

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

STATE OF FLORIDA,

Plaintiff,

v.

DEREK ROSA,

Defendant.

Case No. F23021321

Section 13

Judge HERSCH

MOTION TO LIMIT THE SCOPE OF DEPOSITION

COMES NOW KATHERINE FERNANDEZ RUNDLE, State Attorney of the Eleventh Judicial Circuit of Florida, by and through the undersigned Assistant State Attorney, and moves this Honorable Court for an Order to limit the scope of deposition for Digital Forensic Analysts Luis Salas:

1. On December 13, 2023, Digital Forensic Analyst Luis Salas released his forensic media analysis report under case exam no. 2023-127. The report was later provided in discovery to the defense.
2. In his 10-page report, Analyst Salas included a summary of his findings for extractions performed on multiple items.
3. At the request of Hialeah PD, the witness conducted a limited examination of the extractions for specific artifacts of interest. The results of this limited examination were documented in his forensic media analysis report.
4. "Supplemental reports" were also prepared containing content recovered from the digital extractions but were not independently analyzed by the witness. These "supplemental reports" have been provided in discovery to the defense and are voluminous in nature.
5. Although the witness performed multiple extractions on several devices, the witness did not conduct a full examination or analysis of the "Full File System Extractions" for the cell phones belonging to the Defendant and the victim.

6. On May 9, 2025, the witness was deposed by the defense. After questions pertaining to his background and qualifications, the defense properly questioned the witness about the work that he conducted for this case.
7. However, as the deposition progressed, the witness was asked questions about content contained in the cell phone extraction reports that he had not previously reviewed and analyzed. Additionally, because the cell phone extraction reports are voluminous in nature, comprising thousands of pages of data, it would be impracticable for the witness to review, search, and analyze for materials during a deposition.
8. Both the witness and State explained to the defense that these questions were beyond the scope of his role and involvement in the case, and that the State did not intend to elicit such testimony during trial. The witness further reiterated that he had no personal knowledge as to the actual content of the extractions beyond what was specifically requested and documented in his 10-page report.
9. After a brief break, the parties agreed to suspend the deposition for the Court to provide guidance as to how the deposition should proceed.
10. Pursuant to Rule 3.220(1)(1) and 3.220(1)(2), this Court may limit the scope of deposition on a showing of good cause.
11. Asking the witness to review, search, and analyze cell phone extraction reports in real time during a deposition is unrealistic and oppressive, especially in light of the voluminous nature of these reports.
12. Lastly, asking a witness to perform analytical work during oral examination seems to miss the scope and purpose of discovery depositions.
13. Furthermore, the defense has been advised that witnesses Det. K. Mui from Hialeah PD, and Sgt. S. Cremisini from MDSO, who are currently scheduled for deposition, will be prepared to answer questions regarding the cell phone extractions and the subsequent review and examination of their content.
14. Accordingly, based on the aforementioned facts, the State requests that this Court enter an order limiting the scope of deposition to areas where the witness has actually performed work and analysis, as is detailed in his 10-page report.

Respectfully submitted,

KATHERINE FERNANDEZ RUNDLE
STATE ATTORNEY

BY: /s/Jonathan D. Borst
Assistant State Attorney
Florida Bar #85739

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and exact copy of the above was furnished to the defense on this 13th day of May, 2025.

/s/ Jonathan D. Borst
Assistant State Attorney