

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

STATE OF FLORIDA

CASE: 23-02935-CF

vs.

TOMASZ KOSOWSKI

_____/

WAIVER OF JURY FOR PENALTY PHASE

1. I understand that I have been found guilty of Murder in the First Degree in the guilt phase.
2. I understand that the only possible penalties are the death penalty or life in prison without the possibility of parole if I am convicted of First Degree Murder.
3. I understand that under Florida law, a defendant would only become "death eligible" after a penalty phase hearing before a jury.
4. A defendant would become "death eligible" only if the jury found unanimously that at least one aggravating factor was proven by the State beyond a reasonable doubt.
5. To become "death eligible," the jury would have to further find that:
 - a. the aggravating factors unanimously found beyond a reasonable doubt are sufficient to warrant the death penalty.
 - b. the aggravating factors proven unanimously beyond a reasonable doubt outweigh any mitigating circumstances; and
 - c. death is the appropriate sentence under the totality of circumstances.
6. The jury would then make a recommendation to the Court.
7. If fewer than 8 jurors recommend the death penalty, then the defendant is not "death eligible" and the defendant would receive a life sentence.
8. If 8 or more jurors recommend the death penalty, then the defendant would become "death eligible" and the judge would decide the appropriate sentence.

9. I understand that if I waive my right to a jury for the penalty phase, only the judge will determine if aggravated factors were proven beyond a reasonable doubt by the State and only the judge will determine the proper sentence.

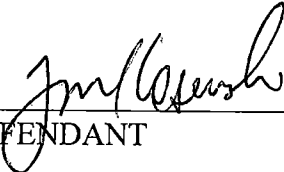
10. I am waiving my right to a jury for the penalty phase freely and voluntarily.

11. I have not been threatened, forced or coerced into waiving my right to a jury during the penalty phase.

12. I am not under the influence of alcohol, drugs or medication and I completely understand the ramifications of my decision.

13. I believe that waiving my right to a jury during the penalty phase is in my best interest.

Dated this 23 day of September, 2026.


DEFENDANT