

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

STATE OF FLORIDA
Plaintiff,

CASE NO: 23-CF-2935

Vs.

TOMASZ KOSOWSKI,
Defendant.

**MOTION TO ALLOW TESTIMONY OF THE IMPACT OF
DEFENDANT'S EXECUTION ON FAMILY MEMBERS**

The Defendant, by and through his undersigned counsel, respectfully requests that this Court allow testimony regarding the impact of his execution on his family members during penalty phase. As grounds, the Defendant states the following:

1. The Defendant is charged with First Degree Capital Murder. The State to date, has indicated that it intends to seek imposition of the death penalty upon conviction of First-Degree murder.
2. Should the case proceed to penalty phase, the Defendant intends to present testimony of family members.
3. Part of this testimony includes the impact of Defendant's execution on his family members.
4. In Lugo v State, 845 So.2d 74 (Fla. 2003) the Court held that it is properly cognizable testimony, that the Defendant's execution will have a tremendous negative impact upon the lives of his elderly mother, siblings and six children.
5. Trial Courts have been willing to consider such evidence in very limited ways. *See U.S. v. Fell*, 2005 WL 1634067 at *1 (D.Vt. July 5, 2005); U.S. v. Rodriguez, 581 F.3d 775, 797, (8th Cir. 2009); U.S. v. Paul, 217 F.3d 989, 1002 (8th Cir. 2000).

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WHEREFORE the Defendant respectfully requests that this Court allow testimony regarding the impact of his execution on his family members during penalty phase.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished via electronic submission to the Office of the State Attorney on this 29th day of January 2026.

Respectfully submitted,

/s/Daniel M. Hernandez
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