
3012 N ALBANY AVE  
TAMPA, FL 33607

DOB: 05/06/1990

**JUDGMENT FOR FINES AND COSTS**

THIS COURT HAVING PREVIOUSLY ORDERED THE DEFENDANT TO PAY FINES AND COSTS IN  
ACCORDANCE WITH THE PROVISIONS OF THE FLORIDA STATUTES;

IT IS ORDERED AND ADJUDICATED THAT THE STATE OF FLORIDA DOES HAVE THE RIGHT TO  
RECOVER OF AND FROM THE ABOVE NAMED DEFENDANT THE FOLLOWING FINE AND COST AMOUNTS:

\$50.00	PUBLIC DEFENDER/APPOINTED COUNSEL APPLICATION FEE / F.S. 27.52 AND F.S. 938.29
\$50.00	CRIMES COMPENSATION TRUST FUND / F.S. 938.03(1)
\$225.00	LOCAL GOVERNMENT CRIMINAL JUSTICE TRUST FUND / F.S. 938.05 (1)(A)
\$50.00	COUNTY CRIME PREVENTION FUND / F.S. 775.083(2)
\$65.00	ADDITIONAL COURT COSTS / F.S. 939.185(1)(a), PINELLAS CODE 46-32
\$3.00	TEEN COURT / F.S. 938.19(2), PINELLAS CODE 46-34
\$97.00	FINE AMOUNT / F.S. 775.083 OR CH 316, F.S. INCLUDES 5% SURCHARGE F.S. 938.04
\$3.00	ADDITIONAL COURT COST CLEARING TRUST FUND / F.S. 938.01(1)
\$2.00	CRIMINAL JUSTICE EDUCATION / F.S. 938.15, PINELLAS CODE 46-27
\$20.00	CRIME STOPPER TRUST FUND / F.S. 938.06 (1)
\$3.00	STATE AGENCY LAW ENFORCEMENT RADIO SYSTEM TRUST FUND / F.S. 318.18(17)
\$2.00	PINELLAS POLICE STANDARDS/ F.S. 318.18(11)(b), PINELLAS CODE 74-34
\$30.00	COURT FACILITIES / F.S. 318.18(13), PINELLAS COUNTY CODE S. 46-33
\$100.00	PROSECUTION COSTS / F.S. 938.27(8)
\$7.00	DNA FEE / F.S. 943.325
\$769.60	INVESTIGATIVE COSTS TO PINELLAS COUNTY SHERIFF / F.S. 938.27
<b>\$1476.60</b>	<b>TOTAL FINE &amp; COSTS FOR WHICH LET EXECUTION ISSUE</b>

IT IS FURTHER ORDERED THAT THIS JUDGMENT WILL BE RECORDED BY THE CLERK OF COURT AS A  
JUDGMENT LIEN IN FAVOR OF THE CLERK OF COURT, ON BEHALF OF THE STATE OF FLORIDA, IN THE  
OFFICIAL RECORDS IN PINELLAS COUNTY.

DONE AND ORDERED ON **March 4, 2025** IN CLEARWATER, FLORIDA.

  
PAT SIRACUSA, JUDGE

RETURN TO:  
CRIMINAL COURT RECORDS DEPARTMENT

ICD: JUDGMENT FOR COSTS (37332630)  
ADL 03/04/25 9:00 AM T - SENTENCING

Filed, MAR 12, 2025, 13:47, Ken Burke, Clerk of the Circuit Court and Comptroller, Pinellas County

03/04/2025  
Event: JAFc

JUDGE: PAT SIRACUSA

**CIRCUIT/COUNTY COURT, PINELLAS COUNTY, FLORIDA  
CRIMINAL DIVISION**

UCN: 522022CF009348000APC  
REF No: 22-09348-CF - T  
PID: 312000026  
DOB: 05/06/1990  
SSN: Not Available

STATE OF FLORIDA

VS.

JUAN ARIEL MOLINA-SALLES  
3012 N ALBANY AVE  
TAMPA, FL 33607

**JUDGMENT FOR ATTORNEY FEES AND COSTS**

This Court having previously ordered the Defendant to pay Attorney's Fees and Costs of Defense in accordance with Section 938.29, Florida Statutes; therefore;

IT IS CONSIDERED AND ADJUDGED that the State of Florida does have the right to recover of and from the above named Defendant the following attorney fees and cost amounts;

\$100.00	Attorney Fees
0.00	Costs of Defense
<b>\$100.00</b>	<b>Total</b>

IT IS FURTHER ORDERED that this Judgment shall be recorded as a Judgment Lien in favor of the State of Florida, Department of Revenue, 1379 Blountstown Highway, Tallahassee, FL 32304, in the "Official Records" in the County in which the Defendant resides and in each County in which the Defendant owns or later acquires any property.

DONE AND ORDERED on March 4, 2025 in Clearwater, Florida

  
JUDGE

Return to:  
Criminal Court Records Department

JES

ICD: JDMT ATTY FEES COSTS (37332629)

Filed, MAR 12, 2025, 13:49, Ken Burke, Clerk of the Circuit Court and Comptroller, Pinellas County

**CIRCUIT/COUNTY COURT, PINELLAS COUNTY, FLORIDA  
CRIMINAL DIVISION**

UCN: 522022CF009348000APC  
REF No: 22-09348-CF - T  
PID: 312000026  
DOB: 05/06/1990  
SSN: Not Available

STATE OF FLORIDA

VS.

JUAN ARIEL MOLINA-SALLES  
3012 N ALBANY AVE  
TAMPA, FL 33607

**ORDER AND JUDGMENT OF RESTITUTION**

THIS CAUSE coming on for determination of the amount, if any, of Restitution due from the above-named Defendant to the victim(s), and the Court having determined that the Defendant is responsible for Restitution and having received testimony and evidence on the amount of Restitution due and owing, is HEREBY ORDERED that the Defendant pay Restitution in the amount of: \$50000.00 to:

**CRIMES COMPENSATION TRUST FUND  
PL-01 THE CAPITOL  
ATY GENERALS OFFICE  
TALLAHASSEE, FL 32399**

for which sum let execution issue.

IT IS FURTHER ORDERED that, pursuant to s. 945.091(6), F.S. any monies received by the Defendant for paid employment, while an inmate under the supervision of the Department of Corrections (DOC), shall be furnished to the above-named Victim(s) in a manner prescribed by the statute, with Defendant hereby notified that (s)he may petition the Court to amend the amount of the Restitution or reparation required or to revised the schedule of repayment.

IT IS FURTHER ORDERED that, pursuant to s. 28.222, F.S., a certified copy of this Order and Judgment of Restitution be recorded as a Judgment Lien in the "Official Records" in the county in which the Defendant maintains his legal residence, and in each county in which the Defendant owns or later acquires property of record.

IT IS FURTHER ORDERED that, pursuant to s. 775.089(5), F.S., the Clerk of the Court shall issue Writ(s) of Execution, upon written request from the above-named Victim(s), in order to permit enforcement, as prescribed in Chapter 55, F.S. of this Order and Judgment of Restitution.

DONE AND ORDERED on March 4, 2025 in Clearwater, Florida

  
JUDGE

**RETURN TO CIRCUIT CRIMINAL COURT RECORDS**

cc: Department of Corrections  
Victim  
State Attorney  
Defendant/Defense Counsel  
  
JES

ICD: RESTVIC

Filed, MAR 12, 2025, 15:04, Ken Burke, Clerk of the Circuit Court and Comptroller, Pinellas County

03/04/2025  
Event: RIALODJR

**CIRCUIT/COUNTY COURT, PINELLAS COUNTY, FLORIDA  
CRIMINAL DIVISION**

UCN: 522022CF009348000APC  
REF No: 22-09348-CF - T  
PID: 312000026  
DOB: 05/06/1990  
SSN: Not Available

STATE OF FLORIDA

VS.

JUAN ARIEL MOLINA-SALLES  
3012 N ALBANY AVE  
TAMPA, FL 33607

**ORDER AND JUDGMENT OF RESTITUTION**

THIS CAUSE coming on for determination of the amount, if any, of Restitution due from the above-named Defendant to the victim(s), and the Court having determined that the Defendant is responsible for Restitution and having received testimony and evidence on the amount of Restitution due and owing, is HEREBY ORDERED that the Defendant pay Restitution in the amount of: **\$50000.00** to:

**CRIMES COMPENSATION TRUST FUND  
PL-01 THE CAPITOL  
ATY GENERALS OFFICE  
TALLAHASSEE, FL 32399**

for which sum let execution issue.

IT IS FURTHER ORDERED that, pursuant to s. 945.091(6), F.S. any monies received by the Defendant for paid employment, while an inmate under the supervision of the Department of Corrections (DOC), shall be furnished to the above-named Victim(s) in a manner prescribed by the statute, with Defendant hereby notified that (s)he may petition the Court to amend the amount of the Restitution or reparation required or to revised the schedule of repayment.

IT IS FURTHER ORDERED that, pursuant to s. 28.222, F.S., a certified copy of this Order and Judgment of Restitution be recorded as a Judgment Lien in the "Official Records" in the county in which the Defendant maintains his legal residence, and in each county in which the Defendant owns or later acquires property of record.

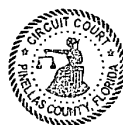
IT IS FURTHER ORDERED that, pursuant to s. 775.089(5), F.S., the Clerk of the Court shall issue Writ(s) of Execution, upon written request from the above-named Victim(s), in order to permit enforcement, as prescribed in Chapter 55, F.S. of this Order and Judgment of Restitution.

DONE AND ORDERED on March 4, 2025 in Clearwater, Florida

  
JUDGE

**RETURN TO CIRCUIT CRIMINAL COURT RECORDS**

cc: Department of Corrections  
Victim  
State Attorney  
Defendant/Defense Counsel  
  
JES



STATE OF FLORIDA - PINELLAS COUNTY  
I hereby certify that the foregoing is  
a true copy as the same appears among  
the files and records of this court.  
This 12 day of March, 2025

KEN BURKE

Clerk of Circuit Court & Comptroller

By:   
Deputy Clerk

ICD: RESTVIC

Filed, MAR 12, 2025, 15:04, Ken Burke, Clerk of the Circuit Court and Comptroller, Pinellas County



## **COURT ORDER REPORT OF DISPOSITION**

FOR USE **ONLY** FOR THE CLERK OF THE COURT TO PROMPTLY REPORT DISPOSITIONS TO DHSMV WHEN A UNIFORM TRAFFIC CITATION WAS **NOT** ISSUED.

**IMPORTANT:** DO NOT REPORT DISPOSITIONS OF 316, 320, 322, AND 324 OR WHEN A CITATION IS MANDATED BY SECTIONS 316.650(10) OR 322.26 FLORIDA STATUTES ON THIS FORM. UNIFORM TRAFFIC CITATIONS ARE REQUIRED FOR REPORTING THOSE DISPOSITIONS.

**PLEASE NOTE: COURT SEAL OR CLERK'S SEAL REQUIRED ON THIS FORM.**

NAME: JUAN ARIEL MOLINA-SALLES	SEX: M	RACE: S
ADDRESS: 3012 N ALBANY AVE, TAMPA, FL 33607		
DATE OF BIRTH: 05/06/1990	CASE NUMBER: 22-09348-CF	
LAW ENFORCEMENT AGENCY: PINELLAS COUNTY SHERIFF		
OFFENSE DATE: 09/22/2022		
DRIVER LICENSE #:	STATE:	
VIOLATION (ONE PER FORM): LEAVING THE SCENE OF A CRASH INVOLVING DEATH		
MISDEMEANOR ( )	FELONY (XX)	VEHICLE INVOLVED ( )
PURSUANT TO F.S.# 316.027(2)(C)/316.027(2)(F)/921.0021(7)(		
VERDICT: GUILTY		
EXTEND TIME PERIOD PURSUANT TO 322.056 OR 322.055, 790.022, 812.0155, OR 806.13?		
YES ( ) OR NO ( )		
TOBACCO VIOLATION - SUSPEND BASED ON ( MARK ONLY ONE )		
VIOLATION ONLY ( ) OR CONVICTION ( )		
TOBACCO VIOLATION; LENGTH OF SUSPENSION ( MARK ONLY ONE )		
30 DAYS ( ) 45 DAYS ( ) 60 DAYS ( )		
SENTENCE: Adjudication Of Guilt, 12 YEARS to be served in Department Of Corrections, \$550.00 Fine/Court Costs		
COUNTY: 04		
CITY: 36		
COURT TYPE (MARK ONE)	COUNTY ( )	MAGISTRATE ( )
CIRCUIT (XX)		
LENGTH OF SUSPENSION:		
LENGTH OF REVOCATION: LIFE		
DISPOSITION DATE: 03/04/2025		
SIGNATURE: <i>Madison G</i>		

(JUDGE OR CLERK OF COURT)

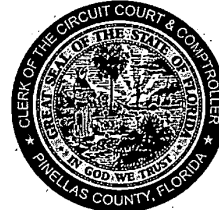
TELEPHONE: ( 727 ) 464-7000

03/05/2025  
DATE MAILED TO DHSMV

(AFFIX COURT OR CLERK'S SEAL)

**MAIL TO:**

Department of Highway Safety and Motor Vehicles  
Mailstop 93, **ROOM A-228**  
2900 Apalachee Parkway  
Tallahassee, Florida 32399-0580



STATE OF FLORIDA  
UNIFORM COMMITMENT TO CUSTODY  
OF DEPARTMENT OF CORRECTIONS

The Circuit Court of Pinellas in the **Fall Term, 2024** in the case of

UCN

Ref No.(s)

**522022CF009348000APC 22-09348-CF**

State of Florida

vs

**JUAN ARIEL MOLINA-SALLES**

**PID: 312000026**

Defendant

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA, TO THE SHERIFF OF THE ABOVE-REFERENCED COUNTY AND THE DEPARTMENT OF CORRECTIONS, GREETINGS:

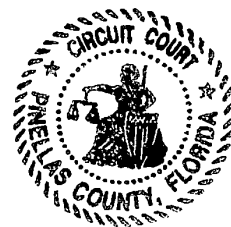
The above-named defendant has been duly charged, convicted, adjudicated guilty, and sentenced for the offense(s) set forth in the attached certified copies of the Indictment(s)/Information(s), Original Judgment(s), Adjudicating Guilt, and Sentencing Order(s). In addition to the Original Judgment, if judicial supervision has been revoked subsequent to the entry of the judgment adjudicating guilt, a certified copy of the order revoking supervision (rather than a duplicative judgment adjudicating guilt) is also attached in support of this commitment.

Now therefore, this is to command you, the Sheriff, to take and keep and, within a reasonable time after receiving this commitment, deliver the defendant into the custody of the Department of Corrections; and this is to command you, the Secretary of the Department of Corrections, to keep and imprison the defendant for the term of the sentence. Herein fail not.

WITNESS the Clerk, and the Seal thereof,  
this the 07 day of March, 2025.  
(Month)

**KEN BURKE**, Clerk of the Circuit Court and  
Comptroller

by *Alan R. Major*  
Deputy Clerk



IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA  
CRIMINAL DIVISION  
22-09348-CF  
SECTION T

JUAN ARIEL MOLINA-SALLES,  
Person ID: 312000026  
Defendant, Appellant


v.

STATE OF FLORIDA,  
Plaintiff, Appellee

NOTICE OF APPEAL

NOTICE IS GIVEN that JUAN ARIEL MOLINA-SALLES, Defendant, Appellant, appeals to the District Court of Appeal, Second District, State of Florida, the Verdict, Judgment and Sentence, said Sentence being rendered on March 04, 2025.

I CERTIFY that a copy of the foregoing has been furnished via eservice to Ashley Moody, Attorney General, Criminal Appeals Division, Tampa, FL 33607-7013 at [crimapptpa@floridalegal.com](mailto:crimapptpa@floridalegal.com) and State Attorney at [SA6Appealservice@co.pinellas.fl.us](mailto:SA6Appealservice@co.pinellas.fl.us), on March 19, 2025.

  
\_\_\_\_\_  
MARIA DELIBERATO, Attorney at Law  
Fla. Bar Number: 664251, For  
PUBLIC DEFENDER, SIXTH JUDICIAL CIRCUIT  
County Justice Center  
14250 49th Street North  
Clearwater, FL 33762  
[Pubdef-efiling@co.pinellas.fl.us](mailto:Pubdef-efiling@co.pinellas.fl.us)  
(727) 464-6516

IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA  
CRIMINAL DIVISION  
22-09348-CF  
SECTION T

JUAN ARIEL MOLINA-SALLES,  
Person ID: 312000026  
Defendant, Appellant

v.


STATE OF FLORIDA,  
Plaintiff, Appellee

DIRECTIONS TO THE CLERK

The Defendant, JUAN ARIEL MOLINA-SALLES, directs the Clerk to include the following items in the original record pursuant to Rule 9.200(a)(1) of the Fla. R. App. P.:

1. Prepare the entire record in accordance with Rule 9.200(a)(1).

I CERTIFY that a copy of the foregoing has been furnished via eservice to Ashley Moody, Attorney General, Criminal Appeals Division, Tampa, FL 33607-7013 at [crimaptpa@floridalegal.com](mailto:crimaptpa@floridalegal.com) and State Attorney at [SA6Appealservice@co.pinellas.fl.us](mailto:SA6Appealservice@co.pinellas.fl.us), on March 19, 2025.

  
\_\_\_\_\_  
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Fla. Bar Number: 664251, For  
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County Justice Center  
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IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA  
CRIMINAL DIVISION  
22-09348-CF  
SECTION T

JUAN ARIEL MOLINA-SALLES,  
Person ID: 312000026  
Defendant, Appellant

v.

STATE OF FLORIDA,  
Plaintiff, Appellee


STATEMENT OF JUDICIAL ACTS TO BE REVIEWED

The Defendant, JUAN ARIEL MOLINA-SALLES, submits the following Statement of Judicial

Acts to be reviewed:

1. Improper assessment of victim injury points and excessive sentence.

I CERTIFY that a copy of the foregoing has been furnished via eservice to Ashley Moody, Attorney General, Criminal Appeals Division, Tampa, FL 33607-7013 at [crimaptpa@floridalegal.com](mailto:crimaptpa@floridalegal.com) and State Attorney at [SA6Appealservice@co.pinellas.fl.us](mailto:SA6Appealservice@co.pinellas.fl.us), on March 19, 2025.

  
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22-09348-CF  
SECTION T

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Person ID: 312000026  
Defendant, Appellant

v.

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Plaintiff, Appellee


DESIGNATION TO THE COURT REPORTER

**TO: Digital Court Reporting and Steno Court Reporting**

Please transcribe and file with the Clerk of the Court the following:

1. Pretrial motions held on April 4, 2024 before Judge Pat Siracusa.
2. Pretrial motions held on February 21, 2025 before Judge Pat Siracusa.
3. Change of Plea held on February 21, 2025 before Judge Pat Siracusa.
3. Sentencing held on March 4, 2025 before Judge Pat Siracusa.

I CERTIFY that a copy of the foregoing has been furnished via eservice to Ashley Moody, Attorney General, Criminal Appeals Division, Tampa, FL 33607-7013 at [crimaptpa@floridalegal.com](mailto:crimaptpa@floridalegal.com) and State Attorney at [SA6Appealservice@co.pinellas.fl.us](mailto:SA6Appealservice@co.pinellas.fl.us), on March 19, 2025.

  
\_\_\_\_\_  
MARIA DELIBERATO, Attorney at Law  
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IN THE CIRCUIT COURT COURT FOR THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA  
22-09348-CF  
SECTION T

JUAN ARIEL MOLINA-SALLES,  
Person ID: 312000026  
Defendant, Appellant

v.

STATE OF FLORIDA,  
Plaintiff, Appellee

ORDER OF INSOLVENCY AND  
APPOINTMENT OF PUBLIC DEFENDER FOR APPEAL

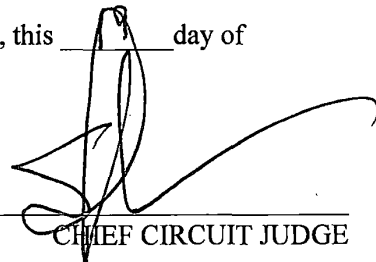
The Defendant seeking appellate review of this Court's prior Orders, Judgments, and Sentences, and the Court finding that the Defendant has previously been adjudged insolvent, it is upon consideration,

ORDERED that the Defendant is hereby declared to be insolvent within the meaning of Florida Statute 924.17 and unable to employ counsel for the prosecution of the appeal.

IT IS FURTHER ORDERED that the Public Defender of the Sixth Judicial Circuit is hereby appointed as counsel to represent the Defendant in said cause before the Second District Court of Appeal, Lakeland, Florida.

DONE AND ORDERED at Clearwater, Pinellas County, Florida, this \_\_\_\_\_ day of

March 2023

  
\_\_\_\_\_  
CHIEF CIRCUIT JUDGE

COPIES TO:  
Public Defender  
State Attorney  
Attorney General  
Digital Court Reporting  
Steno Court Reporting

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

TRANSCRIBER: Rebecca Kringlie, CER-1287,  
CET-1287  
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Pinellas County Justice Center  
14250 49th Street North, Ste. H-2000  
Clearwater, Florida 33762  
(727) 453-7474



A P P E A R A N C E S

APPEARING ON BEHALF OF THE STATE OF FLORIDA:  
ELIZABETH CONSTANTINE, Assistant State Attorney  
NATHAN VONDERHEIDE, Assistant State Attorney  
Office of Bruce Bartlett, State Attorney  
Sixth Judicial Circuit, Pinellas County  
14250 49th Street North  
Clearwater, Florida 33762

APPEARING ON BEHALF OF THE DEFENDANT:  
NICHOLE BLAQUIRE, Assistant Public Defender  
MARIA DELIBERATO, Assistant Public Defender  
Office of Sara B. Mollo, Public Defender  
Sixth Judicial Circuit, Pinellas County  
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

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

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

After this was brought to my attention, and having previously said no to entering a plea to a lesser cap, I reviewed the entirety of the case file that was made available to the Court. There 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 4<sup>th</sup> 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 22<sup>nd</sup> 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 22<sup>nd</sup> 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 4<sup>th</sup>. 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 4<sup>th</sup> 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 3<sup>rd</sup> 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 4<sup>th</sup> 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      4<sup>th</sup> 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 4<sup>th</sup>. 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 4<sup>th</sup>.

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 4<sup>th</sup>?

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 4<sup>th</sup> 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 4<sup>th</sup>. 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 4<sup>th</sup> 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 4<sup>th</sup> 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.)  
17  
18  
19  
20  
21  
22  
23  
24  
25

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 9<sup>th</sup> day of April, 2025.

*Rebecca Kringlie*

---

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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: Sentencing

DATE: March 4, 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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P R O C E E D I N G S

THE COURT: All right. Good morning, everyone. We are here today for sentencing in the state of Florida versus Juan Molina-Salles. Case number 22-9348. The State is represented by Ms. Constantine and Mr. Vonderheide. And the defense is represented by Ms. Deliberato, Ms. Blaquire and Mr. Duncan. And the defendant is in custody and present in the courtroom. Because English is not the defendant's primary language, an interpreter has been provided. The defendant entered a plea on February -- what was actually the date of the plea?

MS. COSTANTINE: February 21<sup>st</sup>.

THE COURT: February 21<sup>st</sup> to the crime of leaving the scene of an accident involving death. And sentencing was set for today, March 4<sup>th</sup>, 2025.

The statutory maximum for such an offense is 30 years in prison, and there is a four year minimum mandatory sentence that must be imposed. The Court capped the maximum possible sentence at 20 years over the State's objection at sentencing because at the time the State -- the Court could not contemplate a sentence where I would give more than 20 years based on his lack of prior record



1       and my 18 year history of sentencing on the crime  
2       of leaving the scene of an accident involving  
3       death.

4               There are obviously many people here that are  
5       interested in the case today and feel strongly  
6       about the case. Please be considerate of others  
7       that are trying to listen to the proceedings as  
8       you observe today's presentations.

9               The case will proceed today in this order.  
10       First, the State is going to give a brief opening.  
11       I'm going to hear the State's requested sentence,  
12       clearly stated. I'm going to hear the number of  
13       witnesses they plan to call and exhibits they  
14       prepare to enter. Briefly, I want to know how  
15       long everybody's going to take to testify. Then  
16       I'm going to hear a brief opening from the  
17       defense. An outline of the sentence they are  
18       requesting, if not the exact number. I want to  
19       hear the number of witnesses they plan to call and  
20       exhibits they plan to enter.

21              I'm going to allow the defense to present  
22       first. I'm doing this because over the past 18  
23       years, this is the order that I've always  
24       followed. We'll hear from the witnesses. I will  
25       allow witnesses either to testify from the podium

1 if they're more comfortable at the podium, or from  
2 the witness box if they want to testify from the  
3 witness box. It doesn't matter to me.

4 After the defense has presented their  
5 witnesses, the State can present their witnesses.  
6 State, if you have victim's family members that  
7 wish to testify, and they wish to have a victim  
8 advocate accompany them they can do so. Or if  
9 they just want a family member to come up with  
10 them they can do so. Again, podium or witness  
11 stand, wherever they feel comfortable. For the  
12 deputy's benefit, I'm the one that's swearing in  
13 the witnesses, so I'll do the swearing in.

14 The defendant may testify if he wishes. He  
15 does not have to make that decision until the end.  
16 If he just wants to allocate or provide a written  
17 statement, he can do that as well. It's entirely  
18 up to him.

19 Please remember if you are addressing the  
20 Court, speak nice and loud so that everybody can  
21 hear. And slowly so the interpreters have a  
22 chance to represent to the defendant the things  
23 that are being said. I know we might need  
24 interpreters for some of the witnesses, as well,  
25 and we will figure our way through that at that

1       time.

2               After the witnesses have been heard from,  
3       then we'll go to the State's closing on  
4       sentencing. Then you can tell me anything you  
5       want. Case law, history, whatever you want. That  
6       will be the more comprehensive closing.

7               Then the defense gets to give me their  
8       closing. And then finally a brief rebuttal by the  
9       State, if there is any that's necessary. So,  
10       that's the plan for this morning, and I guess we  
11       will begin with State. What sentence are you  
12       asking for today and what witnesses will you have  
13       testifying and how long do you think they'll take  
14       approximately, and then what exhibits?

15              MS. CONSTANTINE: Yes, Your Honor. Good  
16       morning. Elizabeth Constantine for the State. We  
17       are seeking a 20 years in the Department of  
18       Corrections sentence. I anticipate three  
19       witnesses testify. They're going to be exhibits  
20       that are going to be entered. In addition to the  
21       witness testimony, as well as the two exhibits  
22       offered by the State, we do have two witness  
23       statements. I anticipate our total presentation  
24       being approximately an hour and a half.

25              THE COURT: And one of the exhibits is a

1 video, is that correct?

2 MS. CONSTANTINE: That's correct, Your Honor.

3 THE COURT: And have you already shown it to  
4 the defense?

5 MS. CONSTANTINE: I have, Your Honor.

6 THE COURT: Thank you. All right. Defense,  
7 an outline of what you're seeking, how many  
8 witnesses you're going to have and exhibits?

9 MS. DELIBERATO: Yes, Your Honor. Good  
10 morning. We are going to be asking the Court to  
11 impose a sentence in the range of the 4 year  
12 minimum mandatory. No more than 10.3 years, which  
13 is the bottom of the guidelines, notwithstanding  
14 our prior arguments to the addition of the death  
15 points. We will be calling four witnesses and  
16 introducing a few pieces of evidence, including a  
17 911 call, the body worn camera footage from Mr.  
18 Molina-Salles' arrest, a photograph of Mr. Molina-  
19 Salles working construction and a photograph from  
20 Deputy Hartwick's vehicle. We expect our  
21 presentation to take approximately an hour and a  
22 half.

23 THE COURT: Okay. We will take a break at an  
24 appropriate time. So, if both sides can agree on  
25 what that appropriate time is then we'll go with

1       that. If not, then I'll just figure it out when I  
2       believe courtroom staff needs a comfort break.

3               And --

4               MS. DELIBERATO: And Judge, if Your Honor  
5       could admit me to the zoom that way when I'm  
6       questioning the zoom witnesses they will -- I'll  
7       mute myself but that way they can see my face.  
8       They are not our first witnesses, but just to get  
9       it ready.

10              THE COURT: Okay. There is no -- there it  
11       is.

12              MS. DELIBERATO: WE have two live witnesses  
13       first, so it's okay, but.

14              THE COURT: I've almost got this figured out.  
15       Five years into the Covid, I'm still figuring it  
16       out. I think I just admitted you.

17              MS. DELIBERATO: Yeah.

18              THE COURT: I did? Okay. There are others  
19       waiting to be admitted. Lucy Mara-Diego (ph)  
20       wants to be admitted. Is that somebody I should  
21       admit.

22              MS. DELIBERATO: Yes. We have -- there's  
23       only two testifying witnesses, but several members  
24       of Mr. Molina-Salless' family would like to be  
25       present and listening on the zoom.

1 THE COURT: And then Yanas Yicksaw (ph)?

2 MS. DELIBERATO: Yes. We only shared the  
3 link with family members. So yes, those are  
4 family members.

5 THE COURT: All right, so I should admit  
6 them. And then it just says Senia. S-E-N-I-A?  
7 Also admit?

8 MS. DELIBERATO: Yes.

9 THE COURT: Okay. Ms. Constantine, do you  
10 want to be admitted?

11 MS. CONSTANTINE: Yes.

12 THE COURT: Okay. And then there's something  
13 that says TCL9137W. I don't know what that means.

14 MS. DELIBERATO: It's a cell phone. Family  
15 member.

16 THE COURT: It's a family member? Okay.

17 MS. DELIBERATO: And we may want to have --  
18 all the witnesses on the zoom are Spanish  
19 speaking, so we may want to just remind the folks  
20 on zoom to keep their camera muted and that we'll  
21 call for them when ready.

22 THE COURT: Okay. Everybody on the zoom, I  
23 don't see myself on the zoom. Am I -- I must be  
24 on the zoom. Am I on that camera? Wow, one guy's  
25 driving. All right. I'm not used to zoom. All

1 right. Everybody on the zoom, please remember to  
2 keep your zoom's muted until it's your time to  
3 testify. Okay?

4 MS. DELIBERATO: Can we just have an  
5 interpreter just interpret that for the folks on  
6 the zoom so that they can hear?

7 THE COURT: Yes. All right. State, do you  
8 wish to give a brief opening? You don't have to  
9 if you don't want to. Otherwise, we'll go  
10 straight into witnesses.

11 MS. CONSTANTINE: I'll save argument.

12 THE COURT: Save argument? Okay. Defense,  
13 do you wish to give a brief opening?

14 MS. BLAQUIRE: No, Judge.

15 THE COURT: Then defense, who do you wish to  
16 call at your first witness?

17 MS. BLAQUIRE: Allan Gomez Zelaya. He's in  
18 custody?

19 THE COURT: Allan Gomez Zelaya. You said  
20 he's in custody? Oh, it seems like you've  
21 anticipated this. Good. Okay.

22 MS. BLAQUIRE: And his attorney, just for the  
23 record, Hunter Chamberlain is present.

24 THE COURT: Okay. Who's Hunter Chamberlain?  
25 Hello? Hello, Mr. Chamberlain. Thank you.

1 MR. CHAMBERLAIN: Yep.

2 THE COURT: All right. And you've already  
3 spoken to your client and you're okay with him  
4 testifying?

5 MR. CHAMBERLAIN: Absolutely, Judge.

6 THE COURT: Okay. Does he speak English?

7 MS. BLAQUIRE: Spanish.

8 THE COURT: Spanish. So, an interpreter?

9 He can remain seated. I have to swear in the  
10 interpreter first.

11 (Interpreter sworn.)

12 THE COURT: Ask him.

13 ALLAN GOMEZ ZELAYA

14 Being called as a witness, and having first been duly  
15 sworn, testifies as follows:

16 THE WITNESS: Yes.

17 THE COURT: Ms. Blaquire, you may inquire.

18 MS. BLAQUIRE: Thank you, Your Honor.

19 DIRECT EXAMINATION

20 BY MR. BLAQUIRE:

21 Q Good morning, Mr. Gomez Zelaya. Can you please  
22 state your full name for the record?

23 A Allan Gomez Zelaya.

24 Q Have you gone by the alias Pedro Davila Benitos?  
25 (ph).



1           A     Pedro Davila Benitos, yes.

2           Q     Okay. In September, 2022, were you working for  
3 the company Archer Western?

4           A     Yes.

5           Q     What was your position with Archer Western at  
6 that time?

7           A     I was supervising a group in the construction of  
8 roadways.

9           Q     Were you equivalent to a foreman for your group?

10          A     Yes.

11          Q     When did you start working for Archer Western?

12          A     In October of 2018.

13          Q     When you applied to Archer Western, how did you  
14 find out they were hiring?

15          A     I passed by the street, and I saw that they had  
16 signs outside their office that they were hiring.

17          Q     Okay. What paperwork did they ask from you to  
18 get hired?

19          A     A Texas id and social security.

20          Q     Okay. Did Archer Western ever ask you about  
21 your immigration status?

22          A     No.

23          Q     When you started working for Archer Western, did  
24 you have any prior experience operating heavy machinery?

25          A     No.

1           Q     Through work at Archer Western, did you get the  
2 chance to learn how to operate heavy machinery like  
3 bulldozers, excavators and loaders?

4           A     Yes.    Yes.

5           Q     When did you start working with Laura Caudill?

6           A     The day of the accident.   That was the last day.

7           Q     What did you -- did you start working with Laura  
8 Caudill before the pandemic?

9           A     Yes.

10          Q     Could Laura speak both English and Spanish?

11          A     Yes.

12          Q     Did Laura also operate heavy machinery for  
13 Archer Western?

14          A     Yes.

15          Q     When did you learn of Juan Malino-Salles, and  
16 how did he get assigned to your group of workers?

17          A     Through a friend who told me that he was a good  
18 worker.   That friend recommended him to me, and I spoke to  
19 my bosses.   And then my boss requested to see if he could  
20 be transferred to my group, and that's how he came to be  
21 in my group.

22          Q     Okay.   Were you Juan's foreman?

23          A     Yes.

24          Q     As Juan's foreman, was Juan a good machine  
25 operator?

1           A     Yes.

2           Q     Can you give us an example of how you know Juan  
3 was a good machine operator?

4           A     When they brought him to me, we did a test of  
5 loading truck with a loader. He was a very good operator.  
6 It looked like he had a lot of experience because he  
7 worked slowly when he was loading the trucks.

8           Q     Why was working slowly important?

9           A     Because of the accidents.

10          Q     So, did you feel safe around Juan when he was  
11 operating heavy machinery?

12          A     Yes. So, yes, that night we were going to lay  
13 stones on the roadway. And we were at the bottom putting  
14 pins and he's on the top laying the stones. And we felt  
15 safe on the bottom because he would lay the stones slowly.

16          Q     And also, is that a sign of him being very  
17 careful and mindful to the human beings he's working with  
18 in his group?

19          A     Yes. That's correct. And the time that we were  
20 working with him we never had an issue. We never had an  
21 accident.

22          Q     Okay. Well, let's go to the date that Deputy  
23 Hartwick died.

24          A     Okay.

25          Q     Who were you working with that day?

1           A     With my daughter, Cynthia, and with my brother-  
2 in-law Jose -- no, Douglas.

3           Q     Okay. Who was Laura working with that day, do  
4 you remember?

5           A     Yes. So, Laura and I, we were working together  
6 but in different groups because we were doing two separate  
7 jobs. So, she had her group and, in my group, it was  
8 Juan. It was my daughter Cynthia and my brother-in-law,  
9 Douglas.

10          Q     Okay. Was Glydon Baria Sota (ph) and Alias Amia  
11 Enriquez (ph) working with Laura that evening?

12          A     Yes.

13          Q     Tell us about the accident and what you saw.

14          A     So that morning at 10:45 in the morning, Laura  
15 called me that the trucks were ready to offload the  
16 stones. I was working in another area with Juan and my  
17 daughter Cynthia and my brother-in-law when I got that  
18 call. So, we stopped working. We grabbed the loader, and  
19 we didn't grab the bag because we were only going to use  
20 the forks. So, we grabbed the forklift forks, and it was  
21 on Roosevelt. I don't remember the exit on 275, but it  
22 was on Roosevelt and 275 and we were going to go the  
23 opposite direction, against traffic in that area right  
24 there.

25          Q     What time of the day was this? Was this

1 nighttime by now?

2 A It was at night.

3 Q Carry on.

4 A So I was driving the machine, the truck, with  
5 the lights on because we were going against traffic, and  
6 we were going on the shoulder of the road. Then we  
7 crossed the area where we were going to go work. So, then  
8 I stopped and moved to the side a little bit so that Juan  
9 go could ahead of me and then I could still be behind him  
10 escorting him. So further down the road there was a white  
11 truck. An inspector's truck. The inspectors that were  
12 going to inspect the work that we were going to do that  
13 night. So, he, that inspector, the truck gave us the  
14 right of way. He let us pass so that we could continue  
15 with the loader. The machinery. And then further down  
16 the road the patrol cars were there with their lights on.  
17 Then the loader passed the patrol car, but the patrol car  
18 didn't stop. It was some miles down the road. Then when  
19 we crossed, then I saw like an object further down the  
20 road, and it was the body of the officer that was in the  
21 ground. I stopped at like a distance of about 40 feet  
22 with the truck. Then I looked and I saw that it was a  
23 body. I stopped. I got out. I didn't touch the body  
24 because I saw that the body was not moving. It wasn't  
25 alive. I was in shock. I was nervous. And I called

1 Laura so that she could call 911 to come and see the body.

2 Q To be clear, Deputy Hartwick was the person that  
3 was on the ground lifeless. Correct?

4 A Yes.

5 Q And his vehicle was stationary parked on the  
6 shoulder. Correct?

7 A Yes. When we work on freeways, on roads, two  
8 lanes are closed, and the officers are there parked on the  
9 shoulder to protect us while we're working.

10 Q Were Deputy Hartwick's vehicles lights on? His  
11 flashing lights?

12 A The lights were on and that makes us focus on  
13 the area because the area is dark and the lights are  
14 continuously flashing.

15 Q How do the deputies flashing lights make it  
16 harder to see, if it makes it harder to see?

17 A Well, if you're heading towards that area and  
18 that area is dark and the lights are flashing in your  
19 eyes, you cannot see well if you are heading towards that  
20 area.

21 Q Was it difficult to see the deputy down at  
22 first?

23 A Yes. Because at first it looked to me like a  
24 dark object. Like it was a garbage bag or something.  
25 Like a dark object. It wasn't until I got close that I

1 saw and that it was a body.

2 Q Were you out of your vehicle when you realized  
3 that it was a body?

4 A Yes.

5 Q Were Juan's front loader lights on that night?

6 A Yes, they were also on.

7 Q Okay. And you could tell that when you were at  
8 first in front of the front loader driving your truck?

9 A What was your question again?

10 Q You could tell Juan's lights were on the front  
11 loader because before the accident you were driving in  
12 front of him in the front loader. Is that correct?

13 A Yes.

14 Q Then, did you call Juan next?

15 A Yes.

16 Q What did you say to Juan when you called him?

17 A So, I asked him if he had seen -- I told him  
18 that there's a body of an officer here in the road. Did  
19 you see the body? And then he got in his shock and  
20 started -- he went in shock and he started crying.

21 Q Did he seem surprised that he hit the deputy?

22 A I think so. You know when after I told him  
23 about the body, when you live through something like that  
24 you feel bad.

25 Q In that conversation did you tell Juan that you

1 had already called for the police?

2 A No.

3 Q Did you tell him that Laura was going to call  
4 for the police or that the police were being contacted?

5 A Neither. I didn't tell him any of that.

6 Q Okay. But you had already called Laura for the  
7 police before you even talked to Juan. Is that correct?

8 A Yes. That's correct.

9 Q Was Deputy Hartwick wearing any protective or  
10 reflective vests that night that you would typically see  
11 in a construction area?

12 A No. When I saw the officer, he was face down.  
13 He was wearing the same uniform that this officer that's  
14 in front of me right now is wearing. And I didn't see him  
15 wearing any vests or any reflector vests.

16 Q Okay. He did not have a yellow safety vest on  
17 him that night?

18 A No. Not a thing.

19 Q Okay. Did you see Juan the next morning when  
20 the police took him in custody on the interstate?

21 A Yes. I saw him at a distance. I couldn't talk  
22 to him or have a conversation with him. It was at a  
23 distance and the officers already had him under arrest.

24 Q What did he look like? Could you tell?

25 A Yes. His clothes were muddy or dirty or wet.



1 His clothes were like muddy.

2 Q After this night did you ever go back to work  
3 for Archer Western?

4 A No.

5 Q Why not?

6 A So this happened in the early morning hours of  
7 Friday. My boss sent me a message that we were supposed  
8 to do a job on Saturday. But then he sent me another  
9 message for me to show up on Monday. So, I showed up  
10 Monday to the office. I showed up but my boss didn't.  
11 Then we got a message that the company needed verification  
12 of documentation to work.

13 Q To work with legal status in the states, is that  
14 correct?

15 A Yes. They needed to verify the social security  
16 and the id to make sure that the social security and the  
17 id belonged to us. But then I got a message from the  
18 person in charge of security that if we didn't bring those  
19 documents -- if we didn't go and show up with those  
20 documents that we could not work anymore.

21 Q And you did not work any further for Archer  
22 Western, is that correct?

23 A Yes, sorry, I did not. Keep going.

24 Q Have you talked to Juan about the accident since  
25 his arrest?

1           A     So I saw him at church. I saw him at  
2 recreational areas. We spoke about court, like what day  
3 he had court, things like that. But we did not speak  
4 about -- we did not talk about the accident.

5           Q     And you saw him at church and court inside the  
6 Pinellas County Jail, is that correct?

7           A     Yes.

8           Q     During those few months that you worked with  
9 Juan at Archer Western, did you ever have him over to your  
10 house as a guest?

11          A     Yes.

12          Q     Can you briefly tell us about that?

13          A     So, a mutual friend of ours, who is a mechanic,  
14 that friend and Juan came over to my house to fix my car.  
15 Then Juan was in my house on two other occasions. And  
16 then the last time when he was in my house was for my  
17 birthday party. I invited him to my birthday party. That  
18 was the last time.

19          Q     In the time that you've known Juan, what kind of  
20 person is Juan?

21          A     He's very humble. Very respectful. All the  
22 time that he was in my house, you know, I have a wife,  
23 kids. He was never disrespectful to my wife, because  
24 there's people like that that around women, they can get  
25 disrespectful. He was never disrespectful.

1 MS. BLAQUIRE: May I have a moment, Your Honor,  
2 please?

3 THE COURT: You may.

4 BY MS. BLAQUIRE:

5 Q Do you remember how many months before the  
6 accident Juan started working with your group?

7 A I don't know exactly, but more or less like  
8 three months.

9 Q Okay. Thank you.

10 MS. BLAQUIRE: I don't have any further  
11 questions.

12 THE COURT: Actually, I've got to swear her in  
13 now.

14 (Interpreter sworn.)

15 THE COURT: Counselor, you may continue.

16 MR. VANDERHEIDE: Thank you, Your Honor.

17 CROSS EXAMINATION

18 BY MR. VONDERHEIDE:

19 Q Good morning, sir. I just have a few questions  
20 for you. So, the evening of September 22<sup>nd</sup>, 2022, you were  
21 driving a Ford F150?

22 A Yes.

23 Q All right. And who was in the truck with you  
24 and where were they positioned in the truck?

25 A My daughter was in the co-pilot and my sister-

1 in-law was in the back.

2 Q Okay. Your sister-in-law or your brother-in-  
3 law?

4 A No. My brother-in-law.

5 Q Okay. Headlights working on that F150?

6 A Yes.

7 Q And they were just normal headlights for a car?  
8 Nothing was wrong with them? They weren't dim?

9 A No. They were normal.

10 Q And you were behind Juan, and he was driving the  
11 front end loader. Is that right?

12 A Yes.

13 Q And he had lights on the front end loader?

14 A Yes.

15 Q And were they headlights that would illuminate  
16 the road, as well?

17 A Yes.

18 Q And were there safety lights or orange lights on  
19 it as well so you knew where the corners of the vehicle  
20 were?

21 A Yes.

22 Q And were those lights working?

23 A Yes.

24 Q Did it have brake lights on it so when he would  
25 stop or slow down you would notice with the lights in the

1 back?

2 A Yes.

3 Q And had you driven on, if not on that shoulder,  
4 other shoulders on the highway at night when you were  
5 getting to another location on the job site?

6 A Yes.

7 Q And when you would drive on the shoulders, would  
8 you frequently encounter other deputies that were in  
9 police cruisers?

10 A Yes. But the patrol cars or the police were  
11 always usually in their police cars. I never saw a  
12 police.

13 Q Did they usually have their lights going? Their  
14 strobe lights and their red and blue lights?

15 A Yes.

16 Q And would it be -- on those other occasions and  
17 also on the night that this occurred, would it be  
18 difficult for you to see while on the shoulder?

19 A Yes.

20 Q Had you ever driven a front end loader like the  
21 one Juan was driving in September, 2022?

22 A Yes.

23 Q And had you driven one prior to on the similar  
24 situation on a shoulder with police cruisers being  
25 present?

1           A     Yes.

2           Q     And when you would approach the police cruiser  
3 with its lights going, would it be difficult to see --  
4 would it be difficult to see with the lights going?

5           A     Yes. But on other occasions there would be  
6 lamps on close to the patrol car that would provide more  
7 illumination and clarity, but that night there were no  
8 lights.

9           Q     If there were lights providing clarity and  
10 illumination, would you go faster past that?

11          A     No. Normal. You can't go fast because always  
12 in the areas where there's an officer you go slower.

13          Q     Okay. So, that's even with bright lights you  
14 would go slower if you were passing a police cruiser?

15          A     Yes.

16          Q     All right. Now, let's talk about if you were in  
17 the F150 instead of the front end loader. Did the F150  
18 have better headlights than the front loader?

19          A     No. Same. Just in the machine sometimes the  
20 glass gets foggy or if it's dirty. But in the truck I can  
21 see fine.

22          Q     All right. Would you go faster past a deputy  
23 when they parked on the side of the road.

24          A     No, I would go slow.

25          Q     All right. So, even in the F150 you would go

1 slower?

2 A Yes. We go slow. 10-15 miles, we go slow.

3 Q So, when you were following Juan and he was in  
4 the front end loader, did he ever get out of your sight  
5 before he hit Deputy Hartwick? Were you right behind the  
6 whole time is my question?

7 A Yes.

8 Q When he got near Deputy Hartwick's police  
9 cruiser did he stop? Did he use his brights?

10 A No. Since he was going slowly, he continued.  
11 But no, he did not stop.

12 Q But he was going the same speed that you had  
13 been going the whole time. He did not slow down next to  
14 the police cruiser.

15 A No, as I explained to the other lady, there was  
16 a truck in front of the patrol, and so their he stopped  
17 and went slow. So, no, it's not like we came straight  
18 because there was truck in front, so we slowed down  
19 because they let us pass. So, it's not like he came  
20 straight, so he stopped first.

21 Q But by the police cruiser he did not slow down?

22 A No, because the inspector's truck was close  
23 there. It was a close distance.

24 Q So, he stopped for the inspector's truck, but he  
25 did not slow down at the police cruiser, is what you're

1 saying?

2 A He started from where the inspector's truck is  
3 to what is normal, like 10-15 miles.

4 Q All right. And so, the inspector's truck, he  
5 keeps driving normal, as you said.

6 A And so, well he started and started off, like  
7 starting off slowly, and slowly increasing speed but like  
8 15 miles because I am in the truck, and I could see that  
9 we were going slowly.

10 Q All right. He's going 15 miles an hour the  
11 whole time past Deputy Hartwick's police cruiser and he  
12 never hits the brakes?

13 A No. No.

14 Q And in fact, Juan called you first, didn't he?

15 A I don't remember. I don't know if -- I don't  
16 remember if it was him or me, but we spoke. Yes.

17 Q Okay. So, would you agree with me that a  
18 download of his phone that would show the records would be  
19 more accurate than your memory, perhaps?

20 A Yes.

21 Q So, if the record showed that he actually called  
22 you first after Deputy Hartwick was hit that the records  
23 would be more accurate?

24 A Yes. They would be correct.

25 Q And -- but you did have a conversation with



1 Juan, informing him what had occurred?

2 A Yes. About the officer that was on the ground.

3 Q When you first saw Deputy Hartwick, was he ever  
4 standing when you were able to observe him?

5 A No. Because I was behind the machine. The  
6 machine is tall, and I couldn't see until the machine  
7 passed and when he was on the floor.

8 Q And you stopped the F150 right? Pretty  
9 immediately?

10 A Immediately.

11 Q And you end up having a conversation with him,  
12 right?

13 A I spoke to him. I don't know if in that  
14 instant, but I spoke to him.

15 Q And you talked to Laura Caudill as well, right?

16 A As well, yes.

17 Q As a result of that, you knew that the police  
18 were going to be coming to the scene, right? To the area  
19 where you were at?

20 A Yes. Yes. Yes.

21 THE COURT: Wait. Clarification. You said  
22 spoke to him?

23 MR. VONDERHEIDE: I meant Juan Molina-Salles,  
24 yes.

25 THE COURT: Okay. Thank you.

1 BY MR. VONDERHEIDE:

2 Q So, you parked the F150, and you waited for  
3 police to arrive?

4 A Yes.

5 Q How long -- at that point, at that moment in  
6 time in 2022, how long had you been in the United States?

7 A I came in 2013 for the second time. I had been  
8 here a first time, also.

9 Q And you were not documented, right?

10 A No.

11 Q And did you have a residence in Florida that you  
12 were living at?

13 A Yes.

14 Q I don't need the address, but if you could tell  
15 me the city or neighborhood?

16 A Tampa, Florida and Sligh.

17 Q And was it an apartment or a house?

18 A House.

19 Q And how many years had you lived in that house?

20 A It was new. That was in September, and I had  
21 moved in June.

22 Q Who lived with you?

23 A My wife, my two daughters, my son, my brother-  
24 in-law and my brother.

25 Q And how long had your family been in the United

1 States with you?

2 A From 2018.

3 Q And did they have documentation? Were they  
4 legally able to be in the United States?

5 A They came requesting asylum from my country.  
6 Running away from my country. My wife already had a work  
7 permit. And my daughter, I believe, was in the process --  
8 one of them already had a work permit. The other one was  
9 in the process. And my son, I believe, also had a work  
10 permit.

11 Q So the family that was living with you could  
12 stay in the United States?

13 A Yes.

14 Q But you couldn't?

15 A Not me. But I did request asylum in May of 2022  
16 so that I could stop living this life illegally to at  
17 least have a work permit to work legally.

18 Q In September of 2022 your asylum permit had not  
19 been granted. Is that right?

20 A Not yet.

21 Q And as far as it relates to Juan Molina-Salles,  
22 he had been over to your house. Is that correct?

23 A Yes.

24 Q And he didn't have, as far as you could tell,  
25 any family here in the United States?

1           A     No.

2           Q     And you stayed, and you talked to the police.  
3     Isn't that right?

4                     THE INTERPRETER: I apologize. This is the  
5     interpreter. Could you please repeat?

6                     MR. VONDERHEIDE: Yes.

7     BY MR. VONDERHEIDE:

8           Q     And after Deputy Hartwick was hit by Juan  
9     Molina-Salles, you stopped and you waited and you spoke  
10    with the police?

11          A     Yes.

12                    MR. VONDERHEIDE: I have nothing else.

13                    THE COURT: Thank you. Defense, do you wish to  
14    ask any further questions of this witness?

15                    MS. BLAQUIRE: No, Your Honor.

16                    THE COURT: Nobody else asked, but somebody at  
17    least tell me, why is he in custody? Yeah, I saw, I  
18    just want to know. Oh, his attorney is here.

19                    MR. CHAMBERLAIN: Judge, he has a federal case,  
20    related to identity documents.

21                    THE COURT: Okay.

22                    MS. BLAQUIRE: From this case.

23                    THE COURT: From this case?

24                    MS. BLAQUIRE: Correct.

25                    THE COURT: All right. Okay. Thank you. He

1           can go. Anybody need a comfort break or we're going  
2           to the next witness? Next witness it is. Who do you  
3           wish to call next?

4           MS. BLAQUIRE: Ms. Laura Caudill.

5           THE COURT: I don't know -- oh, no, she speaks  
6           English. I heard from the last witness that she  
7           speaks English.

8                               LAURA CAUDILL

9   Being called as a witness, and having first been duly  
10   sworn, testifies as follows:

11           THE WITNESS: Yes, sir.

12           THE COURT: Defense, you may inquire.

13                               DIRECT EXAMINATION

14   BY MS. BLAQUIRE:

15           Q    Ms. Caudill, please state your full name for the  
16           record?

17           A    Laura Dawn Caudill.

18           Q    Where do you work now?

19           A    For Demoya Highway Infractions.

20           THE COURT: Would you do me a favor and angle  
21           the mic down at you a little bit. Perfect. And how  
22           do I spell your last name?

23           THE WITNESS: C-A-U-D-I-L-L.

24           THE COURT: Thank you.

25   BY MS. BLAQUIRE:

1 Q On September 22<sup>nd</sup>, 2022, did you work for Archer  
2 Western?

3 A Yes, ma'am.

4 Q When did you start working for Archer Western?

5 A Right around the pandemic time. 2020. 2019.

6 Q Okay. What did you -- did you have any  
7 experience operating heavy machinery when you started with  
8 Archer Western?

9 A No, ma'am.

10 Q Did you get experience operating heavy machinery  
11 on the job?

12 A Yes, ma'am.

13 Q What are some of the machines that you can  
14 operate?

15 A I operate roller, front end loader, excavator  
16 and I have some C time with dozer.

17 Q You speak both English and Spanish. Is that  
18 right?

19 A Yes, ma'am.

20 Q How did you learn Spanish?

21 A My mother-in-law.

22 Q When did you join Pedro's crew? That's his  
23 alias. Allan Gomez Zelaya on the Gateway Expressway  
24 project?

25 A From the first day that I got transferred to

1 that project.

2 Q Okay. Was that in 2020?

3 A Yes, ma'am.

4 Q I'll use his legal name, Allan Gomez Zelaya,  
5 okay?

6 A Yes, ma'am.

7 Q Can you tell the Court when Allan and you first  
8 learned about Juan and his ability to operate heavy  
9 machinery?

10 A We were -- because he was working. He was doing  
11 some pipe work and I had seen him and he was on an  
12 excavator. And I -- he was peeling the asphalt back. And  
13 he was stacking it in perfect little piles. And I  
14 remember telling Pedro that he was a really good operator.  
15 He was, in fact, the best operator I ever seen. And I  
16 wanted him to work with us to make our job easier.

17 Q How did Allan and you get Juan to join your  
18 crew?

19 A Talked to my superintendent and then his -- our  
20 superintendent talked to his superintendent. But it took  
21 a while because his superintendent didn't want to let him  
22 go with us because they said that he was the best operator  
23 that they had that was doing the pipe work.

24 Q What were the machines that Juan could operate?

25 A Front end loader. Just basically any machine

1 you put him on, he operated.

2 Q Did he indicate to you how long he had been  
3 operating heavy machinery ever?

4 A He said that he had -- he didn't tell me how  
5 long, but I know he even said he could operate a crane.

6 Q Did Juan also work the loader with a bucket at  
7 times?

8 A Yes.

9 Q Did you feel safe working with Juan when he was  
10 operating heavy machinery like the bucket and you're down  
11 in the pit?

12 A Yes, ma'am. I had -- plenty of times I've  
13 worked right beside him moving equipment. I felt safe.

14 Q Why do you feel safe?

15 A Because he paid attention. He's very -- you  
16 just had to -- I don't know. When he operated, he paid --  
17 like he'd make sure he didn't go fast. He didn't try to  
18 hurry. He took his time.

19 Q So going slowly and taking your time was a key  
20 for safety?

21 A Yeah, it's very big on safety because that's a  
22 very dangerous job.

23 Q What does the general term MOT mean?

24 A They're the ones who come and places the highway  
25 cones. The lane closures. Flagging.



1 Q Does that maintenance of traffic?

2 A Control. Yes.

3 Q Was Cody Gardner the maintenance of traffic for  
4 the Gateway Expressway project the night of Deputy  
5 Hartwick's death?

6 A Yes. He was the foreman in charge.

7 Q So he would have been in charge of ensuring the  
8 lanes were closed properly and placing the deputies  
9 safely?

10 A Yes.

11 Q Let's go to the night of Deputy Hartwick's  
12 passing. Who was working with you that night?

13 A I had Glydon and Elias with me.

14 Q Take us back to that night and tell us how you  
15 learn about the accident, please.

16 A I was escorting Glydon on a front end loader for  
17 us to go unload the barrier wall off of some flatbeds that  
18 was on 275. And I got a call from Mr. Juan, which I call  
19 him Panda. But I couldn't understand what he was saying.  
20 It was staticky and then at the same time Pedro had called  
21 too, so I answered the phone for Pedro, which Allan, and  
22 that's how I learned from Allan.

23 Q So, you never actually talked to Juan?

24 A No, I could not. No, we never talked.

25 Q You just called him Panda. Why do you call him

1 Panda?

2 A Because we worked together. He was always like  
3 a very happy person and he -- we would dig these --  
4 excavate the big holes. Although he wasn't required, he  
5 would get off of there and get in those holes with us and  
6 help us do whatever we had to do. And he jumped out of  
7 the holes like the -- off the little panda off Kung Fu  
8 Panda so I started calling him Panda because that's what  
9 he reminded me of.

10 Q That's from the movie King Fu Panda?

11 A Yes. The way he just jumped around.

12 Q Yeah. That's nice. When you got the call from  
13 Pedro, who we know as Allan, what did you do after that?

14 A I went down to where he told me he was at, and  
15 when I pulled up I jumped out of the car and I just  
16 started like screaming at them, what happened? They said  
17 they didn't know. And I went to where the officer was,  
18 and I was like, sir, are you okay? All I could hear was  
19 the chatter of his police radio. And I tried to call 911,  
20 and then it said like press 1. It was giving you two  
21 different language options, and I just like, I don't know,  
22 so I just took off to the inspector screaming for him to  
23 help me.

24 Q Did you bang on the inspector's front door.

25 A Yes, ma'am.

1 Q And ask him to call 911?

2 A Yes, ma'am.

3 Q It was difficult in that moment for you with the  
4 emotions and the stress to make that call yourself?

5 A Yes, ma'am. I was screaming for Pedro and his  
6 daughter then to help me.

7 Q Did you see Juan interact with law enforcement  
8 the next morning after the crash?

9 A I seen when they were bringing him to like a  
10 command trailer.

11 Q Can you tell the Court what you saw?

12 A I saw him. He was like, he was crying. And his  
13 face, his face was puffy just like he was crying and  
14 stuff.

15 Q Okay. So, you had stayed on scene all night?

16 A Yes, ma'am.

17 Q You didn't actually see the crash occur though,  
18 correct?

19 A No, ma'am.

20 Q You did see Deputy Hartwick's dead body on the  
21 shoulder, correct?

22 A Yes, ma'am.

23 Q He was not wearing any safety vest or reflective  
24 hard hats?

25 A No, ma'am.

1           Q     Where his body was found, what was the lighting  
2 like?

3           A     There was -- the only lighting was from his  
4 patrol car and how I could -- there was no street lights  
5 or anything. There was no one around. There was just the  
6 patrol car was there and then Pedro's truck was like right  
7 in front of where the deputy's body was.

8           Q     Deputy Hartwick's body was almost off the  
9 shoulder, near the edge of the shoulder, correct?

10          A     Yes, ma'am. His top torso was on the shoulder  
11 and his legs were more towards the grassy area.

12          Q     Were Deputy Hartwick's flashing lights on his  
13 vehicle on at the time of the accident?

14          A     Yes, ma'am.

15          Q     How did the flashing lights affect your ability  
16 to see Deputy Hartwick?

17          A     I almost didn't see him when I was pulling up  
18 either. The passenger started screaming and I just like  
19 locked on brakes.

20          Q     Did the flashing lights make it more difficult  
21 to see Deputy Hartwick?

22          A     Yes, ma'am. Not once like when I got out and  
23 got over there up close, but like when I was coming up, I  
24 didn't see him at first.

25          Q     In your vehicle?

1           A     Yes, ma'am.

2           Q     Okay. How close did you get to Deputy Hartwick  
3 when you first saw him laying on the ground lifeless?

4           A     Maybe -- I was pretty close because I was trying  
5 to scream to get his attention. To see if he would like  
6 respond.

7           Q     No response?

8           A     No, ma'am.

9           Q     I'd like to go back to Juan, okay?

10          A     Mmm-hmm.

11                THE COURT: Well, hold on a second. You didn't  
12 actually indicate how close you got. Two feet? Ten  
13 feet? Twenty feet?

14                THE WITNESS: Maybe two feet. I was up pretty  
15 close. Yes, sir.

16                THE COURT: Okay. Thank you.

17 BY MS. BLAQUIRE:

18           Q     How long did you work with Juan before the  
19 accident?

20           A     Three or four months.

21           Q     How many days a week do you work together?

22           A     Six.

23           Q     That you're aware of during the time you worked  
24 with Juan, did he have any safety violations?

25           A     No, ma'am.

1           Q     Can you tell me what kind of a person Juan was  
2 during the time period that you worked with him?

3           A     He was always happy. He was friendly. He would  
4 help anybody that needed help.

5           MS. BLAQUIRE: Your Honor, may I approach?

6           THE COURT: You may.

7           MS. CONSTANTINE: No objection.

8 BY MS. BLAQUIRE:

9           Q     I'm going to put a photo on this white screen to  
10 your right.

11          A     Yes, ma'am.

12          Q     Do you recognize this photo?

13          A     Yes, ma'am.

14          Q     How do you recognize this photo?

15          A     I took the photo.

16          Q     And what is depicted within the photo?

17          A     We were digging out a -- it's a concrete block  
18 that holds the big highway scenes across 275. And once  
19 they take it down, we have to demo it. So, we dig down to  
20 find the bottom and we have to cut rebar that's in it.

21               MS. BLAQUIRE: This is defense Exhibit 1, for  
22 the record.

23               THE COURT: All right. Any objection to Defense  
24 Exhibit 1?

25               MS. CONSTANTINE: No, Your Honor.

1 THE COURT: Shall be admitted as Defense Exhibit  
2 1 in evidence.

3 (Defense Exhibit 1 admitted into evidence.)

4 MS. BLAQUIRE: Thank you.

5 BY MS. BLAQUIRE:

6 Q What does this photo represent to you?

7 A My job was to be down to cut that -- in that  
8 hole to cut that and because -- he didn't want me to go  
9 down there so he went down in the hole and cut the rebar  
10 for me, so I wouldn't have to go in and do it.

11 Q Is this another example of Juan helping others?

12 A Yes.

13 Q That you saw, was Juan ever in a bad mood?

14 A No, ma'am.

15 Q Did Juan talk with you about his kids at work?

16 A Yes, ma'am.

17 Q His family back home in Honduras?

18 A Yes, ma'am.

19 Q Did you ever hang out with Juan outside of work?

20 A No, ma'am.

21 Q Would you have if you had more time with him?

22 A Yes, ma'am, I would.

23 Q Okay. Have you had any contact with Juan since  
24 his arrest?

25 A No. No, ma'am.

1 Q Is today the first time you're seeing him since  
2 his arrest?

3 A Yes, ma'am.

4 MS. BLAQUIRE: May I have a second please, Your  
5 Honor?

6 THE COURT: Of course.

7 MS. BLAQUIRE: I don't have any further  
8 questions.

9 THE COURT: State, you may inquire.

10 MS. CONSTANTINE: Thank you, Your Honor.

11 CROSS EXAMINATION

12 BY MS. CONSTANTINE:

13 Q Good morning.

14 A Morning.

15 Q All right. Good to see you again.

16 A You too.

17 Q So, first I want to talk a little bit about the  
18 front end loader that we're talking about, okay?

19 A Mmm-hmm.

20 Q This is a large piece of equipment. Is that  
21 fair to say?

22 A Yes, ma'am.

23 Q Bigger than the truck that you're in the night  
24 that this crash happens?

25 A Yes, ma'am.



1           Q     So, when defense is asking you about visually  
2 you being able to see Deputy Hartwick, you would agree  
3 with me that someone that's in a front end loader that's  
4 very large and high above the ground has a better vantage  
5 point to see than you would, correct?

6           A     On the ground? No.

7           Q     Would they be able to see --

8           A     You can see everything, but down below it's kind  
9 of hard. You usually when -- well, not when you're  
10 escorting, but when you're doing groundwork. Like say you  
11 would have to pick something up or you have what you call  
12 a spotter. That spotter is going to help you to guide you  
13 where you need to go because there is blind spots that you  
14 can't see.

15          Q     That would be on the ground.

16          A     Yeah, but driving it, yeah, he would be up  
17 higher, so you would have a better advantage, I would  
18 assume when you're driving it.

19          Q     Yeah, you're driving it.

20          A     Yes, ma'am.

21          Q     You're sitting up on the loader. Right?

22          A     Yes. You can --

23          Q     And that person would be higher up than you  
24 would be in your vehicle, right?

25          A     Yes, ma'am.

1           Q     Now, you talked a little bit on direct  
2 examination about the state of these types of vehicles.  
3 Can you tell the Court how large, how much does these  
4 vehicles weigh?

5           A     I couldn't tell you how much they weigh, but  
6 they are very large.

7           Q     Hundreds of pounds? Thousands of pounds?

8           A     Thousands of pounds. Yes.

9           Q     And you talked a little bit about the safety.  
10 Can you tell the Court, would it be safe for someone who's  
11 lights aren't operational to be driving a thousands of  
12 pound piece of equipment down the roadway when they can't  
13 see?

14          A     No. No.

15          Q     Would that be safe?

16          A     No.

17          Q     Would that be safe for them?

18          A     That wouldn't be safe for anybody.

19          Q     It wouldn't be safe for the public, right?

20          A     No, ma'am.

21          Q     It certainly wouldn't be safe for police  
22 officer's who are out there protecting everyone, right?

23          A     Yes, ma'am.

24          Q     And that's why Deputy Hartwick was out there  
25 that night, right?

1           A     Yes, ma'am.

2           Q     He was there to protect the road workers?  
3     Right?   Keep them safe?

4           A     Yes, ma'am.

5           Q     So, when defense asked you about Juan helping  
6     others, just to very clear, at any point when you're out  
7     there the night that this happened, did you see the  
8     defendant in this case stop to help Deputy Hartwick?

9           A     No, ma'am.

10           MS. CONSTANTINE:   A moment to confer?

11           THE COURT:   Yes.

12           MS. CONSTANTINE:   Nothing further.

13           THE COURT:   Any redirect?

14           MS. BLAQUIRE:   No, Your Honor.

15           THE COURT:   Thank you for coming in today,  
16     ma'am.   You're excused.

17           THE WITNESS:   Thank you.

18           THE COURT:   Defense, would do you wish to call  
19     for your third witness?

20           MS. DELIBERATO:   Your Honor, our next two  
21     witnesses will be on the zoom, and I'll just need a  
22     moment to get a few things set up.

23           THE COURT:   Set that up?   Okay.   Maybe it would  
24     be appropriate to take a ten minute recess then, so  
25     you can get that set up and we can test the

1       technology, and you can practice the -- I know you  
2       already tested the technology but measure twice, cut  
3       once. All right. So, we'll be in recess for ten  
4       minutes.

5               THE DEPUTY: All rise.

6               (Court stands in recess.)

7               (Court is back in session.)

8               THE COURT: All right. We had a chance to test  
9       the technology so that we can handle the witnesses  
10      that are by zoom. Where is the witness by zoom  
11      that's being called next testifying from?

12              MS. DELIBERATO: Juana Patricia Molina. So, I  
13      think the best for my second witness on zoom, I'm  
14      going to play an audio clip. I'm fine. I have the  
15      zoom up here. The interpreter is going to stand next  
16      to me. If the Court can see, I think we don't need  
17      to put the zoom on the screen. Although, I guess  
18      maybe we do because of the sound. I'm not sure if it  
19      will come out. That's what I don't know.

20              THE COURT: Is it -- did we test putting them up  
21      on the screen?

22              MS. DELIBERTO: It just works. I tested the  
23      audio that I'm going to play, and it works.

24              THE COURT: Okay. But can we put the picture up  
25      there or we can't put the picture up there?

1 MS. DELIBERTO: I don't think we can do both at  
2 the same time.

3 THE COURT: Okay. Then we won't do both. Sound  
4 is more important.

5 MS. DELIBERATO: But we should be able to -- you  
6 should be able to hear once -- I believe you should  
7 be able to hear the zoom witness from your computer.

8 THE COURT: All right. Does that work for you,  
9 State?

10 MS. CONSTANTINE: Yes, Your Honor.

11 THE COURT: Okay. And what is the name of this  
12 witness now?

13 MS. DELIBERATO: Juana Patricia Molina. I'm not  
14 certain if they can hear us.

15 THE COURT: Ms. Patricia Molina, can you hear  
16 us?

17 MS. DELIBERATO: She's on mute.

18 THE WITNESS: I can hear you.

19 THE COURT: Is that her?

20 MS. DELIBERTO: Yes.

21 THE COURT: Okay. Hello, can you see me?

22 THE WITNESS: No.

23 THE COURT: Okay.

24 MS. DELIBERTO: So, your camera somehow is  
25 facing the back of the courtroom. But I can turn my

1 computer to you so that.

2 THE COURT: Okay. It is not necessary.

3 MS. DELIBERTO: Okay. We just need to swear her  
4 in. You need to swear her in.

5 THE COURT: Where is she, though? Where are  
6 you, ma'am.

7 THE WITNESS: Now I see you. I'm in Madrid,  
8 Spain.

9 THE COURT: Madrid, Spain. Okay. Raise your  
10 right hand.

11 JUANA PATRICIA MOLINA-SALLES

12 Being called as a witness, and having first been duly  
13 sworn, testifies as follows:

14 THE WITNESS: I swear before God.

15 THE COURT: Okay. You can put your hand down.  
16 Defense, you may inquire.

17 DIRECT EXAMINATION

18 BY MS. DELIBERTO:

19 Q Good morning, can you please state and spell  
20 your name for the record?

21 A Good morning. My name is Juana Patricia Molina-  
22 Salles.

23 Q And where do you live?

24 A I'm currently living in Madrid, Spain.

25 Q What do you do for work?

1           A     Right now I'm a supervisor at a store chain.

2           Q     Do you know Juan Molina-Salles?

3           A     Yes.

4           Q     How do you know him?

5           A     I'm the third sibling of five siblings.

6           Q     Can you explain to the Court the birth order?

7     The names of your siblings and the order in which they  
8     arrived.

9           A     The first one, her name is Ruth Amiya Molina-  
10    Salles. The second one is Anna Christina Molina-Salles.  
11    I'm the third one, Juana Patricia Molina-Salles. The  
12    fourth one is Juan Ariel Molina-Salles. The fifth one is  
13    Noel Gabriel Molina-Salles.

14          Q     Where were you born?

15          A     I was born in the city of Choluteca, Honduras.

16          Q     And is that also where Juan was born?

17          A     Yes.

18          Q     Did you grow up in the same household with Juan?

19          A     Yes.

20          Q     With both of your parents?

21          A     Both parents.

22          Q     What was the neighborhood like that you lived  
23    in? Was it a rich neighborhood or a poor neighborhood?

24          A     It was a working class, humble neighborhood.

25          Q     What did your parents do for work?

1           A     My father, he worked in operating heavy  
2 machinery. And my mother, she was a salesperson. She was  
3 a saleswoman.

4           Q     How far did Juan go in school?

5           A     Second year of high school.

6           Q     And in Honduras, is that about the sixth grade?

7           A     No, eighth grade.

8           Q     Eighth grade. Why did he drop out of school?

9           A     Because since he was little, our father worked  
10 in heavy machinery, and he got interested in it.

11          Q     Was going beyond the eighth grade to a higher  
12 education expensive?

13          A     It's expensive. Coming from a working class  
14 family with five children, it was expensive.

15          Q     So, instead of spending the money to send Juan  
16 to a higher education, did he start working with your  
17 father?

18          A     No. He wanted to -- he left school because he  
19 wanted to pursue that trade. Because it really interested  
20 him a lot.

21          Q     Okay. And did he start doing that work when he  
22 was about how old?

23          A     Sixteen years old.

24          Q     What did Juan do with the money that he made  
25 working? Did he use it to support the family?



1           A     Yes.

2           Q     In your observation, was Juan a hard worker?

3           A     No. Initially he wasn't working a lot. It was  
4 part time. My father only allowed him to work certain  
5 hours. It was not until he turned 18 that he focused  
6 completely on the trade.

7           Q     And when he started working full time at 18, did  
8 you know or observe that he was a hard worker?

9           A     It was the focus and the upbringing that our  
10 parents gave. You know, my father would say, if you're  
11 going to do a job you have to do it, you have to make sure  
12 and pay attention that you do it right,

13          Q     What was Juan like to you as a younger brother?

14          A     Very polite. Very loving. More than a brother,  
15 I had a friend.

16          Q     When did you leave Honduras?

17          A     I left April of 2018.

18          Q     Why did you leave Honduras?

19          A     So, I was working in the sugar distribution  
20 company, and I was also involved in juvenile politics,  
21 youth politics. And I noticed that the economy was going  
22 down. They were not paying me well.

23          Q     Do you know Juan's wife, Cindy, the mother of  
24 his children?

25          A     Yes. Perfect.

1 Q Did you know her when you were growing up in  
2 Honduras?

3 A Yes. He brought her home to introduce her to  
4 our parents.

5 Q And they have two children together, is that  
6 right?

7 A Yes.

8 Q And is his daughter biologically belong to Juan?

9 A No. He raised her as his own since she was  
10 pregnant because he knew that she was pregnant.

11 Q He started dating her when she was pregnant. Is  
12 that right?

13 A Correct.

14 Q And he raised that daughter as his own daughter?

15 A Yes.

16 Q And did they have a son together?

17 A Yes.

18 Q Did you have an opportunity to observe Juan as a  
19 father?

20 A Yes.

21 Q How was he as a father?

22 A So, I had a chance to live with them for a while  
23 when they came to visit. He's a very loving, very  
24 attentive father. Always paying attention that his kids  
25 did not lack for anything. What can I tell you? He was a

1 loving father.

2 Q Do you know why Juan left Honduras?

3 A Yes. Because of the same reason. The economy.  
4 Wages are too low. And they're firing people.

5 Q Did you stay in touch with Juan on his journey  
6 to the United States?

7 A I only had a chance to speak with him when he  
8 was leaving Honduras when he was saying goodbye to our  
9 mother.

10 Q And did he eventually make it to the United  
11 States to see your brother, who was in Tennessee?

12 A Yes.

13 Q And did you speak with him when he was working  
14 there with your brother?

15 A Yes.

16 Q Was he working construction work with your  
17 brother in Tennessee?

18 A Yes.

19 Q And did you learn that he eventually came to  
20 Florida and was working construction here?

21 A Correct.

22 Q And did you talk to him on the phone?

23 A That's correct.

24 Q And stayed in touch with him while he was living  
25 here working. Is that right?

1           A     Correct.

2           Q     And the money that he was making, was he sending  
3 that money back to his wife and children in Honduras?

4           A     Yes. That's correct.

5           Q     When in Honduras, has Juan every gotten into any  
6 trouble in Honduras? Any legal trouble?

7           A     No.

8           Q     When did you first learn that Juan had been  
9 arrested and was in jail in Florida?

10          A     Within 24 hours. There were time zone  
11 differences, but within 24 hours I got the call from my  
12 brother.

13          Q     Were you eventually able to speak to Juan on the  
14 telephone from the jail?

15          A     No.

16          Q     Since his arrest, you've never spoken to him on  
17 the phone in the jail?

18          A     I spoke to him six months later.

19          Q     Okay. So, the first time you spoke with him  
20 after his arrest was about six months later? Is that  
21 right?

22          A     Yes.

23          Q     When you talked to him on the phone, did he  
24 express regret for leaving the scene of the accident?

25          A     I couldn't speak about any other topic besides

1 how he was doing.

2 Q Okay. So, you didn't talk to him about the  
3 facts of the case or anything like that?

4 A No.

5 Q How was he emotionally?

6 A Destroyed.

7 Q When Juan finished whatever sentence the Court  
8 gives him and when he's deported back to Honduras, will  
9 your family continue to support Juan?

10 A Yes. I personally will travel, God willing, to  
11 receive him over there.

12 MS. DELIBERATO: May I have a moment, Judge?

13 THE COURT: Of course.

14 MS. DELIBERATO: I don't have any further  
15 questions.

16 THE COURT: Can the State use your computer to  
17 keep it simple?

18 MS. DELIBERATO: Of course.

19 THE COURT: Do you have any questions?

20 MS. CONSTANTINE: I don't, Your Honor. Thank  
21 you.

22 THE COURT: Oh, okay. Tell her thank you. She  
23 is excused as a witness. And to her mute her  
24 computer again.

25 MS. DELIBERATO: But she can stay?

1 THE COURT: She can stay.

2 THE WITNESS: Thank you.

3 THE COURT: I think she left.

4 MS. DELIBERATO: No, she just turned her  
5 computer off.

6 THE COURT: Oh, okay.

7 MS. DELIBERATO: Eladia Cruz is our next  
8 witness. Ms. Cruz?

9 THE COURT: There's a Garcia.

10 MS. DELIBERATO: It's the video (indiscernible).

11 THE COURT: I have a different thing up here on  
12 my computer. Which one? That one? I think that's  
13 -- yep, I got her. All right. See if I have to --  
14 Ms. Cruz, raise your right hand.

15 ELADIA CRUZ

16 Being called as a witness, and having first been duly  
17 sworn, testifies as follows:

18 THE WITNESS: Yes, I swear, so help me God.

19 THE COURT: You may inquire.

20 DIRECT EXAMINATION

21 BY MS. DELIBERATO:

22 Q Good morning, Ms. Cruz, can you please state  
23 your name for the record?

24 A My name is Eladia Batista Cruz Morales.

25 Q Where do you live?

1           A     I'm in Barcelona, Spain.

2           Q     What do you do for work?

3           A     In the morning I work at home, and I go to  
4 school in the evenings.

5           Q     What are you going to school for?

6           A     Nurse's aide.

7           Q     Do you know Juan Molina-Salles?

8           A     Yes, I do.

9           Q     How do you know him?

10          A     He's my brother-in-law.

11          Q     And what is your sister's name?

12          A     Cindy Benenica Cruz Morales (ph).

13          Q     When did you first meet Juan?

14          A     Around 2015.

15          Q     How did you meet him?

16          A     At that time he was my sister's boyfriend. My  
17 sister brought him home and that's when I met him.

18          Q     And what did you think about him dating your  
19 sister?

20          A     Well, he went -- she brought him home. We met  
21 him. We saw that he was an excellent person. A good  
22 human being. Then we took some time, a good amount of  
23 time to get to know him and then we opened up the doors of  
24 our home to him.

25          Q     Was Juan working at the time he was dating your

1 sister?

2 A Yes. He was working in heavy machinery. And  
3 they were doing a construction project at that time in  
4 Olancho, building a bridge.

5 Q Have you always known Juan to work with heavy  
6 machinery for his job?

7 A Yes. When we met him, that's how we met him.  
8 He was working in heavy machinery. And all that time  
9 since he was going out with my sister up until the end  
10 he'd been working in heavy machinery.

11 Q Your sister and Juan have two children. Is that  
12 right?

13 A Yes.

14 Q Can you tell me their names and ages?

15 A Okay. The oldest is Ashley Desell Cantonia Cruz  
16 (ph) and she's 11 years old. And Joshua Ariel Molina  
17 Cruz, he's the youngest child.

18 Q How old is he?

19 A Five years.

20 Q And it's my understanding that Ashley is not  
21 Juan's biological daughter. Is that right?

22 A He's not.

23 Q But he started dating your sister while she was  
24 pregnant with Ashley, right?

25 A They met each other. They were going out for



1 some time, then my sister got pregnant. Then they resumed  
2 their relationship and then the child was born.

3 Q And has he always treated Ashley as his own  
4 daughter?

5 A More than a daughter. Like if it was his own  
6 blood.

7 Q And does she feel the same way about Juan? Does  
8 she see him as her father?

9 A Yes.

10 Q Now, your sister is still living in Honduras  
11 with the two children?

12 A Yes.

13 Q And the internet service is not always reliable  
14 there, is that right?

15 A It's not and in that area where we live there's  
16 not enough coverage.

17 Q So there would be no way for her to come and  
18 testify on the zoom. Is that correct?

19 A No, she could not.

20 Q Did she want to be here?

21 A She wanted to, yes.

22 Q And did she and the children send you some voice  
23 messages on What's App?

24 A Yes.

25 Q In a moment I'm going to play the audio message

1 from Cindy only. And after it's over I want you to listen  
2 to it and then I'll ask you some questions about it.

3 Okay?

4 A Yes.

5 Q Can you hear it?

6 A Yes.

7 (Audio played.)

8 THE COURT: Well, if he followed all that and is  
9 about to recite it to me in English, I'm going to be  
10 very impressed.

11 MS. DELIBERATO: So, my understanding, when I  
12 spoke with the interpreter is they will not  
13 interpret, pursuant to administrative order, they  
14 will not interpret a live video. So, because of  
15 that, I opted to play it this way, and then I would  
16 have Ms. Cruz just summarize for it. I will put it  
17 into evidence with the translation. Then I will work  
18 through the State so that it's part of the record,  
19 just for clarity's sake. But that is why we did it  
20 that way.

21 THE COURT: Okay. I knew there was a reason. I  
22 figured I'd find out what that reason was.

23 MS. DELIBERATO: I didn't know that --

24 THE INTERPRETER: Some recordings have to be  
25 transcribed then translated.

1           THE COURT: Okay. I learned something new  
2           today.

3           MS. DELIBERATO: Me too.

4           THE COURT: Yep. You may continue.

5 BY MS. DELIBERATO:

6           Q     Ms. Cruz, did you have an opportunity to hear  
7           that?

8           A     Yes, I heard it.

9           Q     And is that your sister's voice?

10          A     Yes.

11          Q     And can you just summarize that two and a half  
12          minutes that she said, can you summarize what it is she  
13          told -- wanted the Court to know?

14          A     She's just saying that Ariel has been a great  
15          husband. That he's given his life for them. That he's  
16          made many sacrifices for them, and she has so many other  
17          things to say about him.

18          Q     Anything else?

19          A     She just wants to convey the message that he's  
20          an excellent person. That he's an excellent father. And  
21          excellent husband. He's been an example to his children.  
22          A role model for his children and that he would give his  
23          life for them.

24          Q     Ms. Cruz, if you know, why did Juan leave  
25          Honduras to come to the United States in 2021?

1           A     It's the family spoke about it. He left because  
2 he wanted a better future. He wanted to build a better  
3 future for his -- my sister, for his children, for us, for  
4 his family. That's the reason why he left.

5           Q     And were there limited work opportunities for  
6 him in Honduras after the pandemic?

7           A     He was always working, but after the pandemic,  
8 he started working less and less so he made the decision  
9 to leave.

10          Q     Did you stay -- was Juan's brother already in  
11 the United States working in Tennessee, if you know?

12          A     Yes, that's correct.

13          Q     Did you stay in touch with Juan on his journey  
14 to the United States?

15          A     Yes.

16          Q     And did you learn that Juan eventually made his  
17 way to Florida in about March of 2022 to work  
18 construction?

19          A     Yes.

20          Q     All the time he was working in the United  
21 States, was Juan sending money to your sister and her  
22 children?

23          A     Always. Ever since he arrived until what  
24 happened.

25          Q     When did you first learn that Juan had been

1 arrested?

2 A The next day.

3 Q Did you get a chance to speak with him in the  
4 jail?

5 A Yes.

6 Q Do you know when that was?

7 A I don't remember exactly, but I believe like two  
8 or three months later.

9 Q How was he emotionally?

10 A Very bad.

11 Q How so?

12 A He was sad. He was down about what happened.  
13 He's remorseful.

14 Q In your -- all the time that you've known Juan  
15 and his relationship with your sister, did he always try  
16 to provide for them as best as he could?

17 A Correct.

18 Q And are your sister and her children struggling  
19 since he's been in jail, unable to work for the last two  
20 and a half years?

21 A Yes. Because he was the support of their  
22 household.

23 Q Will your sister and his children welcome him  
24 home after his prison sentence when he's deported?

25 A Yes. He's always welcome, whatever time God

1 permits.

2 Q And will you, as his family, and the remainder of  
3 his family, continue to support him?

4 A All our life.

5 MS. DELIBERATO: One moment. I have no further  
6 questions.

7 THE COURT: Thank you. Counsel, any questions?

8 MS. CONSTANTINE: No.

9 THE COURT: No?

10 MS. CONSTANTINE: No, Your Honor.

11 THE COURT: Thank you, ma'am. You are excused  
12 as a witness.

13 MS. DELIBERATO: If we could let the witnesses  
14 on zoom know, nobody is going to testify anymore, but  
15 they are welcome to stay and listen. I would ask the  
16 Court to keep the zoom link open.

17 THE COURT: I'm going to keep the zoom up until.

18 MS. DELIBERATO: And keep them muted as needed.

19 THE COURT: Defense, who do you wish to call as  
20 your next witness.

21 MS. DELIBERATO: Those are our last witnesses.

22 I have a few pieces of evidence to put in and  
23 publish. Defense Exhibit 2, the 911 call. Defense  
24 Exhibit 3, Corporal Aitken's body worn camera  
25 footage. Defense Exhibit 4, which is a photograph

1           inside Deputy Hartwick's car of a safety vest.

2           THE COURT:   Okay.

3           MS. DELIBERATO:   And defense Exhibit 5, which is  
4           the deposition of Alan Clark.   We'll put a  
5           stipulation on the record when -- at the close of our  
6           presentation about the depo.   But at this time, I  
7           would like to play the 911 call and the body worn  
8           camera footage.

9           THE COURT:   All right.   Let's do it this way.  
10          Do you have any objection to 2, 3 4, and 5?

11          MS. CONSTANTINE:   No, Your Honor.

12          THE COURT:   All shall be admitted.   So, 1  
13          through 5 of the defense is admitted into evidence.

14          (Defense Exhibits 2, 3, 4 and 5 admitted into  
15          evidence.)

16          THE COURT:   You may publish whatever exhibit you  
17          wish next, just tell me what it is.

18          MS. DELIBERATO:   This is defense Exhibit 2. It's  
19          the 911 call by Kenny Rogers.

20          THE COURT:   Approximately how long is this phone  
21          call?

22          MS. DELIBERATO:   That's a great question.

23          THE COURT:   For once I try to ask.

24          (The following is a transcription of audio  
25          published in open court transcribed to the best of the

1 transcriber's ability.)

2 911 OPERATOR: Wednesday, September 22, 2022.

3 22:52 and 38 seconds.

4 (Audio paused.)

5 MS. DELIBERATO: I don't know. It's short.

6 THE COURT: It's short? Short is a qualitative  
7 word rather than a quantitative word. Two minutes?  
8 Five minutes? Ten minutes?

9 MS. DELIBERATO: Two to five minutes.

10 THE COURT: Two to five minutes. Okay. Play.

11 (Audio resumes.)

12 911 OPERATOR: 911, what is the address of your  
13 emergency?

14 THE CALLER: It's on southbound I-275, just  
15 before exit 30, which is Roosevelt. I am being told  
16 by a female that an officer, an off-duty officer,  
17 just got struck by a vehicle, and I'm going down to  
18 it now.

19 911 OPERATOR: Okay. Is it a vehicle versus a  
20 pedestrian?

21 THE CALLER: Well, I think it was, from what I  
22 understand it was a car and an off duty officer was  
23 outside of the vehicle and got struck.

24 911 OPERATOR: Okay. So, it's southbound. Is  
25 it before or after the exit.



1           THE CALLER: It's still on I-275. It's 54 and  
2           (indiscernible).

3           911 OPERATOR: So, it's before. So, you're just  
4           south of Franklin Bridge. At the Ulmerton, right  
5           there at the Ulmerton Exit, it's right there? That's  
6           by the --

7           THE CALLER: Uh, yes. Yep. Pass over 10<sup>th</sup>.  
8           10<sup>th</sup> and before Roosevelt.

9           911 OPERATOR: Okay. And it's southbound lane.

10          THE CALLER: Yep. Southbound lane. Hey, call  
11          somebody and get some --

12          911 OPERATOR: Let me know when you find him.

13          THE CALLER: All right. I'm walking up to it.

14          911 OPERATOR: You're walking up to it now?

15          THE CALLER: Yeah, but I can't -- ah, fuck me.  
16          What do you think?

17          911 OPERATOR: What's your name?

18          THE CALLER: My name is Kenny.

19          911 OPERATOR: Kenny?

20          THE CALLER: Yeah.

21          911 OPERATOR: Okay. So, you're the southbound  
22          lanes, north of Roosevelt. Roll over crash. What  
23          kind of vehicle is involved?

24          THE CALLER: Well, I think it was a hit and run.  
25          I think it was a hit and run because the officer was

1 out of his vehicle and is laying on the ground now.

2 911 OPERATOR: And whose car? FHP?

3 THE CALLER: No, Sierra. He's probably DOA,  
4 right?

5 (Audio paused.)

6 THE COURT: Counsel, pause it for a second.  
7 What is going on. What's that 22 and 50 -- why is it  
8 doing that?

9 MS. DELIBERATO: It's the -- just the 911, as  
10 the 911 call supporting, it continuously plays for  
11 the time stamp. It's just the 911 call.

12 THE COURT: Okay. So, this isn't a mistake?  
13 This is the way it is.

14 MS. DELIBERATO: It's like when you call 911,  
15 it's like -- you're on a recorded line. It just  
16 tells you the time like every few --

17 THE COURT: Is that on your copy?

18 MS. CONSTANTINE: I don't think so. I can go  
19 grab mine from my office if you'd like.

20 MS. DELIBERATO: That's the only copy that I was  
21 provided that --

22 THE COURT: I have never heard that before. And  
23 --

24 MS. DELIBERATO: I'm almost done, but I can --

25 THE COURT: Okay. All right. You can keep

1       going. I was just trying to figure if there was a  
2       way we could do it without that, but I've never heard  
3       that before. It's okay. I'll try and phase it out.

4               MS. DELIBERATO: The purpose of the 911 call was  
5       just to establish that the first responders on scene,  
6       the status of Deputy Hartwick. That's the sole  
7       person, and I'm just about done.

8               THE COURT: Okay. Okay.

9               (Audio resumes.)

10              THE CALLER: Right now.

11              911 OPERATOR: Who are you talking to?

12              THE CALLER: I'm talking to (indiscernible).  
13       Did you call them? Did you call someone? Oh man,  
14       it's going down the wrong --

15              911 OPERATOR: Who are you -- what are you  
16       looking --

17              THE CALLER: Well, I'm seeing your fire  
18       department, they're coming down Exit 30 going north,  
19       when they could have come up the wrong way driving on  
20       the --

21              911 OPERATOR: Well, some of -- no, they don't  
22       go the wrong -- they'll come around. They have a  
23       turnaround that they use and they have everything  
24       that they need. But they're going to pass right by  
25       that because they're going to come around the other

1 way.

2 THE CALLER: Yeah, I used to be a firefighter.

3 (Audio ends.)

4 MS. DELIBERATO: That's all the part I want to  
5 publish. Just when he came up to the body and what  
6 he described to the 911 operator. It just wasn't  
7 good and he was DOA. Just the comment that he made  
8 so what I wanted to publish.

9 THE COURT: Okay.

10 MS. DELIBERATO: And I don't have any more to  
11 publish. I will publish a portion of the body worn  
12 camera, which is defense Exhibit 3, which will show  
13 Mr. Molina-Salles arrest, and I will play about five  
14 minutes. It's a ten minute video. I'm not going to  
15 play the whole video. I will play about three to  
16 five minutes of it.

17 THE COURT: Okay.

18 MS. DELIBERATO: So, not the whole thing. Just  
19 part of it.

20 (Audio of the body worn camera footage.)

21 OFFICER AITKEN: On the overpass right here.  
22 1055. He's down. We're going 1015 now. We're 10-4.  
23 Subject is still wearing the long sleeved grey t-  
24 shirt.

25 We are 1015, secure.

1           DISPATCH: Copy that. Why don't you guys get  
2 him loaded up and we're going to send folks down just  
3 to confirm. And then we'll have you bring him back  
4 to TP.

5           OFFICER AITKEN: Stand up. Stand the fuck up.  
6 You hear me? Where can we get out here. Turn  
7 around. Far north end. Don't move. Far north end,  
8 up at the overpass. I'm walking him up the overpass  
9 now. There's a cruiser. A school bus is passing you  
10 right now. I'm coming to you.

11           10-4. Cruiser. Two cars that just passed you.  
12 School bus in front of them. I'm coming right to  
13 you. My footprint's so big. (Indiscernible.)  
14 That's what it was.

15           (Video ends.)

16           MS. DELIBERATO: And that's all that I'm going  
17 to play, Your Honor. I will put the rest in evidence  
18 just to show the distance that he -- the distance  
19 that he was from the accident.

20           THE COURT: Okay.

21           MS. DELIBERATO: And the circumstances of his  
22 capture in terms of being compliant and not  
23 (indiscernible). But I won't publish any more for  
24 the Court.

25           THE COURT: All right. Okay. So that concludes

1 the presentation of the defense?

2 MS. DELIBERATO: Yes. And then defense will  
3 publish the images of the photograph of Deputy  
4 Hartwick of the safety vest in Deputy Hartwick's  
5 patrol cruiser. And then the deposition of Alan  
6 Clark, which I will direct the Court to attention --

7 THE COURT: The deposition of Alan Clark?

8 MS. DELIBERATO: Yes. Sargeant Alan Clark. And  
9 I'm approaching with that. And it's Exhibits 5 and  
10 6.

11 THE COURT: Okay.

12 MS. DELIBERATO: And that's indicating that  
13 Deputy Hartwick was feeling under the weather. Was  
14 ill, and that Sargent Clark had sent him to a slower  
15 area the night before the accident. And then the  
16 State and the defense have stipulated that Deputy  
17 Hartwick has over the counter cold medicine in his  
18 system at the time of his death. And that would  
19 conclude the defense's presentation.

20 THE COURT: Okay. Well, it is 12:15. I'm going  
21 to hand this over. It is 12:15. Is this the  
22 appropriate time to break for lunch? Or do we want  
23 to keep going? I'm okay either way. Do the two  
24 sides want to have a conversation about it?

25 MS. DELIBERATO: Just ask the family, Your

1 Honor.

2 THE COURT: Why don't you take a moment to talk  
3 to them. I can keep going. I brought a Fit Crunch  
4 Bar, so I can make it through lunch. But if you  
5 would all rather have a moment. I only have the one  
6 bar. I can go get some more. I got a case.

7 We can take 45 minutes for lunch, or an hour.  
8 Whatever you prefer.

9 MS. CONSTANTINE: Can we do 30 minutes, Your  
10 Honor?

11 THE COURT: We can do 30 minutes for lunch. I  
12 can. 30 minutes for lunch?

13 MS. CONSTANTINE: Yes, Your Honor.

14 THE COURT: Okay. We're going to take a lunch  
15 break for 30 minutes. Those of you that are  
16 watching, normally I prohibit food in the courtroom,  
17 but as long as you clean up after yourselves, you're  
18 welcome to bring anything, as long as it's neither  
19 obnoxiously loud or particular pungent. So, don't go  
20 out and get raw fish or anything like that, but if  
21 you want to bring back a snickers bar or something  
22 like that or a cup of coffee, I have no objection to  
23 any of that. And we'll come back and reassemble at  
24 ten minutes to one o'clock. So, we'll be in recess  
25 until ten minutes to one o'clock. I'll leave the

1 zoom up.

2 MS. DELIBERATO: I'm going to have the  
3 interpreter tell the folks on zoom that that's what  
4 we're doing.

5 THE COURT: Tell the folks on zoom.

6 THE DEPUTY: All rise. Court is in recess until  
7 ten minutes to one.

8 (Court stands in recess.)

9 (Court is back in session.)

10 THE COURT: Okay. The State, the defense,  
11 having made their presentation of witnesses and  
12 evidence, what says the State?

13 MS. CONSTANTINE: Yes, Your Honor. At this  
14 time, the State calls Agent Ceasar Barrientos.

15 MS. DELIBERATO: Your Honor, if you would let me  
16 back into the zoom, I would appreciate.

17 THE COURT: I will let you back into the zoom.  
18 If I can figure out how to do that, I will appreciate  
19 it too.

20 MS. DELIBERATO: You can do it. I have full  
21 faith and confidence.

22 THE COURT: I'm getting better.

23 CEASAR BARRIENTOS

24 Being called as a witness, and having first been duly  
25 sworn, testifies as follows:



1 THE WITNESS: I do.

2 THE COURT: Come on up and have a seat. State,  
3 you may inquire.

4 MS. CONSTANTINE: Thank you, Your Honor.

5 DIRECT EXAMINATION

6 BY MS. CONSTANTINE:

7 Q Would you please introduce yourself to the  
8 Court, spelling your last name for the record?

9 A My name is Ceasar Barrientos. B-A-R-R-I-E-N-T-  
10 O-S.

11 Q And who do you work for?

12 A I'm a federal agent with the Border Patrol.

13 Q And how long have you worked there?

14 A I've been working for the Border Patrol for the  
15 last 24 and a half years.

16 Q How are you assigned?

17 A I'm assigned through Miami sector, at the West  
18 Palm Beach Border Patrol station.

19 Q Directing your attention to the case we're here  
20 on today involving Juana Molina-Salles, back in September  
21 of 2022, did you assist officers with Pinellas County  
22 Sheriff's Office in identifying the defendant?

23 A Yes, I did.

24 Q And can you please explain to the Court how you  
25 helped out?

1           A     Yes. I obtained biometrics from a detective. I  
2 read the biometrics through Border Patrol databases, and I  
3 was able to get a positive hit on those biometrics.

4           Q     Okay. And when you say biometrics, can you  
5 explain to the Court what you mean?

6           A     It was a photograph that was sent to me. Like a  
7 booking picture. A square. I submitted that into the  
8 database, and I was able to get a positive hit.

9           Q     Okay. And running him through the database, how  
10 was it that his information was in the Homeland Security  
11 database?

12          A     The hit revealed that the subject was arrested  
13 at the border, coming into the country illegally. Through  
14 Eagle Pass, Texas.

15          Q     Okay.

16          A     He was arrested and then placed in hold for  
17 Title 42 expound, which happened the next day. The  
18 subject was expelled back to Mexico under Title 42.

19          Q     And can you tell the Court when was Juan Molina-  
20 Salles arrested when he was trying to get in illegally?

21          A     I think the date is 10/25/2022. 10/25/2022.

22          Q     Okay.

23          A     And he was arrested at Eagle Pass, Texas. '21,  
24 I'm sorry. '21.

25          Q     '21. Okay. So, roughly about a year prior to -

1 -

2 A Yes, ma'am.

3 Q -- this case occurring. He's now back at this  
4 point?

5 A Yes.

6 Q And can you tell the Court, on September 22<sup>nd</sup> of  
7 2022, was Juan Molina-Salles in the United States legally?

8 A No, he wasn't.

9 MS. CONSTANTINE: A moment to confer?

10 THE COURT: You may.

11 MS. CONSTANTINE: Nothing further.

12 THE COURT: Okay. You may inquire.

13 MS. DELIBERTO: Just briefly.

14 CROSS EXAMINATION

15 BY MS. DELIBERTO:

16 Q Good afternoon. Can you explain a Title 42  
17 immediate expulsion? What is that?

18 A It's a health concern. The authority that we  
19 were delegated by the president in order to remove  
20 subjects without a hearing. He was arrested, deemed a  
21 public health and removed back to Mexico.

22 Q And that happened the next day?

23 A Yes, ma'am.

24 Q So, he was detained on 10 -- or arrested on  
25 10/25 and then sent back the next day. Is that correct?

1           A     Approximately, yes.

2           Q     Okay. And he wasn't given any paperwork or  
3 anything like that. Correct?

4           A     No. It's an expelling. We just remove the  
5 subject without any procedures under Title 42.

6           Q     To be clear, there's never an order of removal  
7 from any U.S. immigration court?

8           A     No, ma'am. No.

9           Q     And you have never had any contact with my  
10 client, Mr. Molina-Salles, correct?

11          A     No, I haven't.

12          Q     You got a contact from law enforcement, pulled  
13 something up the computer, and shared the information?

14          A     Yes, ma'am.

15                MS. DELIBERATO: One second.

16 BY MS. DELIBERATO:

17          Q     Just to clarify, the health concern is not  
18 specifically related to Mr. Molina-Salles, it's just from  
19 where he --

20          A     It was COVID. It was during COVID.

21          Q     Okay. So, from where he was coming from and  
22 during the pandemic?

23          A     Yes, ma'am.

24                MS. DELIBERATO: No further questions.

25                THE COURT: State, any other questions for this

1 witness?

2 MS. CONSTANTINE: No, Your Honor.

3 THE COURT: Thank you for coming in today,  
4 agent. And State, who do you wish you call as your  
5 second witness?

6 MR. VONDERHEIDE: State calls Deputy Bryan  
7 Hirshman.

8 THE COURT: Hirschman. Okay.

9 DEPUTY BRYAN HIRSHMAN

10 Being called as a witness, and having first been duly  
11 sworn, testifies as follows:

12 THE WITNESS: I do.

13 THE COURT: Come on up. State, you may inquire.

14 DIRECT EXAMINATION

15 BY MR. VONDERHEIDE:

16 Q Deputy, could you please state your full name  
17 and spell your last name for the digital court reporter?

18 A Corporal Bryan Hirshman. H-I-R-S-H-M-A-N.

19 Q And sir, where are you presently employed?

20 A Currently work for the Pinellas County Sheriff's  
21 Office.

22 Q And how long have you been with PCSO?

23 A Six and a half years.

24 Q Did you know Deputy Michael Hartwick?

25 A I did.

1 Q And how did you know him?

2 A I came to the sheriff's office in 2018, and  
3 worked with Mike probably for one bid, which is a six  
4 month time back in 2019, 2020. And was also on the crowd  
5 management team with Mike, and I also worked with him on  
6 many traffic details.

7 Q Okay. So, you guys worked pretty closely for  
8 those four years, five years, give or take? All right.  
9 Would you consider him a friend, as well?

10 A A work friend, yeah.

11 Q Okay. September 22<sup>nd</sup>, 2022, were you working  
12 that evening?

13 A I was working, yeah.

14 Q All right. And what was your assignment that  
15 night?

16 A I was a deputy at the time in the DUI unit.

17 Q All right. So, as being part of the DUI unit,  
18 did you have anything to do with the security that was  
19 provided on the interstate related to the construction of  
20 the new Gateway Expressway?

21 A No. The DUI unit is tasked with stopping drunk  
22 drivers, so that's basically what our mandate is. We  
23 assist patrol at times with whatever they may need. If  
24 they need assistance with a call.

25 THE COURT: Is it the old step unit?

1 THE WITNESS: It is step.

2 THE COURT: It is step? Okay.

3 BY MR. VONDERHEIDE:

4 Q Have you ever done or had you ever done at the  
5 time, the detail on the interstate that would involve  
6 providing protection for the workers for the Gateway  
7 Expressway?

8 A I did.

9 Q All right. And how many times do you think you  
10 did that?

11 A Prior to that day, probably two or three dozen  
12 times.

13 Q Okay. Did you ever do that detail with Mike?

14 A It's tough to say. There's a lot of solitude  
15 out there. You're not really around other deputies or  
16 them. At the time, when I was working it, they had other  
17 law enforcement agencies working it. Florida Highway  
18 Patrol and FWC and FDLE.

19 Q Okay. When you would do that detail, where  
20 would you all meet in order to get your assignment for the  
21 evening?

22 A At that time we were meeting at the center  
23 medium on Roosevelt, just off of Arlington Road.

24 Q All right. So, you would meet there. And would  
25 everybody just kind of park in the medium and wait for

1 instructions?

2 A Correct.

3 Q And who would give you instructions as to where  
4 to go?

5 A A foreman of some type. It varied. I think  
6 there were two different people that had that task.

7 Q Okay. And so, somebody who worked for the  
8 corporation would come out and tell you where to go?

9 A Correct.

10 Q And what is your role out there on the  
11 interstate during the evening hours?

12 A We were out there to protect the workers who  
13 were working on the Gateway. Watch their back and  
14 basically just sit there and be visible.

15 Q Okay. And so, when you say be visible, does  
16 that your cruiser would have -- you would have your lights  
17 going?

18 A Correct.

19 Q With strobe lights, alternating headlights, and  
20 the blue and reds. All of it?

21 A Yes. At that time, that's the light packages in  
22 all our vehicles had. They had flashing lights. They  
23 didn't have the lights that they have now that just kind  
24 of stay on.

25 Q Okay. And would you be wearing your full



1 uniform.

2 A Yes.

3 Q Let me ask you about reflective vests. Would  
4 you be required to wear reflective vests when you were out  
5 there?

6 A Agency policy states that we don't have to wear  
7 -- well, it doesn't say we don't have to wear, what it  
8 states is that reflective vests will be worn if you're  
9 directing traffic. On a crash scene I've been reminded  
10 numerous times to put my vest on by command staff and  
11 supervisors. But crash scenes and if we're directing  
12 traffic. Which is not part of the job description at  
13 those particular details.

14 Q Okay. How long is that detail? In other words,  
15 from when you get to the median, to when you are done at  
16 the end of the shift, how long do you think that would be?

17 A As I recall it was from seven to seven, I think.

18 Q Okay.

19 A Scheduled. However, I think Archer was required  
20 to have all of their equipment out of the roadway by a  
21 certain time or they would receive a fine. Either for  
22 each minute or every fifteen minutes. And it's a pretty  
23 hefty fine. So, by five a.m. they had to have everything  
24 removed from the roadway. And the roadway had to be  
25 opened.

1           Q     And are you all out there until -- when you say  
2 remove everything from the roadway, do you mean equipment?  
3 Construction equipment?

4           A     Correct. Cones. Everything.

5           Q     Okay. So, they would at night block off  
6 different lanes of traffic that wouldn't be blocked off  
7 during the day?

8           A     Correct.

9           Q     So all that's removed and then you guys can go?

10          A     Correct.

11          Q     In that -- so let's say it's not, maybe it's not  
12 12 hours. Maybe it's not 7p to 7a. Maybe it's 7p -- is  
13 it always 7 p.m.?

14          A     Correct.

15          Q     All right. So, always from 1900 hours to at  
16 least 0500, right?

17          A     Correct.

18          Q     So, we're talking a period of what, ten hours?

19          A     Yes.

20          Q     Are you expected to stay in your Chevy Tahoe,  
21 police cruiser, the entire ten hours of that shift?

22          A     There's no instructions stating that you have to  
23 stay in your vehicle. I'm -- on a regular basis I would  
24 exit my vehicle to stretch or to clean my car. The  
25 inside. The outside. I would do calisthenics on the

1 side of the road to stay awake. Things like that.

2 Q Okay. So you would keep -- get out and stretch.  
3 It's kind of not a good idea to sit in your car for ten  
4 hours, right?

5 A Probably not.

6 Q I mean, I know my watch tells me every hour to  
7 get up. I don't know if you have Apple watch.

8 A Mine does, as well. It runs my life.

9 Q So, every hour you're told to get up and you're  
10 going to get up and move around. Right?

11 A Correct.

12 Q So, that's not an atypical practice?

13 A No, not at all.

14 Q Would you say it would be the typical practice  
15 of somebody to get out of their vehicle and maybe walk  
16 around and stretch during those time periods of being on  
17 the highway?

18 A I can't speak for anybody else, but for me, I  
19 couldn't sit in my car for that long without getting out.

20 Q Okay.

21 A I would have to get out at some point.

22 Q On September 22 -- well, let me ask you this.  
23 When you're doing the detail, you said you're wearing your  
24 full uniform. Do you have your radio too?

25 A Yes, sir.

1 Q Is your radio on?

2 A It is.

3 Q And is your radio on the entire time that you're  
4 out there for detail?

5 A It is. Yes. We have two radios. So, we have  
6 in car radio, and we have our portable or mobile radio.  
7 Typically, if I'm sitting in my vehicle, I have my in car  
8 radio on. I'm listening to whatever area that I'm in.  
9 I'm not scanning other areas because I'm stationary. I'm  
10 not leaving that spot until I'm relieved, so, it would  
11 take a very serious kind of act of God moment for me to  
12 leave that spot.

13 Q But you'll be monitoring the traffic just to  
14 make sure?

15 A Of course.

16 Q When you're out there on a detail like that, you  
17 said they close lanes, but does it ever go down to one  
18 lane?

19 A Probably so. It's been two and half years since  
20 I've worked that particular detail, but yeah, probably so.

21 Q And then the traffic at that time period at  
22 night, how would you characterize the traffic?

23 A Deadly.

24 Q Okay. Why is that? How fast are cars going?  
25 Are they going the normal speed they normally do out

1 there?

2       A     The area that Mike was working that night,  
3 people are going 80, 90, 100 miles an hour. Like it's  
4 nothing. Drunk drivers. Distracted drivers. Reckless  
5 drivers. I mean, again, it runs the gamut.

6       Q     Is the traffic, is it making noise? Is it --

7       A     Most definitely. Most definitely making a lot  
8 of noise out there.

9       Q     Okay. So, let's go back to September 22 of  
10 2022. You said you were working the DUI detail that  
11 night. Where were you located when you got the call there  
12 might be an issue up on the interstate?

13       A     I was on the frontage road for Gandy Boulevard.  
14 I was heading east on Gandy. I had not reached the main  
15 part of Gandy. Like I said, I was on the frontage road,  
16 just coming off of Roosevelt.

17       Q     All right. So, had you made it to 4<sup>th</sup> Street  
18 yet?

19       A     Yes. I was at 4<sup>th</sup> Street and Gandy Boulevard.  
20 On the frontage road of Gandy.

21       Q     4<sup>th</sup> Street, Gandy Boulevard, but you hadn't made  
22 it to Durby Lane yet?

23       A     Correct.

24       Q     So you get the call out, where do you go from  
25 there?

1           A     I immediately turn, I guess you could call it,  
2 north on 4<sup>th</sup> and started towards the call.

3           Q     All right. And then, I mean it's, as the crow  
4 flies, it's not that far, right? It's pretty close?

5           A     It's a couple miles.

6           Q     And how quickly do you think you made it to the  
7 interstate?

8           A     Probably took me a minute. Minute and a half.

9           Q     Okay. When you -- did you know what you were  
10 going to? In other words, did you have enough detail to  
11 know what you were getting into?

12          A     Not really.

13          Q     Okay. When you got to the interstate, were you  
14 on -- which side of the span were you on?

15          A     I was on, what would be considered, the  
16 eastbound or northbound side of the road.

17          Q     All right. And the location you were going to  
18 where Mike was, which side of the highway was he on?

19          A     He was on the southbound side of the road.

20          Q     Okay. Were you the first member of Pinellas  
21 County Sheriff's Office to get there and observe?

22          A     I was.

23          Q     Okay. Was your bodycam activated?

24          A     It was.

25          Q     All right. At one point did you have to get

1 back in your Tahoe and move the car because it was in the  
2 way on the northbound side?

3 A My vehicle that I currently drive still, is kind  
4 of dark in color. That roadway was not very well lit at  
5 the time and I pulled in a very awkward position, where my  
6 vehicle was facing like a T in traffic, so I made it to  
7 the Jersey wall and decided to go back and move it so it  
8 didn't cause another crash, or a crash. And once I moved  
9 it into a better position, I went back to the Jersey Wall  
10 and went over the Jersey Wall again.

11 Q And did you have to climb some barriers to get  
12 over there?

13 A Yeah, it was like a double Jersey Wall because  
14 there was a space in the middle.

15 Q Okay. And once you climbed that, was there  
16 oncoming traffic that you to deal with before you got to  
17 the side of the road?

18 A I don't really recall playing Frogger out there  
19 for very long.

20 Q Okay.

21 THE COURT: I'm unfamiliar with the expression  
22 of Jersey Wall. What does that mean?

23 THE WITNESS: Jersey Wall is like a cement wall.  
24 In this case it separates, it's the dividing portion  
25 of the divided highway.

1 THE COURT: Okay.

2 THE WITNESS: It comes in sections of about 12  
3 to 15 feet long. It's probably about two and a half,  
4 three feet high. It prevents vehicles from crossing  
5 over from one side of the road to the other. So, if  
6 they strike that Jersey Wall at a high rate of speed,  
7 more than likely, depending on how fast they are  
8 going, they may eventually go over, but it's meant to  
9 kind of angle them up and then back onto the roadway  
10 rather than going over into oncoming traffic and  
11 causing more mayhem.

12 THE COURT: Okay.

13 BY MR. VONDERHEIDE:

14 Q And when you say -- are they the height of your  
15 normal concrete barriers that divide lanes, or did you  
16 have to maybe lift up a little bit to go over?

17 A I think those particular Jersey Walls, for  
18 whatever reason, are a little bit higher. Probably three  
19 and a half to four feet high. So, I did have to push up a  
20 little bit to get over them.

21 Q Okay. So, what do you first observe before you  
22 see anything of note when you get over across the barrier?

23 A I think I saw an Archer truck. I saw Mike's  
24 patrol vehicle with its lights on.

25 Q Did you recognize it as Mike's patrol vehicle?



1           A     No.

2           Q     No?  Okay.

3           A     All our cars, I mean the marked cars, look  
4 pretty much the same.  I saw St. Pete Fire Rescue pulling  
5 up.  They apparently had gone all the way down and around.  
6 I don't know if they went all the way into Tampa or not,  
7 because there is a turn around prior to the end of the  
8 Howard Franklin, for whoever knows that it's there.  
9 Employees and law enforcement.  I don't know if they can  
10 make the turn with that truck though.  It's a pretty tight  
11 turn.  Very low clearance.

12          Q     Okay.  So, you see the fire truck and you see  
13 Mike's cruiser.  What else did you observe when you got  
14 there?

15          A     I saw Mike lying on the ground.

16          Q     Okay.  Were there fire rescue employees and  
17 paramedics attempting to render aide to him?

18          A     We kind of came up upon him, I want to say, at  
19 the same time.  I'm maybe off by a couple seconds, but I  
20 think we kind of came up on him at the same time.

21          Q     And what did you observe about him?

22          A     His -- he was face down, so didn't immediately -  
23 - wasn't immediately able to tell who it was.  And his  
24 upper part of his body was on the shoulder and the lower  
25 part, his lower part, his legs, were on the grass.  Off

1 the roadway.

2 Q And did he appear to be responding to the fire  
3 rescue employees?

4 A They rolled him over and it was kind of like --  
5 I kind of got a look from their lieutenant or captain like  
6 it was nothing that they could do for him.

7 Q Did you find his firearm on the side of the  
8 road?

9 A I did. Well, not on the side of the road. I  
10 think it was still in his holster. If I recall correctly,  
11 they said that they couldn't render aide unless his  
12 firearm was removed. I don't know if it's their policy or  
13 what, but I think at some point I removed it, but then put  
14 it back in its holster. I don't recall when that  
15 happened.

16 Q And all of this was recorded on your bodycam?

17 A I believe so. I've never watched it.

18 Q Thank you, sir.

19 MR. VONDERHEIDE: I have no further questions.

20 THE COURT: Any questions for the corporal?

21 MS. DELIBERATO: I have no questions.

22 THE COURT: Thank you for coming in, sir. You  
23 can be excused.

24 THE WITNESS: Thank you, sir.

25 THE COURT: You're welcome. State, who do you

1 wish to call as your next witness?

2 MS. CONSTANTINE: Just need a brief moment so I  
3 can que up the body worn camera.

4 THE COURT: Okay.

5 MS. CONSTANTINE: And then we would just ask,  
6 obviously, at this point, if anybody wants to step  
7 out before we play it.

8 THE COURT: All right. Yeah, give them the  
9 options.

10 THE COURT: Has it been marked as an exhibit?

11 MS. CONSTANTINE: It is, Your Honor.

12 THE COURT: What number?

13 MS. CONSTANTINE: So, at this time, the State's  
14 going to introduce what's been premarked for  
15 identification as State's 1. It's entered as State's  
16 1. It's the compilation video that the Court  
17 reviewed at the prior pleas.

18 THE COURT: Any objection to State's 1?

19 MS. DELIBERATO: No objection.

20 THE COURT: State's 1 shall be admitted.

21 (State's Exhibit 1 entered into evidence.)

22 MS. CONSTANTINE: And the State is also asking  
23 to introduce what's been premarked for identification  
24 at 2A, which is going to be Deputy Hirshman's body  
25 worn camera, and 2B, the scene photographs, into

1 evidence as 2A and 2B.

2 THE COURT: Okay. Any objection to 2A, which is  
3 Corporal Hirshman's body worn camera?

4 MS. DELIBERATO: No, Judge.

5 THE COURT: And any objection to 2B, which is  
6 some scene photos?

7 MS. DELIBERATO: No, Judge.

8 THE COURT: All right. Both shall be admitted  
9 into evidence.

10 (State's Exhibits 2A and 2B admitted into  
11 evidence.)

12 MS. CONSTANTINE: And then permission to publish  
13 what's been entered now as State's 2A, Your Honor?

14 THE COURT: You may so do.

15 MS. CONSTANTINE: Thank you.

16 THE COURT: That should be west. That should be  
17 west. Okay?

18 MS. CONSTANTINE: There it goes.

19 (The following is a transcription of audio  
20 published in open court transcribed to the best of the  
21 transcriber's ability.)

22 CORPORAL HIRSHMAN: I've got fire and rescue on  
23 scene and I've got Archer Western people flagging  
24 them down. Standby. Yes, go, don't hit my car.

25 FIRE RESCUE: Hey buddy. Roll him over.

1           CORPORAL HIRSHMAN: Echo four break, I've got a  
2           deputy down. We've got fire and rescue attending him  
3           to him now.

4           FIRE RESCUE: Grab his gun. Grab his gun. I've  
5           got no pulse.

6           CORPORAL HIRSHMAN: Echo four, we are westbound  
7           at Exit 30. Echo four, CPR in progress.

8           FIRE RESCUE: I need it shut down.

9           CORPORAL HIRSHMAN: We need to shut the road  
10          down. Can you guys help me out with that possibly?  
11          Echo four, any units coming in this area we need to  
12          shut this road down completely. As far back as you  
13          can get it shut down, shut it down.

14          FIRE RESCUE: What hit him? You got his gun?

15          CORPORAL HIRSCHMAN: Yeah. I don't know. I  
16          need a sheet to cover him up. Echo four, six seven.  
17          It's his gun, not mine.

18          PATROL OFFICER: Okay.

19          CORPORAL HIRSHMAN: Come on, we need to get out  
20          of this area. You guys, leave everything where it's  
21          at. Don't touch anything. Back out. You're  
22          stepping in blood right now. Back out. I need you  
23          to go --

24          (Video ends.)

25          THE COURT: All right. What next?

1 MS. CONSTANTINE: Yes, Your Honor. At this time  
2 the State calls Detective John Syers.

3 THE COURT: Detective John Syers, please.

4 DETECTIVE JOHN SYERS

5 Being called as a witness, and having first been duly  
6 sworn, testifies as follows:

7 THE WITNESS: I do.

8 THE COURT: Come on up and have a seat. State,  
9 you may inquire.

10 DIRECT EXAMINATION

11 BY MS. CONSTANTINE:

12 Q Good afternoon. Could you please introduced  
13 yourself to the Court and spell your last name for the  
14 record?

15 A Yes. My name is John F. Syers Jr. S-Y-E-R-S.  
16 Currently employed at the Pinellas County Sheriff's Office  
17 and I'm assigned to the Robbery/Homicide Unit.

18 Q How long have you been with the sheriff's  
19 office?

20 A About 25 and a half years now.

21 Q How long have you been a detective with  
22 robbery/homicide?

23 A I've been there a total of about 7 and a half  
24 years.

25 Q Back in September of 2022, were you assigned to

1 that unit?

2 A I was.

3 Q Can you tell the Court how that you became  
4 involved in the case?

5 A My squad was on call that night. It was  
6 approximately 2330 or 1130 p.m. I received a call from  
7 Lieutenant Zies (ph), informing me that a deputy was  
8 deceased, and he gave me a location of I-275 around Exit  
9 30 to respond to.

10 Q And did you respond out to that location?

11 A I did. I got there approximately 0030, which is  
12 1230 a.m. on the 23<sup>rd</sup>.

13 Q Can you tell the Court what information, if any,  
14 you had when you arrived on scene?

15 A There was not a lot of information given.  
16 Typically, when the robbery/homicide unit responds, there  
17 is a deputy or supervisor on scene that knows the most  
18 information and provides it to us. That didn't  
19 necessarily occur here. The most that I got at the time  
20 of my arrival was that Deputy Hartwick was deceased and  
21 there was possibly a drunk driver or a hit and run that  
22 might be involved.

23 Q And as part of your investigation, is it fair to  
24 say that you kind of reviewed the scene and then started  
25 speaking with witnesses that were out there?

1           A     Yes.

2           MS. CONSTANTINE: Your Honor, permission at this  
3           time to publish what's been introduced as State's 2B,  
4           the scene photographs?

5           THE COURT: You may publish.

6           MR. VONDERHEIDE: We checked all this yesterday,  
7           and it worked.

8 BY MS. CONSTANTINE:

9           Q     Can you walk me through, you indicated that when  
10          you arrived out there on scene that day, maybe start  
11          making contact with witnesses. What initial witnesses did  
12          you speak to you in your investigation?

13          A     I spoke with Deputy Hirshman. We spoke with  
14          Deputy Plumb, Deputy Boateng. They were -- obviously  
15          Deputy Hirshman was the first one to arrive. The other  
16          ones were other members of the detail. Just again, in a  
17          fact-finding mode at that point.

18          Q     And initially, at some point, during your  
19          investigation, did you learn that there were some workers  
20          of the construction company that may or may not have  
21          witnesses something?

22          A     Yes, I did. At some point during the  
23          interviews, I was summoned, and I was showed Deputy  
24          Hartwick's in-car camera, or fleet camera. And that's  
25          viewing from the front of his vehicle. And at that time,



1 you see the small wheel loader driver passed and then  
2 there's a white pickup truck that stops short. So,  
3 someone had identified who was inside that truck. That  
4 was Allan, Cynthia and Douglas. And they were the next  
5 people that we wanted to speak to.

6 Q And the people that were in that truck, you  
7 conducted interviews that day. Is that fair to say?

8 A Yes.

9 Q Okay. After speaking with them, were you able  
10 to gather information about what night have occurred out  
11 there on the road?

12 A Yes. At that point, really based on what Allan  
13 told us, was that Juan Molina-Salles, which at that time  
14 was identified as Victor Vasquez Rial or Victor Rial  
15 Vasquez, was operating the small wheel loader. They were  
16 driving behind him, escorting him. And what Allan told me  
17 was that Juan Molina-Salles kept driving north and he saw  
18 a dark shape to the left of the loader, of the small wheel  
19 loader. He stopped, which is witnessed on video. Gets  
20 out and observes that to be Deputy Hartwick, which he  
21 believes to be deceased.

22 Q Now, after speaking with the people that were  
23 inside that pickup truck, did you guys also obtain some  
24 video surveillance out there that gave you further insight  
25 as to what happened?

1           A     Yes. Again, I can't say exactly when, but  
2 during the interviews, we received some more information.  
3 I'm called to view some video. And that video was from  
4 two semi trucks. They are parked north of the crash site.  
5 And they have those Jersey barriers that Deputy Hirshman  
6 was talking about. They have cameras that are outfitted.  
7 So, we had media forensic specialists download this video.  
8 And while watching the video you can see Juan Molina-  
9 Salles take off his vest and helmet, hand it to another  
10 individual who was driving a separate small wheel loader,  
11 Alicia Gomez Alia (ph) and then he walks north out of the  
12 frame and flees the scene.

13           Q     Now, can you tell the Court, or at least walk us  
14 through, what efforts did the sheriff's office go through  
15 in attempts to locate Juan Molina-Salles?

16           A     So, again, in my role, I wasn't into the  
17 locating of him, but I do know that there were efforts  
18 going on during that time to A, get him identified as you  
19 heard from the Border Patrol agent, and then I know that  
20 the entire canine unit was utilized to try to track him,  
21 because now, from the semi video, we knew where his last  
22 known point was. Apparently, the entire unit was  
23 exhausted. The dogs were exhausted trying to find this  
24 person. And Pasco County Sheriff's Office was called  
25 because they have bloodhounds. The bloodhounds came and

1 they found Juan Molina-Salles north of that location at  
2 approximately 0820.

3 Q Okay.

4 MS. CONSTANTINE: Okay. And now that we've  
5 gotten our photo up, Your Honor, permission to have  
6 the witness step down?

7 THE COURT: You may do so.

8 MS. CONSTANTINE: Okay.

9 THE COURT: Do you have a long pointer?

10 BY MS. CONSTANTINE:

11 Q All right. So, taking a look at slide 1 of  
12 what's been introduced in evidence as State's 2B, can you  
13 tell us what we're looking at here in this photograph?

14 A So, I'll start with Deputy Hartwick's vehicle.  
15 This is his marked cruiser. It's a Tahoe. You can see  
16 it's in that lane of travel, which was originally coned  
17 off, I believe. And he's facing southbound. This is I-  
18 275. That exit right there takes you to Roosevelt  
19 Boulevard and Ulmerton Boulevard is off screen here to the  
20 north. The command bus where we conducted interviews.  
21 This would be the truck driven by Allan that stopped  
22 short. This actual blanket is Deputy Hartwick's final  
23 resting spot. The two semis that I told you about that  
24 were equipped with cameras were down here and these are  
25 the two small wheel loaders. This is somewhat of an

1 equipment pit, dirt pit. You can see the concrete  
2 barriers. The semi trucks bring them in, they drop them  
3 there and I assume they take them to where they want them.  
4 This one towards the north and facing west was driven by  
5 Juan Molina-Salles. And the other one that's facing the  
6 opposite direction on the south was driven by Alicia.

7 Q Now you had mentioned that you had spoken with  
8 the people that were in that truck. Did you also review  
9 video surveillance that would have been taken from Deputy  
10 Hartwick's vehicle?

11 A I did.

12 Q Okay. And was that video significant in your  
13 investigation?

14 A Yes. At that point, at that point I didn't know  
15 still what we were dealing with. And once we saw the  
16 video from Deputy Hartwick's Tahoe, obviously it made  
17 sense. Right here, at 2246 hours, this small wheel loader  
18 most likely struck him and then the truck escorting behind  
19 had come to a stop because obviously something happened.

20 Q Okay. And is that this whole, not only the  
21 fleet camera, but you also said that two semi trucks  
22 videos were able to capture parts of that?

23 A It does capture it. It's not as clear, of  
24 course, as the video camera coming from Deputy Hartwick's,  
25 but this camera is not as good as the red one, as far as

1 pointing back towards the south, but yes, it does point  
2 south.

3 Q Okay. Thank you. Now as you indicated that you  
4 got canine units out there, officers out there, Pasco  
5 County Sheriff's Office. Was there also a helicopter  
6 (indiscernible)?

7 A Yes.

8 Q Okay. And you said this happened at  
9 approximately 10:46 p.m. on September 22<sup>nd</sup> of 2022?

10 A That's correct. According to the fleet camera  
11 from Deputy Hartwick's vehicle.

12 Q Okay. And can you tell the Court approximately  
13 what date and time is the defendant in this case taken  
14 into custody?

15 A On the 23<sup>rd</sup>, which is the following day.  
16 September 23<sup>rd</sup>, 2022, and it was approximately 0820 hours,  
17 as you saw from the body cam from Corporal Aiken.

18 Q Okay. Now, while this manhunt, if you will, is  
19 going on, everyone's out there looking for the defendant,  
20 are you aware that people or other officers from your  
21 agency are actively attempting to get an arrest warrant?

22 A I was not involved with that, but I was aware  
23 that a arrest warrant was being drafted. I believe it was  
24 Detective Paden might have been involved with that for the  
25 Viktor Vasquez Rial or Rial Vasquez. I forget which one

1 it was.

2 Q And that was the alias that the defendant in  
3 this case was using. Is that correct?

4 A My understanding is that the Archer Western  
5 company provided law enforcement -- once we determined,  
6 hey, this small wheel loader is involved, Archer Western  
7 personnel provided us employment records. That said that  
8 this person, whom Allan and all them knew as Viktor, this  
9 is Viktor and here's his employment -- I don't know if it  
10 was his application, but some type of paperwork that  
11 identified him as that person.

12 Q Okay. And later on in your investigation,  
13 obviously, you learned that that wasn't his real identity,  
14 correct?

15 A That's correct.

16 Q That this Victor Rial Vasquez was another  
17 separate individual from this one?

18 A That's correct.

19 Q Okay. And so, this warrant's being drafted. It  
20 ultimately doesn't end up getting executed because of  
21 (indiscernible)?

22 A That's correct.

23 Q Can you tell the Court, upon the defendant being  
24 arrested by officers of the sheriff's office, you guys  
25 conducted the interview?

1           A     We do.

2           Q     All right. And can you tell the Court how that  
3 comes about?

4           A     So, once I learned that he was taken into  
5 custody, we decided to bring him back to the sheriff's  
6 administration building for a video taped interview.  
7 Myself, Detective Sosa at the time because he speaks  
8 Spanish talk with him inside a video taped interview room.  
9 He waived his Miranda Rights via a Spanish Miranda waiver,  
10 a written waiver, and we began talking with him and he  
11 speaks with us.

12          Q     Okay. And can you summarize for the Court what  
13 he tells you during that interview about what happened?

14          A     Summary of what he says is that he was driving  
15 the small wheel loader. Allan, who he calls Pedro, is  
16 following him. Escorting him. And he's driving north  
17 towards that equipment pit because he's going to help with  
18 the concrete barriers, what they call rocks. He says as  
19 he gets close to the police vehicle, meaning Deputy  
20 Hartwick's, he says that he pulls, you know, kind of gives  
21 it space. Pulls towards the left or so, and keeps  
22 driving. He makes it down to the equipment pit he says.  
23 Pulls in and he says that Allan calls him and tells him  
24 that the killed a deputy. During our questioning he said  
25 that he didn't know that it happened. That he didn't feel

1 anything, see anything. Nothing until Allan calls him and  
2 tells him that he's killed a deputy. He then tells us  
3 that he's in shock. He's nervous and he admits to us that  
4 he gives away his vest and helmet to Alicia and he leaves.

5 Q So, he left the scene?

6 A He left the scene. Yes. I think he told us he  
7 was in some water at some time.

8 Q And I want to break down a little bit about what  
9 he tells you during that interview. I think you said that  
10 at the time that he says that he's driving that truck  
11 loader, that he doesn't see. Is that correct?

12 A As far as Deputy Hartwick?

13 Q He didn't see the deputy.

14 A No.

15 Q Okay. What did he tell you, if anything, during  
16 that interview, about the condition of the front end  
17 loader that he was driving?

18 A He told us, he told us that it has two lights on  
19 it, which are obviously verified by video from the two  
20 semi trailers when he pulls into the equipment pit. And  
21 he says there is also a light that's up top, but that was  
22 either not working or not on. I think he told us that it  
23 wasn't working.

24 Q Okay. Did he indicate to you that he was having  
25 a hard time seeing that night when he was driving the



1 front end loader?

2 A I don't recall him telling us that he had a hard  
3 time. He mentioned that it was dark there and the lights  
4 from the sheriff's office vehicle were bright.

5 Q Okay. You indicated you said that you couldn't  
6 feel anything. Do you yourself have experience in  
7 operating vehicles like this front end loader?

8 A I do. And I challenged him on that. For over  
9 ten years, while I was in the army, I was a combat  
10 engineer. I've driven bulldozers, road graders, front end  
11 loaders, back hoes, and all types of equipment. And it is  
12 not reasonable to me whatsoever. As a matter of fact,  
13 I've seen soldiers killed by this equipment before. It is  
14 unreasonable for me to believe that you could hit a man-  
15 sized object, even much smaller, and not know it. So, I  
16 challenged him on that during the interview and he  
17 maintained that he never felt anything or never knew  
18 anything and just kept driving until he was alerted by  
19 Allan.

20 Q Now, in preparation for trial and today's  
21 hearing, you had the opportunity to review Cynthia Gomez's  
22 statement?

23 A Yes, ma'am, I did.

24 Q Okay. And can you tell the Court, who is Ms.  
25 Gomez?

1           A     She is Allan Gomez Alia's 19 year old at the  
2 time daughter.

3           Q     Okay. And she was the in the front right  
4 passenger seat of that white pickup that was following the  
5 defendant's front loader that day?

6           A     Yes, she was.

7           Q     Okay. And what, if anything, did she say that  
8 she saw as the front end loader makes contact with what we  
9 know now to be Deputy Hartwick?

10          A     During her sworn statement, she advised us she  
11 was looking at her phone, so she can see over the top of  
12 it. And she saw the loader, I think she motioned to you  
13 all that she saw the loader go up and down.

14          Q     And would that be consistent with your own  
15 personal experiences with these types of equipment?

16          A     If you ran over a person, you would know it, and  
17 it would definitely go up and down. Yes.

18          Q     Okay. Now, have you also had the opportunity to  
19 review some of the photographs that were taken of Deputy  
20 Hartwick that day, as well as (indiscernible)?

21          A     Yes, ma'am, I have.

22          Q     And I want to take a look now at State's 2B.

23               MS. CONSTANTINE: It's going to be, for the  
24 record, it's going to be slide 2.

25 BY MS. CONSTANTINE:

1           Q     Can you tell the Court what we're looking at  
2 here?

3           A     This is Deputy Hartwick's uniform shirt that he  
4 was wearing on the evening of September 22<sup>nd</sup>, 2022. And  
5 it's a -- this is basically the back portion of the shirt  
6 as it's (indiscernible).

7           Q     Okay. And slide 3? And what are we looking at  
8 in this photograph?

9           A     This is the same shirt, but this is on the scene  
10 with Deputy Hartwick.

11          Q     Okay. And then lastly, slide 4.

12          A     So, this is the photograph of the two small  
13 wheel loaders. This was the one that was driven by Juan  
14 Molina-Salles, and this is the one that Alicia Aliaz was  
15 in.

16          Q     And can you tell the Court why are the wheels  
17 specifically of these front end loaders (indiscernible)  
18 with the images that we just looked at?

19          A     Could you go back to the first?

20          Q     Yes. Slide 2?

21          A     So, reviewing the photographs, you can see the  
22 patterns right here. Those are the distinct, what I call  
23 dog leg in this pattern. It stops right here because  
24 that's where his uniform belt is and his pants. And if  
25 you could go back to the last one for me, please?

1 MS. CONSTANTINE: Slide 4, for the record.

2 BY MS. CONSTANTINE:

3 A So, I'll show it on this one because the tread  
4 patterns are the same. But you can see that same distinct  
5 pattern. So, that's indicative -- so, this one that Juan  
6 Molina-Salles was driving, three of the tires have that  
7 tread pattern, the front right tire has a different one.  
8 But it's indicative to me that one of these three tires  
9 ran over Deputy Hartwick, based on the tread pattern on  
10 this shirt.

11 Q Thanks. Now, you indicated in speaking with the  
12 defendant in this case, that you said that he didn't  
13 realize anything had occurred until he got back to that  
14 dirt pit area.

15 A Yes. Yes, he said that.

16 Q Can you tell the Court what, if anything, you  
17 were able to discover during your investigation that was  
18 inconsistent to that?

19 A So, there was actually two separate things.  
20 Unknown to me at the time, the two semis were -- the video  
21 was gathered by two different people. One was a media  
22 forensic specialist, and one wasn't. So, the one -- the  
23 video that I got from the white semi shows a time stamp.  
24 I knew what the time off set was. Meaning, like what's  
25 the true time of what's going on there. And the red semi,

1 all I had was a 14 and a half minute Windows media file  
2 that has no time stamp or anything like that. It's also  
3 based on the computer and the software that I have is just  
4 a jumble of lights down there. So, pretty much as the  
5 investigation was closing, we like to get a geo-spatial  
6 presentation, which kind of puts together all the  
7 evidence. Puts it into an understandable format. And  
8 while we were doing that, the media forensic specialist,  
9 Angela Ellis (ph), she was able to take the two videos and  
10 visually sync it within one or two frames and then  
11 therefore give me a timestamp for the one that did not  
12 have a timestamp on it. She was also able to, using her  
13 software, to isolate the headlights on the small wheel  
14 loader from its position south of the red semi. And she  
15 was able to isolate that and basically informed me, did  
16 you know that the small wheel loader was stopped for two  
17 minutes and 42 seconds from the time stamp and from the  
18 visual representation of the lights. Which I did not know  
19 at that point.

20 In addition, I wrote several search warrants for  
21 the small wheel loader, to see if I could determine speeds  
22 or anything else like that. I got a lot of data, but most  
23 of it is basically equipment orientated. What's the fluid  
24 levels and all that, but there were GPS coordinates for  
25 the small wheel loader and the relevant portions were

1 between 22:44 and 22:49 when the engine shuts off at the  
2 equipment pit. And 22:44 was basically down by Exit 30 on  
3 ramp. So, it wasn't -- I wasn't able to extrapolate the  
4 speed from that or anything but basically with straight  
5 line distance it told me 2227 feet was covered within  
6 those five minutes. When the engine shut off. That was  
7 the other GPS thing. So, both of those things tell me  
8 that Allan was lying and Jose or Juan Molina-Salles were  
9 lying about him not knowing that he hit him and that he  
10 just kept going without knowing. I mean, he stopped for 2  
11 minutes and 42 seconds.

12 Q And when we say he stopped, just to be clear, in  
13 Slide 1 in State's 2B, he stopped before he makes it to  
14 this dirt pit that we see here in Slide 1. Is that  
15 correct?

16 A Absolutely. I can't say exactly where he  
17 stopped. I can't say how close he was to the crash site.  
18 He was definitely a distance from the equipment pit,  
19 because that's where the camera is originating from that  
20 I'm getting the video.

21 Q Okay. And that's something that Juan denied,  
22 not something that Allan denied?

23 A That's correct.

24 Q Okay. But that's what the video shows?

25 A That's what the video shows, yes.

1 Q Okay.

2 A And the GPS.

3 Q And then now, going into the equipment pit, did  
4 you gather evidence to show that the defendant actually  
5 stayed there for some time, as well?

6 A It was almost exactly eight minutes he was down  
7 in the equipment pit. The video shows him and Alicia  
8 walking around, obviously having conversations or  
9 something and then like I said, eventually he hands his  
10 vest and helmet to Alicia. Pulls out his phone, because I  
11 see it light up, and walks north out of frame.

12 Q Okay. And tell the Court, did you speak to his  
13 co-defendant Alicia about the hat and the vest?

14 A I did.

15 Q Okay. And was he initially forthcoming with law  
16 enforcement about that conversation you had regarding the  
17 defendant?

18 A My first conversation or interview with him we  
19 did not know about the vest and the helmet. He was  
20 obviously being deceptive about something. But no, he was  
21 not forthright. Then we see the video. We tell him that  
22 we know about it and then basically he tells me that Juan  
23 Molina-Salles pulled in there, asked him to get down from  
24 his small wheel loader. Told him that he killed a police  
25 officer and I'm sure they had more conversation but

1 eventually gives him the vest and helmet and tells him to  
2 get rid it and he's leaving. Which he does.

3 Q And Alicia then dumps the hat and the vest in  
4 the wooded area, correct?

5 A Just directly west of those two loaders there's  
6 a cut in the fence or something, and the helmet and the  
7 vest were found there.

8 Q Okay. And were those hat and vest, those  
9 actually have Vasquez on them, which is the alias the  
10 defendant we saw wearing those?

11 A I don't recall about the vest, but on the back  
12 of the helmet, I believe, it says Vasquez.

13 Q Okay. And did you also confront the defendant  
14 about that exchange during the interview?

15 A I'm sorry?

16 Q Did you also confront the defendant about that  
17 exchange during the interview?

18 A I did. I did.

19 Q Now, in addition to the video evidence being  
20 inconsistent, did you also author search warrants for the  
21 defendant's cellular phone?

22 A I did.

23 Q Okay. And can you tell the Court the results of  
24 that?

25 A I'm sorry. I didn't author them. I believe



1 that it was Detective Paden, but I was made aware of the  
2 search warrant results for his cellular phone.

3 Q Have you had the opportunity to review those  
4 results?

5 A I have.

6 Q Okay. And can you tell the Court what, if  
7 anything, significant came out of the defendant's phone  
8 records?

9 A So again, looking at the time period of this  
10 happening, we know now that around 10:46 or 2246 is when  
11 this happened. At 10:44 he appears to be on the phone  
12 with Allan, which is built in his phone as Pedro. And  
13 then I believe he hangs up or they stop speaking around  
14 that time. And the according to the video, 10:46, with 21  
15 seconds is when that small wheel loader disappears from  
16 Deputy Hartwick's video. So, you can extrapolate maybe it  
17 happens somewhere right around there. And then 21 seconds  
18 later, according to the Cellebrite records, Juan Molina-  
19 Salles calls Pedro/Allan.

20 Q Okay. And so, it's the defendant that initiates  
21 this call, correct?

22 A Absolutely. Yes.

23 Q Okay. So, about two minutes prior to the crash,  
24 the defendant is on the phone with Pedro, right?

25 A Correct.

1           Q     He hangs up the phone. The crash happens and  
2 within about 20 seconds of the crash he's calling Pedro?

3           A     Correct.

4           Q     And the video evidence shows that he stops, and  
5 he stays there for two minutes.

6           A     He stops. Again, I can't say exactly where he  
7 stops, but he stops and he's making a 21 or within 21  
8 seconds he's making a call to Allan.

9           Q     Okay. And then he goes down to the equipment  
10 pit?

11          A     Two minutes and 42 seconds later. Yes.

12          Q     Now, during the duration of your investigation,  
13 did you speak to people that were reaching out to the  
14 defendant as this was going on?

15          A     Yes, we did.

16          Q     Okay. And were they able to tell you -- were  
17 they able to make any kind of contact with the defendant  
18 as you guys were out there looking for him that day?

19          A     Yes. I did not interview him, but there is  
20 another individual named Allen Miles Amador (ph) I  
21 believe, who Juan Molina-Salles contact via the phone,  
22 asks him to come pick him up. Tells him that he killed a  
23 police officer or deputy. And I believe Allen drives over  
24 to this area and he advises Juan Molina-Salles to turn  
25 himself in several times.

1           Q     Okay. And did the defendant in this case ever  
2 willingly turn himself into law enforcement?

3           A     Did he ever in that span? No, he did not.

4           Q     Okay. And can you tell the Court at the  
5 conclusion of all of this, in speaking with him and  
6 speaking with all those that spoke to him that day, at any  
7 point in time did he ever indicate that he expressed any  
8 kind of remorse or concern for Deputy Hartwick to you?

9           A     There was remorse, but I don't know that it was  
10 directed towards Deputy Hartwick. You know, in Detective  
11 Sosa's and I's interview he was -- he tells us that he was  
12 shocked. He was nervous. I think at one point he asked  
13 Alicia to put him in the small wheel loader and throw him  
14 over a bridge. I mean, he was definitely emotional about  
15 it, but from my opinion I don't see that it was directed  
16 at Hartwick. It was directed at his life was now affected  
17 and impacted.

18               MS. CONSTANTINE: A moment to confer?

19               THE COURT: Of course. Everybody is welcome to  
20 stand if it will help. While we're just taking a  
21 break because I just got to. There we go. It just  
22 seemed like a good time to stand. Okay. All right.  
23 Do you have any further questions for this witness?  
24 You may proceed.

25 BY MS. CONSTANTINE:

1           Q     You talked about some of those phone calls. Can  
2 you tell the Court, in reviewing the Cellebrite, as well  
3 as the cell phone records in this case, what is the total  
4 of number of calls that were taking place during the  
5 manhunt?

6           A     I did not count all the way up until his  
7 capture, but the Cellebrite -- so there's a difference.  
8 Call data records or call detail records are from the  
9 subscriber, meaning AT&T or Verizon or whatever. And  
10 those are the only calls that you see. So, those don't  
11 give you everything. The Cellebrite actual physical  
12 download of the cellular device will give you some other  
13 apps and stuff that are going. So, I can't tell you  
14 calls, text messages or whatever because he apparently  
15 uses a Whats App quite a bit. But what I counted in  
16 between the 10:44 p.m., which is just prior to the  
17 incident until approximately like 0309 hours, I counted at  
18 least 51 -- can I refer to my notes real quick?

19          Q     Absolutely.

20          A     18 incoming calls or texts and 51 outgoing calls  
21 or texts.

22          Q     And were any of those to 911?

23          A     No.

24          Q     Now, in addition to reviewing those records, did  
25 you also have the opportunity to review the autopsy in

1 this case?

2 A I did.

3 Q And can you tell the Court what the cause and  
4 manner of death was?

5 A Can I refer to the report?

6 THE COURT: Of course.

7 BY MS. CONSTANTINE:

8 A So the autopsy was conducted on September 23rd,  
9 2022, at 1139 hours by Doctor Andrew Coopeminors (ph).  
10 His cause of death for Deputy Michael Hartwick was  
11 multiple blunt force injuries. The manner of death was  
12 accident. And how injury occurred says that deputy was  
13 struck by heavy front loader while performing traffic  
14 safety for road construction project.

15 Q And what injuries were noted underneath the  
16 autopsy findings.

17 A Underneath the autopsy findings, there's nine  
18 different injuries noted. The first one is a subarachnoid  
19 hemorrhage. The second is a fracture of the skull base.  
20 The third is fracture of all ribs. The fourth is  
21 fractures of the sternum. The fifth is fractures of the  
22 seventh thoracic vertebrae and transection of the spinal  
23 column and aorta. The sixth is lacerations of the liver  
24 and diaphragm. The seventh is fractures of the pelvis.  
25 Eighth is abrasions of the face, scalp, torso and

1 extremities. And nine is contusions of the scalp, abdomen  
2 and left leg.

3 MS. CONSTANTINE: Nothing further.

4 THE COURT: Counsel, do you wish to inquire?

5 MS. DELIBERATO: Yes.

6 THE COURT: You may proceed.

7 CROSS EXAMINATION

8 BY MS. DELIBERATO:

9 Q Good afternoon.

10 A Good afternoon.

11 Q A couple of questions for you. The distance  
12 that Mr. Molina-Salles was located from the accident was  
13 3657 feet. Does that right? You may refer.

14 A Can I double check it, please? You're saying  
15 the distance he was from his arrest location?

16 Q To the accident.

17 A Yeah, I have straight line distance, according  
18 to Google Earth, I have straight line as 3657.05 feet.

19 Q So, it's a little under a quarter of a mile.  
20 Three quarters of a mile. Correct?

21 A I think it's .7. .69.

22 Q Okay. Fair to say that when a deputy is killed,  
23 the importance of the investigation is paramount.  
24 Everyone is trying to find answers right away. Is that  
25 fair to say?

1           A     That's fair to say.

2           Q     And as you're lead case agent, that was your job  
3 to try to get answers right away?

4           A     I wouldn't frame it as right away, but we're  
5 there to determine what happens, yes. That's why robbery  
6 homicide was called in this case.

7           Q     And this was sort of an all hands on deck event.  
8 Is that right?

9           A     There was quite a few people there, yes.

10          Q     Deputies arriving from other counties, from  
11 other jurisdictions to assist?

12          A     Yes. Federal agencies.

13          Q     Federal agencies. And you're aware the Deputy  
14 Hartwick wore a hearing aide and glasses. Is that right?

15          A     I am aware of that now, yes.

16          Q     Okay. And this off duty traffic detail, this is  
17 a detail -- you had never worked this particular detail.  
18 Correct?

19          A     No, ma'am.

20          Q     Okay. My understanding though, is it's kind of  
21 an off-duty kind of volunteer basis thing. Correct?

22          A     Well, yeah, off duty detail people sign up.

23          Q     Okay. Deputy Hartwick wasn't like assigned to  
24 this location by the Pinellas County Sheriff. Is that  
25 right?

1           A     No, ma'am.

2           Q     Okay. And a couple questions about the video.  
3 The video from -- you have the video from the trucks and  
4 the video from Deputy Hartwick's car. There are no videos  
5 showing the perspective of Juan driving towards Deputy  
6 Hartwick's car. Correct?

7           A     No, ma'am.

8           Q     No way to show the Court sort of what Juan's  
9 perspective would have been.

10          A     Again, I wrote search warrants for that vehicle.  
11 We checked with Archer Western about the vehicle that  
12 Allan was driving, but there's no cameras that were  
13 available to give that view. No, ma'am.

14          Q     Okay. And part of your investigation here was  
15 try to determine the circumstances surrounding the  
16 accident. Is that right?

17          A     How do you mean?

18          Q     Like if someone was driving recklessly?

19          A     Yes.

20          Q     Allan Gomez Zelaya describes Deputy Hartwick's  
21 lights to you as sort of blinding and flashing. Do you  
22 remember that?

23          A     During my interview with him?

24          Q     Yes.

25          A     Yes, ma'am.



1 Q Okay. He also talked about Juan, when he spoke  
2 to him on the phone -- I understand there's a discrepancy  
3 as far as who called who, but he expressed that Juan was  
4 nervous and upset and crying. Correct?

5 A I think so. I know Laura said she couldn't make  
6 sense when he called her, so there was definitely an  
7 emotional -- I don't recall exactly what Allan told me  
8 about that though.

9 Q And Juan himself, during your interview, told  
10 you that he was panicked. Right?

11 A Yes.

12 Q He told you that he didn't know the laws in this  
13 country. Correct?

14 A Correct.

15 Q And he doesn't ever specifically tell you that  
16 he ran because he was thinking about being deported.  
17 Correct?

18 A He -- no, he never said anything about  
19 deportation. I believe almost every time that came into  
20 frame of reference is about killing a police officer.

21 Q Right. You in fact try to say, were you afraid  
22 of being deported. And he denied that. Is that right?

23 A Yeah, I mean, reasonable assumption is it's part  
24 of the equation, but he never asserted that that was his  
25 primary reason.

1           Q     Okay. And the two minutes and 42 seconds that  
2 the front loader is stopped, you can't tell the distance  
3 where that stopped from those semi trucks. Correct?

4           A     I know it's farther away from the semi trucks  
5 than it is from Deputy Hartwick's vehicle, but no, I have  
6 no way of locating its exact position when it stops.

7           Q     Okay. And you can't tell if he was like -- if  
8 there was some other truck or vehicle off camera that he's  
9 trying to wait to pass or anything like that. You can't  
10 see if there's potentially another vehicle off camera,  
11 correct? Like another construction vehicle or another  
12 truck? As to why he might have stopped.

13          A     Oh, no, you can see all the way down to his  
14 headlights, which is how the media forensic specialist  
15 discovered it. I don't see any vehicles that he would  
16 stop for. No, I don't see that.

17          Q     Sure. But you can only see obviously the line  
18 of sight from the camera. There's a -- it's a broad  
19 roadway. You can't see what was to the left or to the  
20 right of where the camera's focused.

21          A     No, but the semi-trailer view, I mean it  
22 captures that roadway.

23          Q     Okay. When Mr. Molina-Salles was arrested, he  
24 had car keys in his pocket. Is that correct?

25          A     I've learned that. Yes.

1           Q     Okay. And is that in the supplement from Deputy  
2 Leib?

3           A     Leib?

4           Q     Leib. L-E-I-B?

5           A     Yes, ma'am.

6           Q     And you had a chance to review that?

7           A     I did.

8           Q     And was there also the car that those keys  
9 belonged to, the Honda, was that car also found on scene?

10          A     It was.

11          Q     And did you find items of Mr. Molina-Salles  
12 personal affects in that vehicle?

13          A     I learned of that. I did not. Yes.

14          Q     Okay. So, he's taken into custody with the keys  
15 for his own vehicle in his pocket. And the vehicle is on  
16 scene. Correct?

17          A     Yes. I believe the vehicle was south of the  
18 incident.

19          Q     Near the --

20          A     Near the Exit 30 overpass.

21          Q     Near the equipment pit?

22          A     No. The other direction.

23          Q     The other direction. The phone records come to  
24 you from -- the phone records in the download Cellebrite -  
25 - when you're talking about the times of the calls, you're

1 basing that on what the records give you, right? Or the  
2 actual physical phone. Correct?

3 A What the program from the download tells me.  
4 Yes, ma'am.

5 Q Okay. And then Deputy Hartwick's fleet cam has  
6 its own timing and its own clock and timestamp. Correct?

7 A Correct.

8 Q And throughout part of this -- in some cases,  
9 with the semi-truck videos and Deputy Hartwick's video,  
10 you had to adjust for the error in the timestamp. Is that  
11 correct?

12 A I think the white semi-trailer had a time  
13 offset. Yes.

14 Q Okay. But there's -- we're talking three  
15 separate markings of time. The phone records, Deputy  
16 Hartwick's fleet vehicle and then the semi trucks?

17 A That's correct.

18 Q Okay. In Juan's interview, when you were  
19 confronting him about not feeling the accident, not  
20 knowing that the accident happened because you had said  
21 you didn't believe that that was true, when you were  
22 confronting him about that, he remained adamant that what  
23 he was trying to do was move onto the shoulder away from  
24 Deputy Hartwick's vehicle. Correct?

25 A That's what he told us. Yes.

1           Q     That he was trying to avoid actually running  
2 into the deputy's vehicle.

3           A     Yes.

4           Q     And he was adamant that he never saw Deputy  
5 Hartwick in the roadway prior to the accident, standing  
6 upright?

7           A     His statement to us was that he never saw Deputy  
8 Hartwick and never knew that he hit him.

9           Q     Right. So, he was always adamant that he never  
10 saw and what he was trying to do was avoid hitting the  
11 police car.

12          A     Correct.

13          Q     Did he talk -- he talked to you about expecting  
14 the police officers to be inside their cars, correct?

15          A     I'm sorry?

16          Q     He talked to you in the interview about the  
17 police officers who do traffic detail generally speaking,  
18 staying inside of their cars.

19          A     I remember someone telling us that. That they  
20 don't expect the police officer to be outside of the car.  
21 I don't remember if it was him or Allan or somebody.

22          Q     Okay.

23          A     But somebody did tell us that. Perhaps it was  
24 him. I can't --

25          Q     Okay. So, through your investigation you

1 learned that that was an unexpected place for a deputy to  
2 me?

3 A To the person that told me that. Yes.

4 Q Okay. And it was your job as the lead case  
5 agent to determine the ultimate charges that you had  
6 probable cause for. Is that correct?

7 A Yes, ma'am.

8 Q And I think you -- I think she said on direct,  
9 but you've been a deputy for 25 years?

10 A Yes, ma'am.

11 Q Okay. And based on your training, everything  
12 that you've observed, the interviews that you did,  
13 everything you learned from other officers, if you had  
14 probable cause to charge him with something other than  
15 leaving the scene of the accident, you would have done so,  
16 correct?

17 A I went down several investigative avenues,  
18 attempting to determine if I could find out the speed, if  
19 that was a factor. If there was something else. There  
20 was not evidence to support any additional charge. No.

21 Q And so the only charge was leaving the scene of  
22 an accident with death?

23 A Yes, ma'am.

24 MS. DELIBERATO: May I have a moment, Judge?

25 THE COURT: Of course.

1 MS. DELIBERATO: I have no further questions.

2 THE COURT: State, do you wish to ask any  
3 further questions of this witness?

4 MS. CONSTANTINE: Just a couple.

5 THE COURT: Okay.

6 REDIRECT EXAMINATION

7 BY MS. CONSTANTINE:

8 Q All right. Just to be clear, during your  
9 interview with the defendant in this case, he never denied  
10 striking Deputy Hartwick that day with the front loader.  
11 Correct?

12 A No. His -- I guess what I wanted to get from  
13 him was whether he was lying to me about Allan calling him  
14 or him actually knowing that he struck Deputy Hartwick.  
15 Either way, prior to him leaving the scene, he was  
16 convinced that he had killed a deputy. He told several  
17 people on the phone, and Alicia at the equipment pit that  
18 he killed him. So, my understanding is that he believed  
19 that.

20 Q That he'd struck and killed him?

21 A That he'd struck and killed -- yes. Deputy  
22 Hartwick.

23 Q Defense also asked you about Deputy Hartwick  
24 having hearing aids and glasses. What impact, if any, did  
25 you find that that had as to his cause of death?

1           A     Deputy Hartwicks?

2           Q     Correct.

3           A     I have no evidence to tell me that that helped  
4 cause or didn't help cause. Once that small wheel loader  
5 comes out of frame of that in car video, I can't tell you  
6 what happens there other than he gets struck and run over.

7           Q     And then lastly, can you tell us what is the  
8 weight or approximate weight of that front end loader  
9 we're talking about?

10          A     It's just over 31,000 pounds, which equates to  
11 14.2 tons.

12               MS. CONSTANTINE: Nothing further.

13               THE COURT: Okay. Thank you for coming in  
14 today, detective. You are excused. State, who do  
15 you wish to call as your next witness?

16               MS. CONSTANTINE: The State rests, Your Honor.

17               THE COURT: Okay. Did you have any rebuttal  
18 witnesses that you wanted to call before we go into  
19 closings?

20               MS. DELIBERATO: I don't, Your Honor. I would  
21 be willing to possibly allocate, but I think the  
22 appropriate time for that is after argument, prior to  
23 the Court's pronouncing a sentence. I imagine the  
24 State has also family members that want to speak at  
25 that time. So, I thought we would do that at the



1 same time. I would assume that would be after  
2 argument.

3 THE COURT: Oh, I assume we heard from  
4 everybody. So --

5 MS. CONSTANTINE: I was waiting to let the  
6 witnesses speak until after the defendant allocates.

7 MS. DELIBERATO: I have the family.

8 THE COURT: Okay. Usually, I let the defendant  
9 speak last, since he's the guy that's getting  
10 sentenced or the girl that's getting sentenced.

11 MS. DELIBERATO: Yes, Your Honor.

12 THE COURT: So, if you have family members that  
13 want to speak, now is the time. Do you want ten  
14 minutes to line up the order in which you want me to  
15 hear from them, and where they want to speak from in  
16 the room? Because I can do that now.

17 MS. CONSTANTINE: Yes, Your Honor.

18 THE COURT: All right. We'll call a ten minute  
19 recess. You'll prepare your witnesses. After your  
20 witnesses speak, if he wants to allocate or if you  
21 want to read a statement from him, he doesn't have to  
22 say it himself if he'd rather have you read it.

23 MS. DELIBERATO: He would like to.

24 MS. BLAQUIRE: And it will be in Spanish, so  
25 we'll ask that it be translated.

1           THE COURT: Obviously. And then after we hear  
2           from everybody, then we can roll right into closings  
3           if both sides are comfortable with that.

4           MS. CONSTANTINE: Yes, Judge.

5           THE COURT: Is ten minutes enough? You want to  
6           call it 2:30? Will that work?

7           MS. CONSTANTINE: That's perfect.

8           THE COURT: 2:30. All right. We'll be in  
9           recess until 2:30.

10          THE DEPUTY: All rise.

11          (Court stands in recess.)

12          (Court is back in session.)

13          THE COURT: We are back. We've given a chance  
14          for everybody to get acclimated. Get an order for  
15          presentation. And State, who do you want me to hear  
16          from the victim's family first?

17          MS. CONSTANTINE: Yes, Your Honor. At this  
18          time, the State would call Jeff Snyder.

19          THE COURT: Okay. Mr. Snyder. And whatever's  
20          more comfortable. If he'd rather be at the podium,  
21          he can make his statement from the podium or if he  
22          wants to come up.

23          MR. SNYDER: If it's okay with you Judge, I'll  
24          come up.

25          THE COURT: Okay. Wherever you feel more

1 comfortable. I don't usually swear in victim's  
2 family so unless you want me to administer an oath, I  
3 don't think it's necessary.

4 MS. CONSTANTINE: I don't think it's necessary,  
5 Your Honor.

6 THE COURT: Okay. All right. Yeah, I don't  
7 need to give you an oath. This is different. All  
8 right. You want him just to speak or do you want to  
9 ask questions?

10 MS. CONSTANTINE: Yes, Your Honor.

11 THE COURT: Okay. What would you like to tell  
12 me, sir?

13 MR. SNYDER: Good afternoon, Judge and Court.  
14 My name is Jeffrey Snyder. S-N-Y-D-E-R. I met  
15 Deputy Hartwick several years ago as a retired law  
16 officer myself, and a retired military. Mike and I  
17 had a lot in common. The first time I met Mike, I  
18 saw him vacuuming a masonic lodge and I was wondering  
19 if he was brand new and they said, no, no, he's high  
20 up in the lodge. I said, why is he vacuuming? They  
21 said, because that's what he does. He always did  
22 what was right at the right time, for whatever  
23 reason. Nothing that motivated him more was himself.  
24 If it's okay, sir, I would like to tell a quick  
25 story about his future granddaughter.

1 THE COURT: Okay.

2 MR. SNYDER: Mike and I were both very proud,  
3 very alpha males. And the last movie we saw together  
4 was Top Gun:Maverick. And I recall sitting next to  
5 Mike or there was a seat between us, and being a  
6 proud fellow soldier, there was a sad part that came  
7 up. Very sad in the movie. And I got very weepy.  
8 I'm a little emotional. I didn't want to show it  
9 because my best friend, Mike, is going to give me a  
10 rash about it. Like good soldiers and officers do  
11 for each other. But I kind of sneaked up to the left  
12 and I took a little peek, and Mike was crying also.  
13 And Mike was trying to take a peek at me also, to see  
14 if I was crying because neither of us would admit to  
15 each other that we had feelings. Once we both  
16 realized we were both a little teary, the tears  
17 flowed. And we realized that we were deeper friends  
18 than we ever thought.

19 Mike was someone that you could be aware of his  
20 presence from a long distance. It was because when  
21 you approached a room or a building and you heard  
22 raucous laughter and good times, you knew Mike was in  
23 the middle of it. Mike embodied life and happiness  
24 wherever he went. And not only did he do that for  
25 himself, he did it for others around him.

1           It was always a running joke to, where's Mike?  
2       Oh, there he is, where all the laughter and happiness  
3       is. The night of the incident, my wife and I had  
4       called Mike to ask him to go to dinner. And he said  
5       he had a detail. And being the retired officer I am,  
6       and I don't have the same duties that Mike did I  
7       said, come on, can't you get out of it it's a detail?  
8       Can't you get someone else to work it or can't you  
9       just blow off the details? And he said no, I have to  
10      make some money for a motorcycle trip that I've got  
11      on Monday coming up and I can't wait to go on  
12      vacation coming up and I need this money. And I  
13      said, yeah, but you've got the money. You're fine.  
14      He said no, if I don't show up, they're short-handed  
15      and they need me out there.

16           Mike didn't do the detail for the money. He did  
17      the detail because his fellow officers and the public  
18      needed him to be there. And he knew that. And he  
19      took that as more than a job. A duty to his  
20      community and his fellow officers and those who were  
21      working to keep them safe. And that was his mindset.  
22      When Mike passed, it affected so many people. I'm a  
23      proud Florida mason and it caused a rift in  
24      friendships, in masonry because of the stress that we  
25      were all trying to wrap our heads around and why this

1 would happen to Mike, of all people, who demanded to  
2 take care of others before himself.

3 I met Will and Skyler and the family near the  
4 funeral and before that. And I told the story about  
5 Top Gun:Maverick. If Mike's grandchild had been a  
6 boy, and I don't know if this is true, but they told  
7 me that they would have named him Maverick after that  
8 movie because they knew how much it affected Mike and  
9 everyone around him. Unfortunately, well not  
10 unfortunately, fortunately they had a daughter. A  
11 beautiful girl named Ellie and her nickname is  
12 Mavericka because we just had to make sure that that  
13 name had stuck a little bit. The reason that I tell  
14 that story is because I got to the very fortunate  
15 opportunity to hold and care for Ellie, I like to  
16 call her Mavericka, during Will's wedding. And I sat  
17 and watched these two incredible people get married,  
18 and I held Mike's granddaughter on my lap and in my  
19 arms and realized that Mike is not available. That  
20 Mike was too busy giving of himself to his community  
21 to be available when his family and friends needed  
22 him the most.

23 Mike was a giving person, in and out of the  
24 uniform. I knew him in both capacities. I knew what  
25 a dedicated law enforcement officer he was. And I

1       knew what a dedicated and incredible person he was  
2       outside the uniform. And I understand that actions  
3       have consequences. Sir, Mike's actions, protecting  
4       his community, caused the consequences of his death.  
5       And we will never recover knowing that that man gave  
6       himself to the very last second for his family, his  
7       community and the defendant, who he was trying to  
8       protect that night. I am sorry that we are here. I  
9       wish this never happened. But please understand that  
10      Mike's absence will affect thousands of people for  
11      the rest of our natural lives. Thank you.

12           THE COURT: Okay. Any questions from either  
13      side? Thank you for being here, Mr. Snyder.

14           MR. SNYDER: Thank you, sir.

15           THE COURT: State, who do you wish to call next?

16           MS. CONSTANTINE: Yes, Your Honor. At this  
17      time, we're going to have the victim advocate come  
18      forward. Bobby.

19           THE COURT: Okay.

20           MS. CONSTANTINE: And Deputy Hartwick's son,  
21      Brandon Hartwick.

22           THE COURT: Okay. Are you comfortable from  
23      there or would you -- okay. All right. Good  
24      afternoon, sir. Would you like to tell me.

25           MR. HARTWICK: I'm sorry if this comes off a

1 little bit messed up. We wrote this in the third  
2 person, not expecting to have the courage to write  
3 it, to say it in person.

4 As mentioned in our previous statement, my  
5 brother and I were lucky enough to have called the  
6 man you know as Deputy Michael Hartwick, dad, for  
7 just over 20 years of our life. While our dad is  
8 commonly referred to as deputy, he was so much more  
9 than a badge. Along with the sheriff's deputy, he  
10 was a mason, navy veteran, a member of the American  
11 Legion, and volunteer in the community.

12 He dedicated his life to service for others and  
13 gave the ultimate sacrifice. Our dad was a friend to  
14 many, several of which are here today. And not only  
15 stand by our side, but to be here for their friend  
16 they had grown to love and had made several fond  
17 memories with.

18 Since our father's passing, our family has  
19 missed the opportunity of having our dad around for  
20 one of our weddings, and the birth of not one, but  
21 two of his three grandchildren. He never got the  
22 opportunity to retire and build his dream home in  
23 Tennessee, which he had been hand drawing the floor  
24 plan of. More so than anything, due to the pure  
25 negligence displayed by the defendant, our family has



1       been stripped of so much time with our dad, in  
2       addition to the chance of saying a proper goodbye.

3               Your Honor, the last time we were in this room,  
4       you mentioned that there are several factors that you  
5       look at when considering how to sentence a person in  
6       a case like this. We would like to point out that  
7       while the defendant has no formal criminal history,  
8       in our family's opinion, he does show a history of  
9       negligence and disregard for our country's laws  
10      regarding immigration. While immigration is not the  
11      issue being discussed today, we feel the need to  
12      address again that we cannot help but consider how  
13      our father was taken by someone who did not have the  
14      proper documentation to be here in the first place.

15             The defendant was here unlawfully after already  
16      had been sent back to his home country. This alone  
17      shows a pattern of disrespect and disregard for our  
18      laws.

19             The defendant has also shown a lack of  
20      consideration for anyone but himself. In addition to  
21      using a false identification to obtain work here,  
22      which resulted in someone else getting arrested for a  
23      crime they didn't commit, he fled the scene of an  
24      accident that resulted in death. Proceeded to run  
25      and hide, ensuing a very long man hunt and dragged

1 others into his mess.

2 Even after having hours well in hiding to  
3 reflect on his actions, it appears as though he never  
4 once stopped to think about anyone but himself. At  
5 any point he could have called 911 or come out of  
6 hiding and turned himself in, but he never did.  
7 Instead, he left our father lying on the pavement and  
8 others were left to clean up his mess.

9 No matter where you come from, the concepts of  
10 right and wrong are pretty universal. There is no  
11 way that the defendant thought that running and  
12 hiding after hitting and killing our dad was the  
13 right thing to do. Running from a crime and remorse  
14 are not two things that you would typically associate  
15 with one another. However, accepting responsibility  
16 and being remorseful are. Through our eyes it  
17 appears as though neither of these things took place  
18 until the defendant considered entering a plea of  
19 guilty and could possibly get his maximum sentence  
20 reduced. Again, only looking out for himself. No  
21 remorse shown.

22 In our eyes, there has never been a question of  
23 the defendant's guilt in regard to the crime. As  
24 scared as he may have been, he chose to run and hide  
25 while other people in the same circumstance choose to

1 stop, render aide and call 911. His actions show  
2 major flaws in character, questionable morals, lack  
3 of regard for the law and little remorse.

4 There is not a day that goes by that we don't  
5 think about how our dad's life was senselessly taken.  
6 And how so many lives were changed forever because he  
7 is no longer here. After almost three years our  
8 family would like the ability to move forward. In  
9 order to truly move forward without fear of the  
10 defendant repeating his actions and causing another  
11 family pain in the way he did ours, we respectfully  
12 ask that you consider enforcing the maximum sentence  
13 of 20 years. Thank you.

14 THE COURT: Thank you, sir. State, who else  
15 would you like me hear from today?

16 MS. CONSTANTINE: No one else today, Your Honor.

17 THE COURT: Okay. Do you want me to let him  
18 speak from there or would you rather him come up to  
19 the podium? It's wherever you're more comfortable.

20 MS. DELIBERATO: Here is fine.

21 THE COURT: Okay.

22 MS. DELIBERATO: He's soft-spoken, but the  
23 interpreter will interpret, so.

24 THE COURT: All right. I'll ask him to stand so  
25 that he projects his voice a little bit.

1           THE DEFENDANT: I am very sorry for leaving the  
2           scene of the accident where Deputy Hartwick died. I  
3           was afraid. Not because I was afraid of being  
4           deported, but because I was afraid that no one would  
5           believe me. Or understand that it had been an  
6           accident. I just needed time to think and pray. So,  
7           I ran and hid. My work mates said that he had died  
8           and that he could not be saved. I know I should have  
9           waited. That it was wrong to leave. And I would  
10          like to be able to take it back. I had only been in  
11          this country for about ten months, and I did  
12          everything possible to work hard every day and send  
13          money to my wife and children in Honduras. I plan on  
14          going back there when I get out of prison. I don't  
15          want to fight against my deportation. I won't. I  
16          came here because my country had very few work  
17          opportunities during and after COVID. I knew that I  
18          could work in construction here. It's the only work  
19          that I've had since I was 14 years old. I've been  
20          driving heavy machinery for 15 years and I've never  
21          had an accident. I made a mistake, and I'm humbly  
22          request that the Court take into account my fear, my  
23          lack of confidence in thinking that I wouldn't be  
24          believed. And have compassion when sentencing me to  
25          a lower prison sentence to be able to return to my

1 country. I am sorry.

2 THE COURT: Okay. All right. Thank you. All  
3 right. Remaining, we will have State give their  
4 closing argument and request their sentence and why,  
5 and any case law they want me to consider if they  
6 have case law they want me to consider. And then  
7 I'll have the defense give their closing argument,  
8 request the sentence they want to request and why.  
9 And then State, if there's any brief rebuttal, you  
10 can give brief rebuttal. Okay? So, State, from the  
11 podium or there. Wherever you're more comfortable.

12 MS. CONSTANTINE: Yes, Your Honor.

13 CLOSING ARGUMENTS

14 MS. CONSTANTINE: Your Honor, as the Court's  
15 aware, the basic premise behind the sentencing  
16 guidelines is the sentencing range is thought to be a  
17 fair measure of what a particular crime's punishment  
18 should be. As we all know, property crimes are  
19 ranked lower than personal violence crimes and lower  
20 than more dangerous crimes. And that's because it's  
21 long been thought and recognized that non-violent  
22 crimes and crimes that don't pose a danger to society  
23 should be getting lower sentences. On the other  
24 hand, for those crimes that are violent in nature or  
25 those that do pose a danger to society, long prison

1 sentences are in order. The punishments in those  
2 cases are meant to punish. They're not meant to be  
3 easy and they're not meant to be rehabilitative in  
4 nature.

5 The defense's position in this case is that it  
6 does not warrant a guideline disposition. That the  
7 Court should somehow depart in giving this defendant  
8 between four year minimum mandatory sentence and the  
9 below the bottom of the guidelines which is about ten  
10 years in change.

11 As the Court knows that any departure is going  
12 to be a two-step legal process. One, does the Court  
13 have a legal basis to depart, and two, should the  
14 Court depart? I agree that the Court obviously,  
15 legally can give a departure down to the four year  
16 minimum mandatory in this case, however, I would  
17 submit to the Court based on the facts and  
18 circumstances here that this isn't a situation where  
19 the Court should depart.

20 As far the -- so the question becomes then for  
21 this Court that knowing all the relevant factors in  
22 this case, should the Court depart? And is there  
23 mitigation in this case that rises to the level that  
24 the presumptively -- the presumptively fair  
25 sentencing guidelines in this case is somehow unfair.

1 And I would submit to this Court that it's absolutely  
2 not. Not even close.

3 The defense has suggested through the  
4 introduction of various items throughout the course  
5 of today's sentencing, through the trafficking vest,  
6 cold medicine, hearing aids, glasses, that somehow  
7 how Deputy Hartwick was somehow responsible for his  
8 own death and therefore that the Court should see  
9 that as mitigation or somehow not impose the death  
10 points in this case. Not only is this suggestion not  
11 based on evidence, because there is nothing that  
12 would be introduced in trial or that was introduced  
13 in this hearing that would suggest that somehow  
14 Deputy Hartwick was somehow at fault, or had he done  
15 these things that he would have lived. The reality  
16 is but for this defendant running Deputy Hartwick  
17 over with that front end loader he would be here  
18 today. To suggest otherwise is just offensive.

19 The defense has provided counsel and the Court a  
20 list also of past sentences given for similar crimes,  
21 and I assume to make some sort of equity argument,  
22 that was provided to the State Attorney's Office  
23 about 4:30 yesterday afternoon. And what I will say  
24 is that as the Court and this case is well aware,  
25 practicing 18 years, that no case is created equal.

1 Each case, as it's presented, has its own unique set  
2 of facts, circumstances, next of kin and evidence and  
3 aggravators. As does this case.

4 And that's why the Court is given the discretion  
5 that it has to consider the range of the minimum  
6 versus the maximum. The sentence should be  
7 determined based on the specific fact pattern of the  
8 case, as well as other factors that the Court or the  
9 State determines appropriate for that particular  
10 case. I would submit that these prior cases that  
11 have been provided by the defense aren't a basis for  
12 this Court to look at for departing from the  
13 guidelines.

14 So, that just basically just brings us back to  
15 full circle as to where we began, is that back to the  
16 presumption that the sentencing guidelines are a fair  
17 way to judge a case.

18 THE COURT: All right. We'll put a pin in that  
19 before we go on. Sorry, but I have a habit of asking  
20 questions so I'm going to. You said similar crimes,  
21 but I at least checked the first couple, and it's the  
22 same crime. It's not a similar crime, it's the same  
23 criminal statue, leaving the scene of an accident  
24 involving death.

25 MS. CONSTANTINE: That's correct. It's the --



1           THE COURT: They're not similar. It's the same  
2 crime. As you pointed out, and as I have said from  
3 the bench many times, there are 8 billion on this  
4 planet. We all stand in different positions but as  
5 far as a guide to the Court, is it not fair to  
6 consider what has happened in the Sixth Judicial  
7 Circuit over the last five years for the same crime?

8           MS. CONSTANTINE: I would submit that it has to  
9 be based on the individual facts and circumstances.  
10 For instance, one of the first cases, I think, that  
11 was provided by the list from defense involved a  
12 passenger in the car. So, just because that  
13 someone's charged with the same crime, in and of  
14 itself, I don't think is a basis for the Court to  
15 look at that and justify departing because it's not  
16 an equity thing. Those cases are all going to be  
17 different next of kins, different families, different  
18 factual scenarios, different aggravators, and each  
19 individual case is going to be unique. And the  
20 legislature takes that into account when they create  
21 these guidelines. That's why, when you're looking at  
22 the guidelines for instance, in this case, you're  
23 talking about 10.375 years up to the 30 year maximum  
24 sentence. So, the legislature is even giving the  
25 Court the ability to take all of these things into

1       consideration and determine what the appropriate  
2       sentence is. If we were just going to give everybody  
3       that committed the exact same crime the exact same  
4       sentence, there would be no point in having the  
5       guidelines. There would be no point in the Court  
6       having the discretion to be able to take these things  
7       into consideration.

8               THE COURT: I agree with you. I was just asking  
9       about whether or not it was something I should look  
10      to. All right. I said put a pin in it, so go back  
11      to where you were. I didn't mean to take you out of  
12      your order, I just have that habit of asking  
13      questions.

14             MS. CONSTANTINE: Yes, Your Honor.

15             THE COURT: The defense will get some too.

16             MS. CONSTANTINE: All right. For this  
17      particular case, obviously, the testimony that we  
18      heard from Detective Syers is that we have a  
19      defendant in this case who knowingly drove a front  
20      end loader weighing over 30,000 pounds down the  
21      shoulder of a roadway while, according to what he  
22      says during the interview he can't see, and he's  
23      going about 15 miles an hour when he strikes into  
24      Deputy Hartwick. We have a defendant in this case  
25      who claims to not know what he did, and yet phone

1 records in this case show that within 20 seconds of  
2 striking the deputy he's calling his friend, who is  
3 directly behind him. And why? Because I would  
4 submit that he knew exactly what he did. He knew  
5 he'd just hit a deputy and so he immediately calls  
6 his friend.

7 He claims to not know what he did to law  
8 enforcement, and yet within 20 seconds of committing  
9 this crime, the video evidence shows the defendant  
10 stops there at the scene between where Deputy  
11 Hartwick's body's found and the pit where he returns  
12 the front loader. And he sits there for over two  
13 minutes. And why? Why make the call? Why sit  
14 there? Because he's sitting there and he's thinking,  
15 he's reflecting about what he just did. And he  
16 leaves.

17 Why he would leave? He says he doesn't know  
18 what happened, and yet we heard testimony today from  
19 Detective Syers that that's completely inconsistent  
20 with his own experiences. Despite the fact that this  
21 vehicle is a 30,000 pound vehicle, he absolutely felt  
22 it when he crushed Deputy Hartwick's body. You heard  
23 testimony today from Detective Syers that he reviewed  
24 Cynthia Gomez's statement. Cynthia Gomez is in the  
25 truck directly behind the front loader and watches

1       this vehicle literally go up and down over Deputy  
2       Hartwick's body. I submit to Your Honor that this  
3       defendant felt it when he fractured Deputy Hartwick's  
4       skull. He felt it when he fractured every rib in his  
5       body. He felt it when he fractured his sternum, his  
6       pelvis, his vertebrae and when he transected his  
7       spinal column and his aorta. He felt every bit of  
8       that. Which is why he made that phone and which is  
9       why he stopped.

10           We have a defendant in this particular case that  
11       despite knowing what he did, that he had struck and  
12       killed a police officer. He didn't get out of his  
13       front loader to render aide. He didn't provide his  
14       information. He left. And you heard testimony, or  
15       at least a statement today, that he did that because  
16       was scared and he didn't know what to do, but this  
17       defendant had time to reflect. The video evidence  
18       shows he sat there for two minutes and he thought  
19       about it and he left. He goes to the vehicle pit,  
20       and he gets rid of his front loader. He sits there  
21       for eight minutes, and he leaves. He then goes and  
22       hides in the brush. This accident happened at 10:46  
23       p.m. The defendant's not arrested until 8 a.m. the  
24       next day. That's hours. And the testimony and  
25       evidence that's been elicited throughout the course

1 of this sentencing is making 50 plus -- is involved  
2 in 50 plus phone calls to people. Text messages to  
3 people. And none of that is, oh, I'm so afraid, I  
4 need to time to think. It's how the heck do I get  
5 out of here. How do I get away from what I just  
6 caused. How do I distance myself from this  
7 situation. Me, me, me.

8 The defendant in this case expressed no concern  
9 for anyone out there that night, least of all Deputy  
10 Hartwick. His manhunt led into a multi -- as I said,  
11 multi-hour-long chase involving multiple police  
12 agencies. You heard testimony that the Pinellas  
13 County Sheriff's Office is involved, canine is  
14 involved, Pasco is involved, a helicopter is  
15 involved. They're all out there looking for him.  
16 Having calls made to him. People are telling him to  
17 turn himself in, and he still hides. During none of  
18 these calls he doesn't inquire about the life he  
19 took, he doesn't call about 911, he doesn't call to  
20 say, hey, is this guy okay? What happened? What can  
21 I do to help? He's just concerned about himself. At  
22 that point, it's self-preservation.

23 This defendant was here illegally and had  
24 previously, as we heard testimony from the Border  
25 Patrol today, had been arrested at the border. And

1 selfishly was using someone else's identity. An  
2 innocent person who didn't commit this crime, who  
3 very well could have been arrested for leaving the  
4 scene of a crash involving death of a police officer  
5 that he didn't commit. Because again, this  
6 defendant, who had come here illegally before, was in  
7 here using someone else's identity and very well  
8 could have had them arrested for this crime. But  
9 again, he didn't care about that. He was more  
10 concerned about himself and getting himself to  
11 safety.

12 We heard testimony throughout the course of the  
13 sentencing about what an excellent person and father  
14 the defendant is. And I submit to the Court that so  
15 was Deputy Hartwick. And unlike this defendant, who  
16 has the opportunity to continue to be that for his  
17 family, Deputy Hartwick doesn't have that chance  
18 because of the actions of this defendant.

19 The defense submits the defendant in this case  
20 has shown remorse. He has shown absolutely no  
21 remorse whatsoever. He showed no remorse when he  
22 fled. He showed no remorse in that interview. The  
23 only emotion that I would submit that this defendant  
24 has shown is for his own safety, his own  
25 perseverance. Taking care of himself and worried

1       about what's going to happen to him.

2               The defense has put up witnesses throughout the  
3       course of this sentencing, discussing what a role  
4       model this defendant is. But when the rubber meets  
5       the road, that's when you find out who that person  
6       is. And when this defendant was faced with the  
7       decision to leave or to stay when he struck and  
8       killed a deputy, he left. That's the role model he  
9       is. And he left not once, but he left twice. He sat  
10      there after the crash happened. He sat there for two  
11      minutes and forty-two seconds. He left. He goes to  
12      the pit where the front loaders are located. He sits  
13      there for eight minutes, and then he leaves again.

14             Your Honor, this is an individual that lacks  
15      respect for the law, for this country or for the life  
16      of the first responder he took, and that's why the  
17      State is asking this Court to impose the maximum  
18      sentence of 20 years in the Department of  
19      Corrections. Because that is the only fair and just  
20      sentence in this case. Thank you.

21             THE COURT: I have a question before you sit. If  
22      he doesn't panic and go into his self-preservation  
23      mode and run, if he stops like he did in that front  
24      loader and sits for two minutes. He gets out of the  
25      front loader and walks back to the scene, he wouldn't

1       have been charged with any crime according to the  
2       lead detective that testified, right? If he doesn't  
3       run, there's no crime because this was, as you said,  
4       an accident. So, the crime that I'm going to be  
5       sentencing him for today is purely for leaving the  
6       scene of the crime of an accident but -- an accident  
7       involving death, but if he stayed, he wouldn't have  
8       been charged with anything.

9               MS. CONSTANTINE: Are you talking about in  
10       regard to the accident?

11              THE COURT: In regard to the accident.

12              MS. CONSTANTINE: In regard to the accident,  
13       yes, he was charged with aggravated identify theft  
14       federally, so there would have been a crime, but not  
15       this crime. Yes.

16              THE COURT: Yes. Right. Okay. And he would  
17       have been deported in all likelihood also?

18              MS. CONSTANTINE: Yes.

19              THE COURT: Okay. All right. Thank you, State.  
20       Defense, what lawful sentence would you ask the Court  
21       to impose and why?

22              MS. DELIBERATO: Judge, this is a terrible  
23       tragedy accident. We are mindful that there's no way  
24       to compensate for the loss of Deputy Hartwick, who  
25       served our community with honor for many years. But



1 as the Court noted, the law requires this Court to  
2 issue sentences fairly, based on the facts and  
3 circumstances of the crime charged and based only on  
4 those facts. I will get into my argument, but what  
5 I'm asking the Court to impose is a sentence between  
6 the four year minimum mandatory and the bottom of the  
7 guidelines, which we do continue to dispute. 10.3  
8 years.

9 The facts --

10 THE COURT: What would the guidelines be if they  
11 were as you asked me to sentence?

12 MS. DELIBERATO: Below the four year minimum  
13 mandatory? 34 months would be the bottom of the  
14 guidelines, which is part of the reason for the  
15 judicial notice. It has all the score sheets.

16 THE COURT: Right. Okay.

17 MS. DELIBERATO: But I'm not asking the Court in  
18 any event to depart from the four year minimum  
19 mandatory, which would be above the guidelines,  
20 without the death points.

21 The facts here are relatively not in dispute.  
22 We know that the accident took place at night. Was  
23 not well lit. There were no additional lamps.  
24 Deputy Hartwick's cruiser lights were flashing,  
25 swirling into the oncoming front loader that Juan was

1 driving. And I want to address -- we are in no way  
2 suggesting -- I put on the evidence about the facts  
3 and the circumstances. The lack of the vest, his  
4 conditions, his medical conditions. Those are all  
5 factors to contribute for the legal position about  
6 the death points and about whether or not his death  
7 was immediate. I just wanted to be clear that we are  
8 in no way blaming Deputy Hartwick for his death here.

9 He was in an area he was not expected to be.  
10 Mr. Zelaya, Allan Gomez Zelaya and the truck behind  
11 him stopped, because he, in a much lower to the  
12 ground vehicle, saw the dark mass near the shoulder.  
13 Even he could not immediately tell it was a person  
14 until he got out of the truck. The people on the  
15 scene, all described within seconds and minutes,  
16 Laura, Kenny Rogers on the 911 call, Allan, and the  
17 State's not disputing that Deputy Hartwick succumbed  
18 to his injuries immediately. Immediately upon being  
19 rolled over, crushed by the front loader.

20 Mr. Molina-Salles was found about 3600 feet away  
21 from the accident. And I say that because I think it  
22 is worth noting when you look at the other sentences  
23 and the other cases and the facts that this Court is  
24 considering. There are cases where people left.  
25 They cleaned their car. They left the state. They

1 left the country. They moved far away from the  
2 scene. And I think it's relevant that he's 3600 feet  
3 away.

4 THE COURT: Well, but that wasn't for a lack of  
5 trying. I mean, he did hand over his vest and his  
6 hat, or his, yeah, his hat. And he did try to get  
7 away, he just wasn't able to, right?

8 MS. DELIBERATO: Well, that's the evidence that  
9 the State submits. I think it's also plausible and  
10 understandable based on the other testimony, he had  
11 his car keys in his pocket. His car was on the  
12 scene. At that point there were no deputies. It  
13 took about 15 minutes for law enforcement to arrive.  
14 If he really wanted to leave, he could have gotten in  
15 his car and drove away. I think a fair reading of  
16 the evidence is that he is panicked. We all know  
17 that he is panicked. And he made a very, very  
18 stupid, selfish decision to leave. I'm not disputing  
19 that. But I don't think -- I do think that it is  
20 relevant that he didn't get in his car, drive away,  
21 and completely leave the scene. I think it's a minor  
22 point, but I think it's a relevant fact for the Court  
23 to consider when you're looking at imposing a  
24 sentence.

25 THE COURT: Okay. I'm not sure that -- I'm not

1       sure how much I agree with you on it, but it's in the  
2       record.

3               MS. DELIBERATO: Understood. Upon his arrest,  
4       Mr. Molina-Salles was compliant. He was laying in a,  
5       kind of a muddy bog, as you can see from the body  
6       worn camera footage. While no one can know for sure  
7       what was in his head except him, there is  
8       circumstantial evidence and direct evidence from  
9       people who spoke to him. He was scared. He was  
10      crying. Corporal Syers said he had panicked. He  
11      told the deputy he didn't know the laws of this  
12      country. He had been here less than a year at the  
13      time. He never told the deputy that he was afraid of  
14      being deported or that that's why he fled. And what  
15      he said today in Court in his allocation, which I  
16      understand is not evidence, is that he was worried.  
17      He didn't know that he would be believed. He knew  
18      that he had killed a police officer. And he came  
19      from Honduras. And he doesn't know the justice  
20      system in this country. And he doesn't know what's  
21      going to happen to him if he kills a police officer.  
22      He doesn't know that there's going to be a courtroom  
23      and justice and laws that have to be followed. He  
24      doesn't know that. He's not thinking about that on  
25      the side of the road. He's not thinking about the

1 American justice system, because he doesn't know it.  
2 He doesn't know that he'll get a right and a lawyer  
3 and an opportunity to argue for his actions.

4 And I think what the Court sort of pointed out,  
5 and I'll highlight that as well. If he hadn't have  
6 left, he would not have been charged with a crime.

7 THE COURT: I'm not pointing anything out, I'm  
8 just asking questions. That's what I do.

9 MS. DELIBERATO: Yes. I mean, I -- then I would  
10 point that out. There's no dispute that this was a  
11 terrible, tragic accident. That if he had turned  
12 around and walked back, he would have not been  
13 charged with a crime. And so that is important that  
14 while the circumstances of this accident have been  
15 brought before the Court and it's incredibly  
16 emotional, and understandably so, those factors  
17 cannot be properly considered by this Court when  
18 sentencing him for the leaving. And I submit that if  
19 you look at the other, sort of, the whole purpose and  
20 element of leaving the scene of the death is that  
21 they knew and that they left. Not that they knew,  
22 but that they left the scene and failed to provide  
23 aid. So, everything LSA with that involved, a person  
24 making a selfish or a cowardly choice to run and  
25 flee, that is every single leaving the scene of an

1 accident with death. There is nothing additional or  
2 specifical about Mr. Molina-Salles panicking, running  
3 into the words here. That is an element of the  
4 crime, that he left and failed to render aid.

5 He has accepted responsibility for the crime  
6 that he did commit. And I want to make sure the  
7 record is clear. I know this Court has been on the  
8 case from the beginning, as have I. When I took over  
9 as lead counsel more than a year ago, we made an  
10 offer, a guidelines offer of 10.3 years to resolve  
11 this case. We have been trying desperately to accept  
12 responsibility and resolve this case for well over a  
13 year to avoid having both a trial and a painful,  
14 lengthy sentencing proceeding like the one that we're  
15 having today. So, I know the Court file reflects  
16 that, but I want the record to reflect that since the  
17 State mentioned his lack of responsibility.

18 THE COURT: I noticed that you mentioned the  
19 negotiation thing. I had a question for you about  
20 what you provided. All of these sentences that you  
21 gave me here in your request for judicial notice,  
22 these are all negotiated pleas between the State and  
23 the defense, right? None of them are after trial?

24 MS. DELIBERATO: There was a couple that were  
25 departure hearings.

1 THE COURT: Okay, well.

2 MS. DELIBERATO: With caps, much similar to  
3 this. Nicole Carlson was one. William Gallahue was  
4 a departure hearing. So, they weren't all -- they  
5 were not all negotiated pleas. No.

6 THE COURT: They were not all negotiated pleas?  
7 What were the caps set at? Do we know?

8 MS. DELIBERATO: The one in Carlson was 20 and  
9 she received 8 years, followed by probation. And  
10 then Gallahue, I'm not certain what the cap was, it  
11 was a sentencing hearing. That case is actually  
12 pending, ineffective assistance of counsel claim on a  
13 failure to notify about a departure.

14 THE COURT: And that was the 12 year sentence?

15 MS. DELIBERATO: That -- which is the highest  
16 sentence that any defendant has received in this  
17 circuit in the last five years for this exact crime.

18 THE COURT: Well, the 4's and the probations  
19 were all negotiated dispositions, though.

20 MS. DELIBERATO: So, I would have to go back and  
21 look at every single one. I believe that the 4's --  
22 most of the 4's and the probations and some of the  
23 7's were negotiated sentences. I'm certainly not  
24 disputing that they were, but I will say, and that's  
25 the summary that I have is that with those cases, if

1        were looking at apples to apples here, when there's  
2        no criminal record because some of these people have  
3        prior criminal records, which account for the higher  
4        scores and the higher score sheets. No prior record,  
5        no concurrent traffic citations, right? So, in a lot  
6        of these cases there's careless driving citations.  
7        There's DUI's or other traffic citations. Not all  
8        DUI's, but there's a couple of careless. There's a  
9        couple of failure to have their insurance registered,  
10       things like that. When you have no prior record, no  
11       concurrent traffic citations, and no suggestion of  
12       alcohol or other impairment -- there's a couple of  
13       them in there where they didn't get charged with the  
14       DUI because they were not found until days later, but  
15       there was testimony that they were seen leaving the  
16       bar at 1 o'clock in the morning or that there was  
17       alcohol or marijuana in their system. So, those  
18       three things, and I tried as diligently as I could to  
19       put all of this evidence before the Court that in  
20       those cases; no prior record, no concurrent traffic  
21       citations, no suggestion of alcohol or other  
22       impairment, the maximum sentence in those cases was  
23       the four year minimum mandatory. They ranged from  
24       probation to the maximum.

25        As the Court noted, the remainder of the



1 sentences ranged anywhere from months in the  
2 Department of Corrections up to the maximum of 12  
3 years. That was the highest sentence, and that case  
4 did involve the suggestion of alcohol and a prior  
5 criminal record.

6 THE COURT: Should I consider trying to enter  
7 the country illegally a prior criminal record or  
8 should I discount that in your estimation of how I  
9 should proceed?

10 MS. DELIBERATO: I do not think that is a prior  
11 criminal record that can be considered by this Court.  
12 There was no order, as the Court heard testimony,  
13 there was no order of deportation. There was no  
14 order of removal. It was an immediate expulsion at  
15 the border. He does not have a criminal charge. The  
16 State has presented no evidence of that. I don't  
17 think the Court can or should consider his prior  
18 entry at the border and being turned away as far as a  
19 prior criminal record.

20 THE COURT: Okay.

21 MS. DELIBERATO: As this Court has ruled, we  
22 have not waived -- he has not waived his right to  
23 challenge the imposition of any victim injury points.  
24 I did want to place on the record in terms of the  
25 departure, just so it's clear for the record for the

1 Court, I am asking a sentence between 4 and 10.3  
2 years. If the Court imposes a 10.3 year sentence, no  
3 party -- we would still argue that's above the  
4 guidelines because we are disputing the guidelines.  
5 But a 10.3 year sentence is not a departure.

6 THE COURT: I understand.

7 MS. DELIBERATO: If the Court would -- does  
8 entertain a departure, which I have asked for between  
9 4 and 10.3, I do submit that there is a legal basis  
10 and that is 921.00262J, which would be that the  
11 offense was committed in an unsophisticated manner,  
12 was an isolated incident for which the defendant has  
13 shown remorse. So, I think that is, if the Court is  
14 going to depart from the 10.3, again, not conceding  
15 that the 10.3 is even the appropriate guideline, I  
16 just want to make sure that -- I know that I've said  
17 that a lot but --

18 THE COURT: Your record is preserved for appeal.  
19 Yes.

20 MS. DELIBERATO: But that that is a legal valid  
21 basis for this Court to depart.

22 THE COURT: And what is it? Isolated incident  
23 for which the defendant has shown remorse?

24 MS. DELIBERATO: And shown remorse. And the  
25 testimony today from his sister-in-law who spoke with

1 him at the jail said that when she spoke with him in  
2 the months after the jail he was sorry, he was  
3 remorseful. He expressed such remorse today, and I  
4 submit that he also, by offering to plead guilty, by  
5 trying to resolve this case short of a trial, even  
6 getting to the place where we are now, excepting the  
7 risk. Giving up his right to a trial, his right to  
8 be found guilty by a jury beyond a reasonable doubt  
9 that he, in fact, all the way left the scene, that is  
10 an acceptance of responsibility and there was  
11 testimony today for which the Court could find that  
12 he has expressed remorse for his conduct. And Deputy  
13 Syers today said that he was -- he used the word  
14 remorse. He's like, I don't know if it was remorse  
15 for himself or remorse for Deputy Hartwick, but there  
16 definitely is testimony in the record to base remorse  
17 on for that departure. If that is where the Court is  
18 going with it. Again, not perceiving that those  
19 guidelines are appropriate.

20 THE COURT: Well, three parts of J under chapter  
21 921; unsophisticated manner, isolated incident and  
22 showing remorse.

23 MS. DELIBERATO: Yes, so I would say the  
24 isolated -- the unsophisticated manner is this is a  
25 man who has car keys in his pocket and a car on

1 scene, and he runs and hides in a muddy bog because  
2 he panicked and scared and doesn't know what to do.  
3 He's not leaving the scene, cleaning up the car,  
4 changing his name, changing his identity. He's not  
5 doing that. He's not doing those things after the  
6 fact. Isolated incident? He has no prior criminal  
7 record. You heard testimony that he's been driving  
8 this heavy machinery --

9 THE COURT: Slow down. I'm not going to run out  
10 of here but slow down.

11 MS. DELIBERATO: Sorry. He's been driving this  
12 heavy machinery since he was a teenager. For more  
13 than 15 years. He's never had an accident. This is  
14 very clearly an isolated -- the traffic accident was  
15 an isolated incident, and the leaving certainly was  
16 since he doesn't have any prior criminal record.

17 At the end of whatever sentence Your Honor gives  
18 him, he is going to be deported. He will not contest  
19 his deportation. He came to this country because  
20 there was no opportunity for work in his own. He has  
21 a wife and young child to feed. He worked hard every  
22 day until this accident. An accident which I  
23 understand irrevocably changed the lives of two  
24 families that night. We don't send people to prison  
25 for decades because of accidents. We don't send

1 people to prison for decades because of their  
2 irresponsible and thoughtless actions after the  
3 accident. I understand those are his actions.  
4 Decades in prison for that is not appropriate,  
5 especially when here, the undisputed facts are that  
6 Deputy Hartwick's injuries were so severe and so  
7 immediate that nothing could have been done had he  
8 stayed. The whole purpose of the leaving the scene  
9 of the accident with death is to make sure that  
10 people who are victims of accidents get help  
11 immediately. That happened here. His leaving didn't  
12 change that fact. Should he have stayed?  
13 Absolutely.

14 THE COURT: I understand that the public policy,  
15 but he wasn't in the position to know that Deputy  
16 Hartwick was beyond saving at the time he left the  
17 scene, was he?

18 MS. DELIBERATO: Before he went to the muddy bog  
19 he knew that he was killed, and you knew that he was  
20 deceased. That's the State's evidence. That's  
21 everyone's evidence. Before he left the equipment  
22 pit.

23 THE COURT: The equipment pit was quite a way  
24 from the scene.

25 MS. DELIBERATO: It was a couple hundred feet.

1 He was there about three minutes after the accident.

2 THE COURT: Okay.

3 MS. DELIBERATO: And he knew that the people  
4 behind him had also stopped and that he was deceased  
5 immediately. It's also -- it is important what he  
6 knew and didn't know, but it's also the facts of the  
7 case and the understanding that the purpose of the  
8 punishment and the purpose of the statute is could  
9 the person have been saved. And unfortunately, the  
10 answer here is an undisputed no. Should he have  
11 stayed? Absolutely. Can we also understand why  
12 someone in his position may have left? Absolutely.  
13 Can we grieve the loss of Deputy Hartwick while not  
14 handing down a sentence that is constitutionally  
15 excessive? Yes. Justice is supposed to be blind,  
16 and we have these guidelines for a reason.

17 I am asking the Court to take into account the  
18 facts and the circumstances of the leaving. I'm  
19 asking the Court to make this assessment. I'm asking  
20 the Court to sentence Mr. Molina to a sentence that  
21 comports with due process. And I submit to the Court  
22 that any sentence far above the four year minimum  
23 mandatory, which would be well outside the range of  
24 the 17 leaving the scene cases within this last five  
25 years would be an excessive sentence. In violation

1 of the 8<sup>th</sup> Amendment to the United States  
2 Constitution.

3 THE COURT: Okay. Thank you. Ms. Constantine,  
4 I know you have brief rebuttal you wish to offer, so  
5 please, offer brief rebuttal.

6 MS. CONSTANTINE: I do, Your Honor. And I will  
7 be brief. I just want to respond to a few of the  
8 things that were brought up by defense.

9 First, defense has offered in multiple hearings  
10 now that the defendant in this case isn't going to be  
11 contesting his deportation as that's, I guess, an  
12 additional punishment or fact that this Court can  
13 consider. I mean, just to be clear, this defendant  
14 previously tried to enter this country illegally. He  
15 was arrested and sent back. And so the idea that  
16 he's now going to offer his deportation at the end of  
17 this as somehow some sort of punishment or thought  
18 that he's not going to come back, I think would be  
19 laughable. I mean, at this point, given his history.  
20 He has a track history of ignoring the law and doing  
21 what he's going to do anyways.

22 THE COURT: I'm a state judge, not a federal  
23 judge.

24 MS. CONSTANTINE: I understand.

25 THE COURT: And the federal system is under new

1 management, so I'm not that worried about  
2 deportation. I think that's going to happen either  
3 way.

4 MS. CONSTANTINE: I also, to point out remorse.  
5 Just to be very clear, this defendant, the only  
6 remorse he's ever shown even as of today, is that  
7 he's sorry he got caught. He doesn't express any  
8 remorse. Looking through his interview at no point,  
9 today even, did he say that he was sorry to the  
10 family for what he did or that he took their father  
11 away or anything like that. Instead, his concern and  
12 always has been is himself and asking the Court to  
13 give compassion. What he can get out of this. How  
14 he can be less affected. Less impacted by this.

15 The defense says that the whole purpose behind  
16 this statute is that well, he couldn't have helped  
17 had he had stayed. The reality is he didn't, like  
18 the Court said, he didn't know that when he left.  
19 When the crash happens and he makes that call, Deputy  
20 Hartwick is not pronounced deceased until as that  
21 body worn camera shows from Deputy Hirshman. Until  
22 minutes later. We're talking 10-15 minutes have gone  
23 by from the time that he ends up getting out of there  
24 until that ultimately happens. When he leaves that  
25 scene, sure he knew he was hurt. Sure, he knew he



1       could have been dead. But he didn't know. And  
2       that's because he didn't bother to get off the front  
3       end loader and go check. He didn't know that maybe  
4       had he, which he did die pretty immediately, had he  
5       sat there for a minute, that maybe he could have told  
6       that man sorry or he could have held his hand as he  
7       took his final breath. Because again, he was worried  
8       about himself and no one else.

9               The defense says that we're sending people to  
10       prison for decades for accidents and that's simply  
11       not the truth. He's not going to prison because he  
12       did an accident. He's going to prison because he  
13       struck and killed a deputy and he left them there on  
14       the side of the road without rendering aide, without  
15       offering help, without leaving his information. For  
16       self-preservation. That's why he's going to prison.  
17       Because of the choices and the actions that he took  
18       that day. Not because it's an accident. So, I just  
19       want that to clear.

20              I would ask the Court, again, to sentence him to  
21       20 years in the Department of Corrections. I think  
22       it's appropriate given the facts, the circumstances  
23       and all the aggravators here and we would ask for  
24       that sentence. Thank you.

25              THE COURT: Okay. Let's have Mr. Molina-Salles

1 up at the podium and I'll sentence him. Fees, fines  
2 and cost, State? Were there any invest costs that  
3 you were seeking?

4 MS. CONSTANTINE: It's going to be like \$700 and  
5 change.

6 THE COURT: Do you want to make it \$700 even or  
7 do you want to get the exact number?

8 MS. CONSTANTINE: I've got the exact number. It  
9 is \$769.68 to the Pinellas County Sheriff's Office.  
10 \$50,000 to crimes compensation. And then there's a  
11 minimum of three year DL revocation under Florida  
12 Statute 322.284B.

13 THE COURT: That's the minimum, I believe. I  
14 have the discretion of doing a lifetime revocation if  
15 I choose.

16 MS. CONSTANTINE: Yes, Your Honor. And we would  
17 ask for that.

18 THE COURT: To be clear, I always do a lifetime  
19 -- I have always done a lifetime revocation in these.  
20 All right. Mr. Molina-Salles, let's start with this.  
21 Having previously accepted your plea of guilty, I  
22 adjudicate you guilty. I impose fees, fines and  
23 costs in case number 22-9348 in the amount of \$550,  
24 which is standard, plus \$100 cost of prosecution,  
25 \$100 public defender fee, and the one time indigent

1 attorney fee of \$50. \$76 -- I'm sorry, \$7069.68?

2 MS. CONSTANTINE: \$769.68.

3 THE COURT: \$7769.68.

4 MS. CONSTANTINE: No. Not \$700. \$769.68.

5 THE COURT: Oh, just straight up \$700.

6 MS. CONSTANTINE: Yes.

7 THE COURT: Sorry. \$769.68 in cost of  
8 investigation to the sheriff's office. \$7 for DNA.  
9 I revoke your privilege to operate a motor vehicle  
10 for the rest of your life here in the United States  
11 of America. I don't know if it will be enforced in  
12 any other country, but the Department of Highway,  
13 Safety and Motor Vehicles will not give you your  
14 driver's license back ever. If they do, that's their  
15 decision. I can't stop them. But you will be  
16 required to do certain things before they would be  
17 willing to give it back. I don't think this will be  
18 a major issue in your case, but your driver's license  
19 is revoked for life here. \$50,000 lien to victim's  
20 crimes comp and restitution.

21 So, Mr. Molina-Salles, in sentencing you I'm not  
22 deciding who is a good person and who is a bad  
23 person. I am not weighing the value of anybody's  
24 life one way or another. That's not the Court's job  
25 today. You're being sentenced for leaving the scene

1 of an accident involving death. I'm not pronouncing  
2 that you caused the death. You were operating the  
3 motor vehicle that killed the man, but I'm not  
4 finding fault to that. As you heard from the lead  
5 detective, if you had just stayed at the scene, you  
6 would have been facing deportation and you would have  
7 been facing a federal charge if they filed it, but  
8 you would not be facing me.

9 Now, why am I giving you the sentence I am about  
10 to give you? I have the discretion originally, to  
11 give you a sentence of up to 30 years. I have been  
12 doing this for 18 years now as a circuit court judge  
13 and I pride myself on handing out sentences to  
14 similar people in similar situations as best as I can  
15 stay consistent. There is a value to consistency in  
16 American law and that value is it allows litigants to  
17 understand and reasonably predict what's going to  
18 happen in a case when they make an informed decision.  
19 I have an 18 year history and I plan on staying to it  
20 today, without regard to all the other factors  
21 involved that one side or the other want me to weigh  
22 in.

23 I looked back at the sentences that I've given  
24 out over the past 18 years involving this type of a  
25 case, both people that have admitted their guilt and

1 entered a plea, as well as people that went to trial.  
2 I often find myself entering a sentence that's been  
3 based on the negotiations between the State and the  
4 defense. Those negotiations, I try not to get in the  
5 way of until I feel that the sentence is completely  
6 inappropriate. Usually, I don't have as much  
7 information as the State and the defense have, so  
8 that's why I tend to go along with the sentence they  
9 agree to. Very often, the only time I get to decide  
10 what the sentence is going to be is after trial or in  
11 the event that it's a violation of probation after  
12 somebody has violated their probation. And in both  
13 of those instances I know a lot more about the case  
14 than I do when I simply go along with what the State  
15 and the defense has agreed to.

16 So, while I look at these previously adjudicated  
17 cases that are leaving the scene of an accident  
18 involving death, I recognize that most of these  
19 cases, the State and the defense had their reasons  
20 for going along with them.

21 One of the things that I take into consideration  
22 when I sentence you today is; you ran from what you  
23 did. The person that died is a person that would  
24 have run to what you did to try and help people. You  
25 did the exact opposite of what the deputy who died

1       would have done. The deputies all run into the  
2       problems to try and solve them. You ran away because  
3       you got scared, and I have to punish you for that  
4       today.

5               After I sentence you, you will have 30 days to  
6       appeal this sentence. Should you desire to file an  
7       appeal, an attorney could be appointed at no cost to  
8       you for the purpose of that appeal. And we'll wind  
9       up getting your fingerprints right over there.

10              Consistency is not always easy and it's not  
11       always popular. I can't, in good conscience,  
12       sentence you to more than the 12 years Florida State  
13       Prison that I believe is appropriate in this matter.  
14       Is it not a departure sentence because it would be  
15       outside of the guidelines for both the leaving the  
16       scene of the accident with death points or without.  
17       And it exceeds the four year minimum mandatory, which  
18       I do make part of this sentence. I give you credit  
19       for the time that you've already served in the amount  
20       of -- I don't know. How much credit does he have?

21              MS. DELIBERATO: 984 days.

22              THE COURT: 984 days. 894 days. You have  
23       credit for 894 days towards the 12 year Florida State  
24       Prison sentence that you're going to serve. As I  
25       said, you'll have appellate rights and your

1 attorney's can explain those to you. At this time, I  
2 remand you to the custody of Bob Gualtieri, sheriff  
3 of Pinellas County. We're all done.

4 And we will be in recess until 8:30 tomorrow  
5 morning when Division T will continue.

6 (Court is adjourned.)  
7  
8  
9  
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14

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 9<sup>th</sup> day of April, 2025.

*Rebecca Kringlie*

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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: Pretrial Hearing

DATE: April 11, 2024

BEFORE: The Honorable Pat E. Siracusa  
Circuit Court Judge

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

REPORTER: Robert Wehle  
Digital Court Reporter

Administrative Office of the Courts  
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1                                    P R O C E E D I N G S

2                    THE COURT: Okay.

3                    MS. HIDALGO-SALINAS: Your Honor, for the  
4 record, Stella Hidalgo-Salinas, certified court  
5 interpreter. I have been sworn this morning.

6                    THE COURT: You've already been sworn in in  
7 another courtroom?

8                    MS. HIDALGO-SALINAS: Yes, Your Honor.

9                    THE COURT: Okay, great.

10                   Good morning, Mr. Molina-Salles. We're here in  
11 case number 22-95 (*sic*), I'm sorry, -9348, and  
12 there's a motion to remove victim injury points from  
13 the scoresheet. So let's start with, State, you  
14 object to the motion to remove the victim injury  
15 points?

16                   MS. CONSTANTINE: We do, Your Honor.

17                   THE COURT: Fortunately, you've provided a  
18 comprehensive written motion laying out your reason.  
19 Is there any brief supplemental argument that you  
20 wish to add?

21                   MS. DELIBERATO: Mostly in response to the  
22 State's authority and why that's not binding on the  
23 Court and why it doesn't sort of stand for the  
24 proposition that I believe they think that it stands  
25 for. So I wanted to sort of give that -- give the

1 Court the context there.

2 THE COURT: Okay.

3 MS. DELIBERATO: So --

4 THE COURT: Your motion, so I'll let you go  
5 first.

6 MS. DELIBERATO: Thank you. So essentially,  
7 Your Honor, the case is *Sims v. State*, which is a  
8 Florida Supreme Court case that very clearly states  
9 that the victim injury has to be related to the  
10 leaving of the scene. So in this case, my  
11 understanding, at least from my discussions with the  
12 State, is that nobody is disputing that the deputy  
13 was deceased upon impact and that Mr. Molina-Salles  
14 leaving did not cause the victim injury.

15 My understanding is the State's position is  
16 before *Sims* was decided in 2007, but after the  
17 issue -- the statute at issue in *Sims* was not the  
18 statute that's at issue now, but *Sims* was decided  
19 after the statute changed. The legislature  
20 unilaterally added a subsection that says if the  
21 defendant's conduct caused the injury, then they can  
22 add the victim injury points, basically --  
23 essentially eliminating Subsection (a).

24 So Subsection (a) says the victim injury has to  
25 be a direct result of the conduct charge, which is

1 here the leaving. They added to say that if the  
2 defendant caused the injury, period, he can be  
3 assessed victim impact points. Those two provisions  
4 of the statute are of course in direct conflict with  
5 one another now.

6 I did review the *Costello* case, which the State  
7 has cited. It's an entirely different procedural  
8 posture that was on a actual post-conviction motion  
9 on an ineffective assistance of counsel claim and the  
10 *Costello* Court remanded the case for an evidentiary  
11 hearing because the defendant's motion was  
12 insufficiently pled.

13 And so at that evidentiary hearing, the lawyer  
14 testified that he believed that this new addition,  
15 7(e), overruled *Sims* and that his advice to the  
16 client that victim injury points could be assessed  
17 was accurate. Therefore, he didn't provide  
18 ineffective assistance because the victim injury  
19 points were appropriate.

20 There was no finding by that trial court, which  
21 is the Circuit Court in Lee County, regarding whether  
22 that's accurate or not. The Court just sort of  
23 assumed that it was accurate without making a finding  
24 because the issue before the Court was ineffective  
25 assistance of counsel, whether the client would

1        withdraw the plea or not.

2            And so that case now is back before the  
3        Sixth DCA. Briefing is underway, not concluded. And  
4        there is no decision to date that overrules the  
5        Florida Supreme Court decision in *Sims v. State*. I  
6        pulled the legislative history for the law change,  
7        which again occurred before *Sims* was decided and it  
8        was in relation to a DUI case, the Adam Arnold Act,  
9        and they did add that subsection and all of the  
10       discussion in the legislative history was  
11       about -- well, it was about DUI cases, which is not  
12       at issue here.

13           And the legislature does acknowledge that  
14       there's contrary precedent and just sort of  
15       does -- adds it anyway, which I'm pretty certain  
16       they're not allowed to do. So there is no -- at this  
17       point, for Your Honor, *Sims* is good law; it has not  
18       been overruled. No court that I am aware of has  
19       squarely addressed the posture that we are in now,  
20       which is a pretrial posture where I am trying to  
21       advise my client accurately on the potential range of  
22       penalties.

23           And in this case it's a difference of 6 years at  
24       the bottom of his guidelines because he has no prior  
25       criminal record. And so where I started was asking

1 Your Honor to make a ruling on whether or not they  
2 can add the victim injury points. If Your Honor  
3 rules that they can, I will have separate motions to  
4 file, which would include a bifurcation of the  
5 causation issue and a separate jury finding because  
6 it would enhance the punishment.

7 And *Sims* does address the *Apprendi* problem  
8 without a jury finding victim injury. And so in that  
9 case it's also -- we have to talk about sort of what  
10 causation means because it's not just that  
11 the -- that the State can prove that Mr.  
12 Molina-Salles was driving and that he died in the  
13 accident, because there could be any number of  
14 factors where the deputy's conduct himself caused his  
15 injuries. And I'm not saying that this is the case  
16 in this; I'm giving an example.

17 THE COURT: Uh-huh.

18 MS. DELIBERATO: If somebody is driving and a  
19 person runs in front of their car recklessly drunk,  
20 whatever it -- whatever it might be, right -- and  
21 dies --

22 THE COURT: Right.

23 MS. DELIBERATO: -- and the person leaves, they  
24 are still charged with leaving the scene.  
25 That's -- they're subject to penalties for that. But



1       you could make an argument and a jury would have to  
2       find and I would have to make an argument that it was  
3       actually the victim's actions that caused his  
4       injuries because the person was driving not in a  
5       reckless manner, doing their -- where they're  
6       supposed to be.

7             It's the leaving that's the criminal conduct and  
8       that's a separate element. So I'm just at a little  
9       bit of a loss in how to advocate -- how to adequately  
10      advise my client. I very strongly believe that *Sims*  
11      controls, that Your Honor is bound by *Sims*, and so  
12      I'm asking Your Honor to make that finding now.

13            In the event that Your Honor disagrees and has a  
14      different interpretation, then I'll ask for a future  
15      hearing date to sever causation from the crime  
16      because it's overly prejudicial.

17            And then also we'll have separate arguments to  
18      make regarding causation that would be above and  
19      beyond just the fact that Mr. Molina-Salles was  
20      driving and the officer died as a result of the  
21      accident without any kind of consideration or jury  
22      finding as far as what the officer himself was doing  
23      that contributed to the accident.

24            That's basically the summary. I'm happy to  
25      answer any questions from the Court and I -- as

1 I -- as I indicated, I put all of that in my motion.

2 THE COURT: Right.

3 State, response?

4 MS. CONSTANTINE: Yes, Your Honor. I -- I mean,  
5 plainly, it's the State's position that there's been  
6 a law change and strict construction of the statute  
7 under 921.002(7)(e), it prevents victim injury points  
8 if the Court finds that the offender caused the  
9 victim injury. I do agree under a premi that it'd be  
10 safe to do a jury finding. I don't have any issue  
11 with that part of Ms. DeLiberato's analysis.

12 However, the *Sims* case that's been provided by  
13 Defense -- that was the Supreme Court case that was  
14 decided in 2008 -- was applying the law that existed  
15 at the time that *Sims* took place, which was in 2004.

16 The Subsection (7)(e), which is the new  
17 subsection that's been added by the legislature, was  
18 not added until July of 2007, which means that  
19 Florida Supreme Court case in *Sims* was applying the  
20 applicable law that existed at that time. They did  
21 not address (7)(e) because that part of the statute  
22 didn't exist during that timeframe. I've provided  
23 the Court with *Costello v. State*, which is a  
24 Second DCA case, 330 So.3d 1052, and Your Honor --

25 MS. HIDALGO-SALINAS: I'm sorry, would you

1       please slow down just a little bit? I'm not  
2       really --

3               THE COURT: You got to -- you just got to slow  
4       down.

5               MS. CONSTANTINE: Okay. I apologize.

6               THE COURT: Especially numbers. Yeah.  
7       Start -- start it back up --

8               MS. HIDALGO-SALINAS: *Costello* please.

9               MS. CONSTANTINE: Oh, *Costello* case. *Costello*  
10       *v. State* 330 So.3d 1052, which I agree It's a  
11       different posture, but the Second DCA in this case  
12       clearly recognizes that there has in fact been a law  
13       change and I would direct the Court and Counsel's  
14       attention to footnote 1 on that case.

15              I've provided that to the Court. I have also  
16       provided that to Mr. -- Ms. DeLiberato. Where the  
17       Court and Second DCA even says that they are unable  
18       to determine whether assessment of victim injury  
19       points would have been appropriate pursuant to  
20       Section 921.00217(e), Florida Statutes 2016, which  
21       permits victim injury points if the Court finds the  
22       offender caused the injury.

23              I -- I think that that's relevant because  
24       obviously the Court is acknowledging that there has  
25       in fact been a law change since the *Sims* case has

1       come out. Since the legislature changed the law in  
2       2007, which permits victim injury points under that  
3       921 Statute. And as far as them being in direct  
4       conflict, I just want to address that briefly. In  
5       looking at the statute itself, it does say,  
6       notwithstanding paragraph A, which is what  
7       Ms. DeLiberato says it's a direct conflict to, and it  
8       specifically delineates the statute that  
9       Mr. Molina-Salles is charged with, which is  
10      Florida Statute 316.027.

11           And so, based on that, we would ask the Court to  
12      leave the scoresheet as is. Let the jury make a  
13      finding as to the victim injury points based on the  
14      current status of the law and Florida Statute  
15      921.0021(7)(e). And I've also provided the Court as  
16      well with a -- a copy of a -- a -- the order that was  
17      done by *Costello* as well.

18           And if the Court looks at I believe it's  
19      Subsection (20), under findings of facts, you can see  
20      that they're making the -- the exact same argument  
21      that I'm making to the Court today: that *Sims* applied  
22      the law that was in effect at the time of the crime  
23      in that case. And whether the victim injury points  
24      could be assessed in this particular case pursuant to  
25      Section 921.0021(7)(e) was not addressed in the *Sims*

1 case because it wasn't the law at the time.

2 And I think that the current state of the law  
3 allows us to have those injury points assessed if  
4 he's found to have caused the injury to the victim.

5 THE COURT: Okay.

6 And any response, or --

7 MS. DELIBERATO: I -- I mean, no. Very briefly,  
8 other than I don't believe that the legislature can  
9 over -- there's still the same constitutional problem  
10 that addressed -- that is in *Sims*. And there is  
11 still no controlling case law that says that that is  
12 appropriate. That adding those victim injury points  
13 under these circumstances is appropriate.

14 *Sims* has not been overruled; there's no  
15 indication that it has been. And the -- the footnote  
16 actually in the *Costello* order, Footnote 6, basically  
17 says that the testimony assumes victim injury points  
18 should not have been included on the scoresheet to  
19 increase the lowest permissible guideline sentence,  
20 as argued by defendant's postconviction counsel,  
21 erroneously believing that *Sims* controlled.

22 So there's a lot of dicta. There's a lot of  
23 opining from the trial, you know, from a trial lawyer  
24 saying oh yeah, no -- I -- now this changes *Sims*.  
25 But, you know, just like I stand here and tell you

1        what the law is, that lawyer doesn't -- doesn't get  
2        to say that either. I -- I think we need guidance  
3        from the Florida Supreme Court and I don't know that  
4        we'll get it.

5                The Sixth DCA opinion may be out prior to our  
6        trial in November. I'm not certain that it will.  
7        And I'm also not certain that it will squarely  
8        address the issue because, of course, it's an  
9        ineffective assistance of counsel claim and courts  
10       have a tendency to only address the most narrow  
11       issues that they can without opening extra can of  
12       worms that they don't need to.

13               THE COURT: Yes.

14               MS. DELIBERATO: So I think that I am  
15       asking -- we are asking Your Honor to -- to  
16       essentially make a determination as to whether this  
17       statute addition overrules *Sims*. And I will note,  
18       just for the record, *Sims* did come out in 2008. So  
19       the changes have been made and there is no footnote  
20       or acknowledgement in *Sims* that says anything like  
21       we're aware that the legislature has subsequently  
22       amended, or anything like that.

23               And so -- and I've seen that many times, as  
24       Your Honor has, from the Florida Supreme Court where  
25       there's, you know, an intervening law change that's

1 not before them, but they sort of telegraph or at  
2 least acknowledge that there's some tension there.  
3 And that -- that hasn't happened.

4 THE COURT: We're assuming they were aware and  
5 that they would have chosen to address it though.

6 MS. DELIBERATO: Sure. Maybe not. Maybe they  
7 wouldn't have. But it's -- I certainly feel -- and  
8 I've, I mean, I've searched, and I -- I know  
9 Ms. Constantine has as well, and I don't believe  
10 there's any -- there -- that this issue has been  
11 squarely addressed by any other court.

12 THE COURT: So before I give you my answer I  
13 want to understand is this affecting whether or not  
14 you're going to be able to work out the case?

15 MS. CONSTANTINE: No.

16 MS. DELIBERATO: So -- yes. Because the State  
17 has it --

18 THE COURT: Okay. Split -- split opinion. Let  
19 me hear yes and then let me hear no. So, yes --

20 MS. DELIBERATO: So -- so I want to be careful  
21 not to disclose attorney client conversations, but  
22 let me speak as generally as I can.

23 THE COURT: Okay.

24 MS. DELIBERATO: There -- there's a minimum  
25 mandatory in this case which is discretionary of

1           4 years. There's a maximum of 30.

2           THE COURT: Right.

3           MS. DELIBERATO: So I, as the attorney, am  
4           talking with my client about the possible range of  
5           penalties. We have discussed an offer of  
6           approximately 10 years to resolve this, but his -- my  
7           understanding from the State is that's not high  
8           enough. And so they're higher -- their offer is much  
9           higher -- much closer to 20 or 30. And so my client  
10          is trying to make a determination as to whether it is  
11          worth it to make a higher offer or to accept their  
12          highest offer, but he needs to have an accurate  
13          understanding of what his possible range of penalties  
14          are. Because if -- if Your Honor denies my motion  
15          and the jury does find causation, then Your Honor has  
16          to sentence him to 10.3 years at a minimum, right?  
17          Arguing any departure, of course.

18          THE COURT: Right.

19          MS. DELIBERATO: And so it's -- it's difficult  
20          for me to have meaningful conversations with him to  
21          say -- because -- because it's -- maybe that's the  
22          best that you're, you know, the best that you're  
23          going to get. He'd rather roll the dice. So -- it's  
24          just the issue of he's 34 months without this and  
25          he's 10.6 years with it. So it's a -- it's a huge



1 difference.

2 THE COURT: Right. But you're not going to  
3 enter and open plea to the Court?

4 MS. DELIBERATO: We have discussed that and  
5 asking this Court for a -- a cap. Because -- because  
6 really the -- I mean, I'll be perfectly candid with  
7 the Court, the issue in this case and the facts and  
8 the circumstances and all of the extraneous things  
9 that are happening, that's -- that's the issue that's  
10 a barrier to resolving.

11 The -- the crime itself I've done -- people in  
12 our office have done numerous -- as has Your  
13 Honor -- LSA with death. There's not 20 and 30 year  
14 numbers being thrown around in those cases. And I  
15 deeply understand the loss of the victim in this case  
16 and I'm not in any way minimizing that. And yet, I  
17 also know that the extraneous circumstances of this  
18 construction company and their hiring practice and  
19 the immigration status of my client are playing an  
20 impact here.

21 And so I'm doing my best to advise my client and  
22 I was just hoping for some guidance. If the Court is  
23 unable -- unwilling to do so, I'll file the next  
24 motion. I just -- when we were here last time, I had  
25 addressed this with Your Honor and Your Honor had

1       said that you'd, you know, reviewed those things  
2       before and would be happy to do so. So that's why I  
3       brought it before the Court.

4             THE COURT: Okay. All right.

5             And State, why no?

6             MS. CONSTANTINE: Why no what?

7             THE COURT: Well, I --

8             MS. CONSTANTINE: Oh --

9             THE COURT: -- I said is this -- is this going  
10       to in any way facilitate or negatively impact working  
11       the case out? She said yes and you said no. So I  
12       said why yes? And she gave me her reason why yes.  
13       What's your reason why no?

14            MS. CONSTANTINE: We wouldn't be agreeing  
15       to -- it's not going to impact whether the Court  
16       decides to impose the injury points, that we can seek  
17       them or not seek them, is not going to change the  
18       State's position on what the ultimate resolution is.

19            I mean, so that's why it doesn't really make a  
20       difference for us. I understand it makes a  
21       difference for Ms. DeLiberato. It would make a  
22       difference for the State, obviously, if we went to  
23       trial that would, you know, change the bottom to the  
24       top.

25            But as far as resolution and working the case

1 out with the State it's not going to make a  
2 difference. Even if the Court decides today that the  
3 State can't seek injury points, it's still not going  
4 to change our position as far as what an appropriate  
5 resolution would be.

6 THE COURT: Okay. I know I've asked you before  
7 and for some reason I can't remember what's the State  
8 seeking in this case?

9 MS. CONSTANTINE: The State does not have an  
10 offer. As far as providing guidance --

11 THE COURT: I remember you -- you said that the  
12 last time.

13 MS. CONSTANTINE: -- I don't -- You know, I  
14 don't -- because I -- I -- I always hesitate to  
15 commit to something because I'm not the person that  
16 gets to ultimately make the decision. And I would  
17 say if a 20-year offer was made, that that would be  
18 something that I would feel comfortable taking to  
19 Mr. Bartlett and to the family and discussing that  
20 with them. I don't know that the Defendant is -- is  
21 in a position at this point to get there. I don't  
22 think he has been in the past. But again, that would  
23 be Mr. Bartlett's call, not my call.

24 THE COURT: Okay.

25 I appreciate you both providing me with a -- a

1 lot of information on this.

2 So my ruling is going to be, I believe the  
3 current state of the law is that the State can put  
4 the victory (*sic*) -- victim injury points on the  
5 scoresheet. I agree that we will have a causation  
6 subcategory on the jury -- verdict form if we go to a  
7 jury trial and that would affect the scoresheet.

8 And even if they put the victim injury points on  
9 the scoresheet, if you wind up pleading to the Court  
10 and requesting a cap, I can still depart whether the  
11 victim injury points are on there or not. And if I'm  
12 departing, I'm departing. It doesn't matter to me  
13 whether there are victim injury points on the  
14 scoresheet or not. If I'm departing, I'm still  
15 departing.

16 So -- and I also appreciate the  
17 well-thought-out, well-written, motions and  
18 responses. And if we wind up resolving this case and  
19 you preserve this issue for appeal then if the Sixth  
20 Circuit doesn't come up with a -- an answer, maybe  
21 one day the Supreme Court will come up with an answer  
22 and guide future courts definitively. So your motion  
23 to remove victim injury points from the scoresheet is  
24 denied.

25 We're on for trial when?

1 MS. DELIBERATO: November 21<sup>st</sup> I -- no, earlier  
2 than that.

3 MS. CONSTANTINE: No. It's 18<sup>th</sup> of November,  
4 Your Honor.

5 MS. DELIBERATO: -- 18th

6 THE COURT: Okay. So I'll see you all right  
7 before Thanksgiving for a -- a jury trial.

8 MS. CONSTANTINE: Yes, Your Honor.

9 MS. DELIBERATO: Thank you, Your Honor.

10 THE COURT: All right. I was going to ask him  
11 if he had any questions, but he doesn't look like he  
12 does.

13 MS. DELIBERATO: He's okay.

14 THE COURT: All right.

15 MS. DELIBERATO: We're in good communication,  
16 Your Honor.

17 THE COURT: All right. Good.

18 (Proceedings concluded.)  
19  
20  
21  
22  
23  
24  
25

CERTIFICATE OF COURT REPORTER

STATE OF FLORIDA

COUNTY OF PINELLAS

I, Robert Wehle, a digital court reporter 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 30th day of April, 2025.

/S Robert Wehle  
Robert Wehle  
Digital Court Reporter  
Sixth Judicial Circuit

**STATE OF FLORIDA  
COUNTY OF PINELLAS**

I, KEN BURKE, Clerk of the Circuit Court and Comptroller of the Sixth Judicial Circuit in and for the County of Pinellas, State of Florida, do hereby certify that this **TRANSCRIPT OF THE RECORD**, in the case of

STATE OF FLORIDA  
VS.  
MOLINA-SALLES, JUAN ARIEL

Circuit Criminal Number 22-09348-CF is a true and correct recital and copy of all such papers and proceedings in said cause as appear from the records and files of my office that have been directed to be included in said record in accordance with Florida Rules of Appellate Procedures.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Court on this the 6th day of May, 2025.

**KEN BURKE**  
**Clerk of the Circuit Court and**  
**Comptroller**



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