

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

STATE OF FLORIDA,

CASE NO.: 2023 CF 2935 A

v.

TOMASZ KOSOWSKI,
Defendant.

_____/

**JUSTICE ADMINISTRATIVE COMMISSION'S RESPONSE TO
MOTION TO AUTHORIZE COSTS #1**

COMES NOW, the Justice Administrative Commission ("JAC"), by and through the undersigned attorney and files this response to the above-cited motion as follows:

1. Jane McNeill (Counsel) is seeking authorization for travel expenses related to travel from her office to this circuit including lodging during trial. This motion should be denied. Counsel made a business decision to place herself on a registry and accept appointment to this case outside of the circuit in which her office is located. As such, JAC objects to paying any travel expenses in this matter.
2. Counsel was appointed to this matter based on her participation in the registry for this circuit. Counsel elected to accept this appointment as co-counsel despite being located in the Tenth Circuit.
3. Although Counsel suggests that she was appointed to this matter due to exceptional circumstances, nothing in the order of appointment suggests that this is the case. Instead, she was appointed as a participant in the registry upon the request for co-counsel by lead counsel Daniel Hernandez.

4. JAC only has statutory authority to pay due process services pursuant to Sections 29.007, 27.40, 27.425 and 27.5304, Florida Statutes.

5. As directed by Section 27.425 Florida Statutes, and the General Appropriations Act, all due process services are subject to the rates, terms and conditions approved by the Florida Statutes and the JAC contract, policies and procedures.

5. Counsel elected to accept cases outside of the circuit in which her office is located by seeking inclusion in the registry for multiple circuits including this circuit. She made a business decision to accept appointments in the Sixth Circuit when she is located in the Tenth Circuit. JAC therefore objects to any travel expenses including lodging. JAC should not be liable for payment of travel expenses when the reason for the travel is for the attorney to travel from her office to the courthouse.

6. Under these circumstances, any expenses related to travel are an overhead expense that Counsel is liable for since she elected to participate in the registry for this circuit and to accept appointment to this case. JAC should not be liable for travel expenses for Counsel's business decision. Although this is a first-degree murder case, the order of appointment only indicates that she was appointed based upon the request of lead counsel.

7. This issue is specifically addressed in Paragraph II(11) of the JAC Registry Contract executed by Counsel:

If Attorney is approved for a registry outside of the circuit in which Attorney's office is located, JAC reserves the right to object to travel time, mileage, lodging, and any other travel expenses to travel to the circuit of the case. Attorney waives the right to seek travel

time, mileage, or other travel expenses to travel to the circuit of a case absent exceptional circumstances warranting an out-of-circuit appointment.

(Emphasis supplied.) Paragraph II(12) further provides that “Attorney travel should be limited to travel necessary for the defense of the case.”

8. In that Counsel is located in Polk County and elected to accept cases in Pinellas County, she was aware that her decision to participate in the registry for this circuit would necessitate substantial travel from her office. However, this travel is clearly not necessary for the defense of the case because the Court could have appointed a local attorney.

9. The travel expenses at issue will not be incurred but for Counsel’s business decision to participate in a registry outside her home circuit. Counsel knew, or should have known, that placing herself on the registry for capital death cases and accepting an appointment as co-counsel would necessitate travel expenses in the event the case proceeded to trial. Nonetheless, she made a business decision to place herself on the registry in this circuit for this case type. JAC should not be liable to subsidize an attorney’s overhead expenses associated with traveling to accept cases.

10. Counsel has not alleged any specific extraordinary circumstances warranting state liability for travel expenses in this matter. The fact that a death case is proceeding to trial is not extraordinary. Instead, the travel expenses are the foreseeable outcome of Counsel placing herself on the registry for capital death cases in this circuit and accepting appointment to this case.

11. JAC requests that this matter be set for hearing. JAC requests to appear through communications equipment and can be reached toll-free at (866) 355-7902.

WHEREFORE, JAC requests this Court deny the motion.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent by facsimile, email and/or U.S. Mail on this 30th day of July, 2026 to:

Jane McNiell, Esq.
Sent via email

Respectfully submitted,

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