

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

23-02935-CF-D
522023CF002935000APC

STATE OF FLORIDA

v.

MURDER IN THE FIRST DEGREE

TOMASZ ROMAN KOSOWSKI
PID: 312109281

STATE'S MEMORANDUM OF LAW FOR SENTENCING

Bruce Bartlett, State Attorney for the Sixth Judicial Circuit of the State of Florida, by and through the undersigned Assistant State Attorneys, would show as follows why this Honorable Court should sentence the defendant, Tomasz R. Kosowski, to death for the first-degree murder of Steven Cozzi.

AGGRAVATING CIRCUMSTANCES

After Tomasz R. Kosowski signed a waiver of a jury for the purposes of sentencing, the following aggravating circumstances have been proven beyond and to the exclusion of every reasonable doubt:

**I. THE CAPITAL FELONY WAS COMMITTED FOR PECUNIARY GAIN.
Fla.Stat. Sec. 921.141(6)(f)**

This Honorable Court has already found beyond a reasonable doubt that the defendant committed the offense of First-Degree Murder for Pecuniary Gain.

The State has presented evidence beyond a reasonable doubt and Court having found it that the State has proven this aggravating factor of the defendant committed this capital felony for pecuniary gain as set forth in §921.141(6)(f), Fla. Stat. (2026). To establish the aggravating factor of pecuniary gain, the State must prove beyond a reasonable doubt "that the murder was motivated, at least in part, by a desire to obtain money, property, or other financial gain." Finney v. State, 660 So.2d 674, 680 (Fla. 1995).

On or about May 2, 2019, a civil lawsuit was filed listing Tomasz Kosowski as the Plaintiff (19-003057-CI). Tomasz Kosowski sued 1) Dunedin Surgical Consultants, LLC, a Florida Limited Liability Company, 2) Total Vitality Medical Group, LLC, a Florida Limited Liability Company, 3) Erel Laufer, M.D., P.A., a Florida Corporation, 4) Jennifer Friend Aud, an individual, 5) Brian Wolstein M.D., an individual, and, 6) Erel Laufer, M.D., an individual. The remedy sought in the Complaint filed on behalf of the Plaintiff Tomasz Kosowski were monetary damages in excess of \$15,000.00. On June 3, 2019, the Blanchard Law Firm filed their Notice of Appearance to represent defendants 1) Dunedin Surgical Consultants, LLC, a Florida Limited Liability Company, 2) Total Vitality Medical Group, LLC, a Florida Limited Liability Company, 3) Erel Laufer, M.D., P.A., a Florida Corporation, 4) Brian Wolstein M.D., an individual, and, 5) Erel

Laufer, M.D., an individual. Steven Cozzi, Esq., an associate at the Blanchard Law Firm, was the lead attorney who handled the case on behalf of their clients. Jennifer Friend Aud was represented, originally, by Andrew Hill, Esq. and was later represented by Jake Pillsbury, Esq. Jake Pillsbury filed his Notice of Appearance on behalf of Jennifer Friend Aud in June of 2022.

Not long before Jake Pillsbury filed his notice of appearance, the lawyer who represented Tomasz Kosowski moved to withdraw from the case. Judge Muscarella granted that request on or about March 23, 2022. As a result, Tomasz Kosowski began to represent himself in that lawsuit.

Jake Pillsbury testified during Tomasz Kosowski's criminal trial, on or about September 14, 2023. While testifying, Mr. Pillsbury was asked what Tomasz Kosowski was suing the parties for. Mr. Pillsbury explained, "he wanted money. His claims were kind of convoluted and kind of theoretical . . . He was angry that they had, I guess, not paid him for his services to Plaintiffs in personal injury cases that he had provided services to under a letter of protection."

Jake Pillsbury testified that his client, Jennifer Friend Aud, was a contractor who worked with some of the businesses Tomasz Kosowski was suing. It was her job to assist with billing and to negotiate fees with attorneys' offices. Specifically, Mr.

Pillsbury testified that she also assisted Tomasz Kosowski with insurance billing, although not part of her contract. When asked to characterize Jennifer Friend Aud's role in the civil litigation, Mr. Pillsbury stated, "she was being sued for alleged conspiracy to, I guess, defraud him out of, I don't know, some sort of money he believed he was entitled to by these people," despite not owning the company nor being in the position to pay Tomasz Kosowski. Specifically, Mr. Pillsbury described Jennifer Friend Aud as "judgment proof," and stated, "he was never going to collect anything from her," as she did not have a significant amount of money for him to recover.

Mr. Pillsbury testified that, although Steven Cozzi was not the attorney of record for the other defendants, Steven Cozzi was the only lawyer Jake Pillsbury ever dealt with on the case, "up until he went missing." Mr. Pillsbury was asked whether Steven Cozzi's clients were "judgment proof," like Mr. Pillsbury's client Jennifer Friend Aud. Mr. Pillsbury stated "I'm sure they were not judgment proof. These people were very wealthy doctors with many businesses that are well known in the area. Some of these businesses are . . . I'm sure they have a substantial amount of money that he could have recovered from them, had his case had any merit." Mr. Pillsbury also elaborated on the types of businesses Steven Cozzi represented. Specifically, he stated, "they're doctors. They owned. . . it

was a plastic surgery clinic, which is who he worked with. There was a chiropractor's office. There was a surgery center," and described them as "very wealthy people."

Mr. Pillsbury described the litigation as "odd" and "contentious," and was never able to "hammer down any real, realistic numbers as to what he expected to get out of anybody." Because Tomasz Kosowski was not a lawyer and was representing himself, it made things difficult for Mr. Pillsbury and Steven Cozzi. Mr. Pillsbury explained that working with a pro se litigant in civil cases is always difficult because "they don't understand the rules of procedure. They don't understand the proper methods for questioning. It was very contentious. And, when you have a person who is representing themselves, they are emotionally involved in the case, and it becomes very personal, very fast; and that was what I experienced in this case."

After Mr. Pillsbury began representing Jennifer Friend Aud, he testified that there was a scheduled arbitration set in August of 2022, but it got continued because Tomasz Kosowski was "complaining about discovery issues." As a result, Judge Muscarella appointed a special master in September of 2022 for the purpose of determining whether Tomasz Kosowski's complaints were warranted. Mr. Pillsbury explained that this meeting took place at the Blanchard Law Firm, located at 1501 S Belcher Road, Building B, Largo, Pinellas County, Florida and lasted for

"hours." Present for the meeting, and in the conference room adjacent to Steven Cozzi's office, were the Honorable Jack Day, Steven Cozzi, Jake Pillsbury and Tomasz Kosowski.

Ultimately, as testified to by Jake Pillsbury, the Honorable Jack Day found the discovery Tomasz Kosowski was seeking had already been provided to him; but, in an attempt to resolve any outstanding discovery disputes, Steven Cozzi and Jake Pillsbury agreed to sign a joint statement addressing anything additional Tomasz Kosowski was seeking. After the Special Master Hearing, Steven Cozzi filed a Motion for Summary Judgment on or about October 6, 2022, supported by the record. The Motion was scheduled to be heard in May of 2023. According to Jake Pillsbury's testimony, it was very likely that Steven Cozzi, on behalf of his wealthy clients, was going to win the Motion for Summary Judgment. If Steven Cozzi were to prevail on this dispositive motion, Tomasz Kosowski would not have received any monetary relief from Steven Cozzi's wealthy clients.

Because Judge Day had to be compensated for the special master hearing, Jake Pillsbury testified that Steven Cozzi requested Tomasz Kosowski to pay the costs associated with that meeting. Steven Cozzi filed Defendants' Motion to Tax Plaintiff with Special Master Costs and Related Attorneys' Fees on or about November 28, 2022, supported by documents entered in evidence during the trial. On or about December 28, 2022, Tomasz

Kosowski filed an Objection to the Motion to Tax Plaintiff and Motion to Tax Defendants DSC ET Al. and Friend for Plaintiffs' Fees, also supported by documents entered in evidence during trial. In this pleading, Tomasz Kosowski requested Plaintiff's fees of \$51,250.00 "which include the prior 9 months for discovery production, as well as the Special Master fee the Plaintiff paid, which has proven to be entirely unnecessary had the Defendants complied with the initial discovery requests," and specifically requested the "removal of Mr. Cozzi as attorney for DSC et al. given his recurrent disregard for rules of civil procedure." Mr. Pillsbury said that asking for the opposing party to be removed in a civil litigation is considered "unusual," without some conflict of interest being brought up.

Throughout the pendency of this case, Jake Pillsbury testified that Tomasz Kosowski continuously made unreasonable and unwarranted accusations about Steven Cozzi and repetitively requested that Steven Cozzi be removed from the case. On January 17, 2023, Tomasz Kosowski filed a Motion for Sanctions Directed at Defendants DSC et al. and Jennifer Friend and Demand for Immediate Injunctive Relief, supported by record. In this Motion, Tomasz Kosowski specifically alleged that "Mr. Cozzi has provided a false statement to the Court regarding discovery, and as such violated Florida Bar Rule of Professional Conduct 4-3.3," and "Mr. Cozzi has violated Rules of Professional Conduct,

Rule 4-3.4, Fairness to Opposing Party and Counsel.” The injunctive relief Tomasz Kosowski sought in this motion included the request to “disqualify Mr. Cozzi as attorney for DSC et al. given his recurrent disregard for Florida Bar Rules of Professional Conduct 4-3.3 and 4-3.4.,” as well as “[p]roper sanctions [to] include the attorney’s fees incurred by Plaintiff prior to March 2022, compensation for the countless hours Plaintiff had to commit to respond to Defendant’s numerous unsubstantiated objections since March 2022, and the countless hours the Plaintiff had to sift through the Defendant’s data dump used in an effort feign compliance with the Plaintiff’s document requests.”

Throughout the entire litigation, Mr. Pillsbury described Tomasz Kosowski as the aggressor. Mr. Pillsbury explained that he tries to be as accommodating as possible while handling civil cases, but admittedly “is not always the best or easiest person to deal with.” Mr. Pillsbury described Steven Cozzi, on the other hand, as “always way easier to deal with” than he was and “the only reason there was any aggression at all was because of Dr. Kosowski.”

Mr. Pillsbury testified to a contentious deposition that took place on January 26, 2023. The deponent was Tricia Mason, who was not a party in the litigation. Tomasz Kosowski had requested to depose her, and the deposition took place at the

Blanchard Law Firm. Jake Pillsbury testified that, while he appeared virtually, Steven Cozzi, the deponent Tricia Mason, Tomasz Kosowki, and a court reporter were all present in person at the Blanchard Law firm for the deposition. Jake Pillsbury described the deposition as "over the top," especially for someone who is not a party to the lawsuit. Mr. Pillsbury further stated that Steven Cozzi had to step in multiple times, despite not representing Ms. Mason, because the questioning by Tomasz Kosowki was "so inappropriate." During the deposition, they took a break. Mr. Pillsbury testified that in the middle of the deposition Steven Cozzi texted Jake Pillsbury explaining that Tomasz Kosowski approached him in the men's bathroom during the break and called Steven Cozzi a "scumbag" and further told Steven Cozzi that "he's going to win." After this altercation, Jake Pillsbury stated that the deposition continued and remained contentious.

On March 21, 2023, at 1000 hours, there was a telephonic case management conference scheduled for the civil case. Prior to this scheduled telephonic hearing, the evidence from trial supports Steven Cozzi opened his office door to go to the bathroom at approximately 0950 hours, and he was never seen again. Tomasz Kosowski was located at the Blanchard Law Firm, based on surveillance and cell phone records, between approximately 0832 hours until approximately 1116 hours. The

evidence from trial supports that Tomasz Kosowski murdered Steven Cozzi in the men's bathroom located at 1501 S Belcher Road, Building B, Largo, Pinellas County, Florida between 0950 hours and 1022 hours. Tomasz Kosowski called into the telephonic hearing from the Blanchard Law Firm's parking lot at approximately 1028 hours and remained on the call until approximately 1104 hours. Also present for the telephonic hearing was Judge Muscarella and Jake Pillsbury. Steven Cozzi did not appear for the hearing, which Jake Pillsbury identified as being "unusual."

Jake Pillsbury testified that during that telephonic hearing, Tomasz Kosowski was making complaints about discovery, again. Mr. Pillsbury explained that Tomasz Kosowski also wanted to have his motions heard, including his Motion for Sanctions against Steven Cozzi, despite them not being set for that day and despite Steven Cozzi's absence from the hearing. As a result, Judge Muscarella agreed to set the motions to be heard at a later date.

Tomasz Kosowski was arrested for Steven Cozzi's murder in the early morning hours of March 26, 2023. Because Steven Cozzi was deceased, he could not appear for any future court dates. Jake Blanchard, Steven Cozzi's boss, mentor and friend, testified at trial on or about September 14, 2026. Mr. Blanchard explained that he was present for the telephonic hearing set in

May of 2023 to argue the outstanding motions. Mr. Blanchard testified that he, Judge Muscarella, Jake Pillsbury, a defense attorney representing Tomasz Kosowski, and Tomasz Kosowski were all present for that telephonic hearing. Because Tomasz Kosowski was in custody, he called into the hearing from the Pinellas County Jail. Judge Muscarella granted Steven Cozzi's Motion for Summary Judgment. Jake Blanchard stated that after that ruling, Tomasz Kosowski intentionally hung up the phone and removed himself from that hearing.

The evidence presented at trial supports that, aside from this civil litigation, Tomasz Kosowski and Steven Cozzi did not communicate. Digital forensics expert Detective Lance Moore testified on or about September 18, 2026. Detective Moore was responsible for analyzing the digital evidence including but not limited to the data from Tomasz Kosowski's two cell phones, Tomasz Kosowski's iCloud, and from Steven Cozzi's iCloud. Detective Moore testified that in reviewing the extractions, Tomasz Kosowski and Steven Cozzi's communications were limited to the lawsuit. Further, the extractions for Tomasz Kosowski's iPhone and iCloud were entered into evidence during trial. Steven Cozzi's phone number was not saved in Tomasz Kosowski's contacts nor were there any direct messages, other than emails related to the lawsuit, between Tomasz Kosowski and Steven Cozzi located on his devices.

The evidence from trial supports that Tomasz Kosowski developed a hatred for Steven Cozzi as a result of this civil lawsuit and targeted him. Steven Cozzi represented the wealthy clients while Jake Pillsbury represented an individual who was described as "judgment proof."

In Walker v. State, the Florida Supreme Court held that the defendant's pecuniary gain motive in avoiding child support permeates this case and the aggravating factor was proven beyond a reasonable doubt. Walker v. State, 707 So.2d 300, 317 (Fla. 1997). The Florida Supreme Court relied on the evidence that Walker encouraged victim Jones, who was the mother of his child, to have an abortion and eventually stated he could "make her life miserable" if she had the baby. Id. Other evidence relied upon, included his refusal to pay child support when asked to by Mr. Jones. Id. After this refusal, Ms. Jones got a court order; and, within weeks of the final order awarding support, Walker murdered Ms. Jones and their infant son. Id. Walker also confessed he and Ms. Jones were arguing about child support before he killed her. Id.

Tomasz Kosowski's pecuniary motive was to win this lawsuit, by any means necessary. Like Walker, the defendant's pecuniary motive permeates this case. Tomasz Kosowski was obsessed with winning this lawsuit and recovering money from Steven Cozzi's wealthy clients. That obsession was demonstrated in the

multitude of pleadings demanding sanctions and the removal of Mr. Cozzi from the case, and that obsession did not end after Steven Cozzi was murdered. It was demonstrated in the telephonic hearing in May of 2023 while Tomasz Kosowski was in custody and abruptly disconnected from the hearing after Judge Muscarella granted Steven Cozzi's Motion for Summary Judgment. Tomasz Kosowski and Steven Cozzi did not communicate with one another outside of the civil lawsuit.

There is no evidence to support Tomasz Kosowski was motivated to kill Steven Cozzi for any other reason. Jake Pillsbury testified that Steven Cozzi was accommodating and easy to work with. The only altercation that occurred between Tomasz Kosowski and Steven Cozzi was in the men's room on a break during a deposition, where he confronted Steven Cozzi and called him a "scumbag" further stating he was "going to win." Tomasz Kosowski did not confront or have any contentious altercations with Jake Pillsbury, who represented a party to the lawsuit who was "judgment proof." The evidence supports beyond a reasonable doubt that Tomasz Kosowski murdered Steven Cozzi because he was motivated, at least in part, by a desire to obtain money, property, or other financial gain.

The State asks this Honorable Court to award this aggravator great weight.

II. THE CAPITAL FELONY WAS A HOMICIDE AND WAS COMMITTED IN A COLD, CALCULATED, AND PREMEDITATED MANNER WITHOUT ANY PRETENSE OF MORAL OR LEGAL JUSTIFICATION. Fla. Stat. Sec. 921.141 (6) (i)

This Court found beyond a reasonable doubt that Tomasz Kosowski committed this Murder in a cold, calculated, and premeditated manner, § 921.141(6)(i), Fla.Stat. (2026) This Court should determine that this aggravating factor has extremely great weight. The evidence indicates that Tomasz Kosowski had been planning to murder Steven Cozzi for at least three months prior to March 21, 2023.

The "premeditated" element of CCP "is heightened premeditation, defined as 'deliberate ruthlessness.'" Ballard v. State, 66 So. 3d 912 at 919 (Fla. 2011). To satisfy this aggravator the murder must first be a "product of cool and calm reflection and not an act prompted by emotional frenzy, panic, or a fit of rage." Jackson v. State, 648 So.2d 85, 89 (Fla.1994) (citing Richardson v. State, 604 So.2d 1107,1109 (Fla. 1992). The second element is calculated meaning, "the Defendant had a careful plan or prearranged design to commit murder." Id. The third element is "heightened premeditation" meaning "deliberate ruthlessness." Ballard, 66 So.3d at 919.

In the instant case, the State established beyond a reasonable doubt that Tomasz Kosowski systematically and methodically planned, prepared, surveilled, researched, purchased items, and laid in wait on the day of the homicide. The evidence presented at trial established this aggravator beyond a reasonable doubt.

On December 12, 2022, approximately ninety-nine days prior to Tomasz Kosowski murdering Steven Cozzi, Tomasz Kosowski began negotiating for a Toyota Tundra. This began on the same day it was discussed in text messages between Steven Cozzi and Jake Pillsbury how angry Tomasz Kosowski was in a hearing. The purchase of this truck was completed on December 26, 2022 and Tomasz Kosowski never registered the vehicle. Additionally, on December 28, 2022 and throughout early January, 2023, as explored above, Tomasz Kosowski filed multiple Court documents seeking the removal of Steven Cozzi as the attorney of record.

On January 26, 2023, approximately fifty-four days prior to Tomasz Kosowski murdering Steve Cozzi, the State's evidence established beyond a reasonable doubt that Tomasz Kosowski and Steven Cozzi attended a deposition of Tricia Mason at the Blanchard Law Firm located at 1501 S. Belcher Road, Building B. This deposition became heated and Tomasz Kosowski confronted Steven Cozzi in a bathroom and called him a scumbag just like his clients. This statement from Tomasz Kosowski to Steven

Cozzi was supported by an email and text messages Steven sent to Jake Blanchard and Jake Pillsbury. The evidence demonstrated that later on that same day, at 6:51 p.m., Tomasz Kosowski began searching for personal information on Steven Cozzi.

On February 10, 2023, approximately thirty-nine days prior to Tomasz Kosowski murdering Steven Cozzi, the State's evidence established beyond a reasonable doubt that the Defendant began repeatedly searching Gorilla Carts, a utility wagon with generous capacity. While a blue Gorilla cart had been purchased by Tomasz Kosowski on December 16, 2022, the follow-up research included information about capacity and carrying capability.

On February 16, 2023, approximately thirty-three days prior to Tomasz Kosowski murdering Steven Cozzi, the State's evidence established beyond a reasonable doubt that the Defendant took a photo of Steven Cozzi's husband's SUV under the carport of Steven Cozzi and his husband's marital home.

On February 22, 2023, approximately twenty-seven days prior to Tomasz Kosowski murdering Steven Cozzi, the State's evidence established beyond a reasonable doubt that the Defendant took a video of the parking lot at 1501 S. Belcher Road. Tomasz Kosowski appears to drop his phone while filming. On the following day, Defendant began multiple web searches for license plate flipping devices.

On March 2, 2023, approximately nineteen days prior to Tomasz Kosowski murdering Steven Cozzi, the Defendant conducted multiple searches for personal information about Steven Cozzi. These searches included property appraiser information about the joint property owned by Steven and his husband; Steven and his husband's wedding information; and Zillow listings for the residence of Steven Cozzi.

On March 7, 2023, approximately fourteen days prior to Tomasz Kosowski murdering Steven Cozzi, Defendant was located inside 1501 S. Belcher Road, Building B. He was identified in court by Debra Henrichs as the man located inside the lobby. Tomasz Kosowski's phone records show his phone automatically connecting to the Wi-Fi Blanchard law firm. Detective Lance Moore testified that the phone would have to be present inside of building B in order to connect with the Wi-Fi. This evidence corroborated that Tomasz Kosowski was inside 1501 S. Belcher Road, Building B. Defendant had no legitimate purpose for his presence at that building on that date and time.

On March 14, 2023, approximately seven days prior to Tomasz Kosowski murdering Steven Cozzi, the Defendant again was located by Debra Henrichs at 1501. This time Tomasz Kosowski was hiding in a utility closet that is within feet of Steven Cozzi's office door. Ms. Henrich's identified the Defendant in Court as the person she saw hiding in the closet. Ring camera footage from

Defendant's neighbor's home shows he left and returned in his Toyota Tundra at times that corroborate the testimony of Ms. Henrichs. Additionally, Tomasz Kosowski's fingerprint was located on the interior door of the utility closet. Tomasz Kosowski had no legitimate purpose for being at 1501 South Belcher, Building B, on that date and time.

On March 17, 2023, approximately four days prior to the Defendant murdering Steven Cozzi, Tomasz Kosowski's phone automatically connected to the Wi-Fi at the Blanchard Law Firm. As discussed above, Defendant's phone would have to be inside Building B to connect to the Wi-Fi. Evidence demonstrated his phone records corroborate that he was located in the area at that time. He had no legitimate purpose for being present at 1501 S. Belcher Road, Building B, on that date and time.

On March 20, 2023, the morning before Tomasz Kosowski murdered Steven Cozzi, he conducted a variety of searches on succinylcholine and its effects. When he was arrested, Defendant had a vial of the drug and a syringe which matched a lot number from a box of succinylcholine located at a Miami officer where he was employed.

On March 21, 2023, the morning Tomasz Kosowski murdered Steven Cozzi, he left his home at 0751 hours and turned his phone off at 0807 hours. At approximately 0832 hours his unregistered Toyota Tundra parks in the parking lot at 1501 S.

Belcher. At 0834 hours, Tomasz Kosowski enters 1501 S. Belcher, building B, at 0834 hours. On his shoulder is a box that is consistent with a gorilla cart. On his back is a bag similar to bags located at his house and in his Corolla which contain a variety of weapons and disguises.

Steven Cozzi enters the building at 0837 hours and is seen by an associate in his office. At 0950 hours, records presented during trial show Steven Cozzi's office door opens into the hallway. He never returns. The evidence from surveillance presented during trial shows that Tomasz Kosowski did not leave during the time period from 0834 hours until 1022 hours. As a result, it is reasonable to conclude that Tomasz Kosowski laid in wait from approximately 0834 hours to 0950 hours until Steven Cozzi exited his office. From 0950 hours to 1022 hours there is a violent altercation in the bathroom that results in the murder of Steven Cozzi at the hands of the Defendant. Tomasz Kosowski then exits the law firm with the body of Steven Cozzi in a wagon.

His actions after murdering Steven Cozzi further demonstrate his planning. Tomasz Kosowski attended a telephonic Court hearing shortly after Kosowski permanently preventing Steven Cozzi from attending the same Court hearing. During that hearing, the Defendant set all of his pending motions, many were concerning the removal of Steven Cozzi from the case and asking

for sanctions. Kosowski then used a tool, his gorilla cart, that he researched, acquired, and brought into Building B and placed Steven Cozzi's body and the gorilla cart into the bed of his unregistered Toyota Tundra. Additionally, the evidence demonstrated that he transferred Steven Cozzi to his red Toyota Corolla and left him in a dumpster on the Tamiami Trail. George Villanti testified that a few weeks before March 23, 2023, the day he smelled a vile smell when transporting the trash from that location, he observed a fire-engine red Toyota Corolla parked in a location close to the same dumpster.

In Dennis v. State, the defendant obtained a murder weapon, borrowed a car with an obscured tag, followed the victims, slashed their tires, and then waited for the arrival of the victims at their apartment. Dennis v. State, 817 So.2d 741 (Fla. 2002). The Florida Supreme Court found that this aggravator had been met. Id. at 766. The premeditation in Dennis was less thought out and planned than the systematic and methodical planning by Tomasz Kosowski in the instant case. In Ballard, the defendant began assembling tools for the murder weeks in advance. Ballard at 919. The defendant waited outside the victim's door until her husband left. Id. The Florida Supreme Court found this aggravator to be supported by the evidence. Id.

Tomasz Kosowski does not just satisfy this aggravator with the facts demonstrated at trial, he does so to the extreme. All of the facts, taken together, show that this murder was not prompted by emotional frenzy, panic, or a fit of rage, but was instead the product of cool and calm reflection. He purchased tools and conducted research in the months leading up to the murder. He arguably engaged in a longer period of premeditation, with more steps, than the murders committed in Ballard and Dennis.

In the instant case, Tomasz Kosowski's cool and calm reflection lasted for months. This aggravator could be met just by the steps taken by the Defendant on March 21, 2023. Defendant drove his unregistered Tundra with an installed license tag flipper, turned off his phone, brought tools including a wagon used to remove Steven Cozzi's body, and laid in wait for approximately one hour and sixteen minutes.

In the instant case, there is evidence of an extended period of premeditation that could span as many as ninety-nine days prior to Tomasz Kosowski murdering Steven Cozzi. There is no pretense of moral or legal justification for Tomasz Kosowski's actions. This Court should assign this aggravator extremely great weight given the overwhelming facts established in this case.

MITIGATING CIRCUMSTANCES

A mitigating circumstance for the purposes of sentencing in capital cases is any aspect of defendant's character or record and/or any circumstances of the offense that can be considered extenuating or that reduces the degree of moral culpability of the crime committed. Wickham v. State, 593 So.2d 191, 194 (Fla. 1991). Deciding the weight to be given to a mitigating circumstance is within the trial court's discretion, and the trial court's decision will not be reversed except for an abuse of discretion. Kearse v. State, 770 So.2d 1119 (Fla. 2000). A sentencing court must expressly evaluate in a written order each mitigating circumstance presented by the defense to determine (1) whether it is supported by evidence, (2) in the case of nonstatutory mitigation, whether it is truly mitigation, and (3) determine the weight given to that particular mitigator. Coday v. State, 946 So.2d 988 (Fla. 2006), Campbell v. State, 571 So.2d 415 (Fla. 1990). When evaluating the first prong, a mitigator need not be proven beyond a reasonable doubt by the defense but must be reasonably established by the greater weight of the evidence. Coday at 1001. Thus, when "a reasonable quantum of competent, uncontroverted evidence" of a mitigating circumstance is presented, the trial court must find that the mitigating circumstance has been proved; however, a trial court may reject a defendant's claim that a mitigating circumstance

has been proved provided that the record contains "competent substantial evidence to support the trial court's rejection of these mitigating circumstances." Id. citing Kight v. State, 512 So.2d 922, 933 (Fla.1987), Trease v. State, 768 So.2d 1058 (Fla. 2000). Even expert opinion may be rejected if the evidence cannot be reconciled with other evidence in the case. Coday at 1002. Second, the court must determine if the nonstatutory mitigator is truly mitigation. Even where evidence of a proposed "mitigating circumstance" presented by the defense is found, the trial court may give it no weight as that circumstance is "not mitigating based on the unique facts of the case." Coday at 1002. Finally, the court must determine the weight given to each particular mitigator presented by the defense in its analysis of capital mitigators. Whether a mitigator has been established and the appropriate weight to be given to that mitigator are matters within the discretion of the trial judge based upon the evidence presented. See Bonifay v. State, 680 So.2d 413, 416 (Fla.1996). The trial court's finding is not subject to reversal merely because the defense reaches a different conclusion. James v. State, 695 So.2d 1229, 1237 (Fla.1997).

I. The Defendant has no significant history of prior criminal activity. Fla.Stat. 921.141(7) (a)

The State concedes that the Defendant has no prior criminal history. The State would argue that if this Honorable Court was to accept this mitigator, it should be given very little weight. The overwhelming evidence in this case supports that Tomasz Kosowski methodically and systematically planned out and executed the murder of Steven Cozzi. This mitigator should be given very little weight given the egregiousness of the facts of the instant case. The weight given to each mitigating factor is a matter which rests within the discretion of the trial court. Campbell v. State, 571 So.2d 415, 420 (Fla. 1990).

II. The existence of any other factors in the defendant's background that would mitigate against imposition of the death penalty. Fla. Stat. 921.141(7) (d)

1. Defendant's C.V., his education, and his work history.

The State would argue that if this Honorable Court was to accept this mitigator, it should be given very little weight. The weight given to each mitigating factor is a matter which rests within the discretion of the trial court. Campbell v. State, 571 So.2d 415, 420 (Fla. 1990). The defense will likely present evidence through the Defendant's resume that he has a medical degree and a history of work as a plastic surgeon. The State would rely on the following Supreme Court of Florida opinions finding the death penalty proportionate and thus,

finding the trial court awarded the mitigator appropriate weight. See Coday v. State, 946 So.2d 988 (Fla. 2006), (Mitigator: "good employment history and record" is awarded "moderate weight."); Blackwood v. State, 777 So.3d 99 (Fla. 2000), (Mitigator: "employment record" is awarded "some weight."); Belcher v. State, 851 So.2d 678 (Fla. 2003) (Mitigator: "employment history" is awarded "little weight."). If anything, Defendant's medical training, his misuse of it, and the motivation for this murder deriving from a civil suit involving his employment status as a plastic surgeon is the *opposite* of a mitigator.

2. Defendant's Jail Conduct

The State would argue this Honorable Court should award little weight to this mitigator. The defense presented evidence to show good behavior while at the Pinellas County Jail. The weight given to each mitigating factor is a matter which rests within the discretion of the trial court. Campbell v. State, 571 So.2d 415, 420 (Fla. 1990).

CONCLUSION

This Honorable Court, as the finder of fact, has found beyond a reasonable doubt two aggravators have been proven by the State. It is obvious, based upon the facts of this case and based on the exhibits and evidence introduced, that the

aggravating circumstances far outweigh the mitigating circumstances. Therefore, the only appropriate sentence in this case is a sentence of death for the murder Steven Cozzi.

I CERTIFY that on this 7th day of October, 2026, this document has been furnished to John Nohlgren, Attorney, john@nohlgrenlaw.com, by Portal, standby counsel Jane McNeil via email, and standby counsel Daniel Hernandez via email. The Defendant is acting pro se and will be provided with a copy of this document in Court.

BRUCE BARTLETT, State Attorney
Sixth Judicial Circuit of Florida

By:

/s/ Alexandra Spadaro
Alexandra Spadaro
Assistant State Attorney
FBN: 1025134

/s/ Nathan Vonderheide
Nathan Vonderheide
Assistant State Attorney
FBN: 22106
eservice@flsa6.gov
P.O. Box 17500
Clearwater, Florida 33762-0500
(727) 464-6221