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

STATE OF FLORIDA
v.

CASE NO.: 2023-CF-002935
23-02935CF

TOMASZ KOSOWSKI,
Defendannt

MOTION TO DISQUALIFY JUDGE JOSEPH BULONE

DEFENDANT Tomasz Kosowski moves pursuant to Fla. Stat. Section 38.10 and Rule 2.330 of the Florida Rules of Judicial Administration for the disqualification of Judge Joseph Bulone from presiding further in this trial. As grounds for this motion:

1. DEFENDANT alleges that he has not already and will continue to not receive a fair trial and sentencing in that Judge Bulone has bias and is prejudice against him.
2. At the onset of trial, Judge Bulone stated to the DEFENDANT that ongoing DEFENSE objections would not be necessary to preserve his appellate rights. Not only is this untrue according to Florida Rules of Appellate Procedure 9.140, it also suggests Judge Bulone had already predetermined the DEFENDANT'S guilt prior to trial.
3. During the course of trial, Judge Bulone has repeatedly chastised the pro se DEFENDANT when making objections intending to embarrass him and to dissuade him from making further objections.
4. On multiple occasions, Judge Bulone interrupted the DEFENDANT while he was making objections or all together denied his ability to voice objections.
5. When the DEFENDANT objected to having a Court TV, microphone placed immediately next to his seated position rendering him incapable of having a private conversation with his counsel, Judge Bulone threatened to remove the DEFENDANT from the court room and to carry on trial without him unless he ceased objecting.

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6. A reasonable person faced with this intimidation would experience well-grounded fear that he would not receive a fair trial in front of a judge making such comments.

7. As further grounds, the DEFENDANT notes the following concerning trial history and Judge Bulone's cooperation with the prosecution:

8. During the Arthur hearing of July 2023, chief prosecutor Mr. Nathan Vonderheide lied to the COURT stating that the DEFENDANT had a valid Polish passport. Mr. Vonderheide added that the DEFENDANT would use this passport to escape to the European Union if released and as a result should be denied bond. When Judge Bulone became aware of Mr. Vonderheide's deceit, he took no disciplinary action against him or the STATE.

9. The DEFENDANT formally objects to the COURT'S failure to investigate when it became aware of Mr. Vonderheide's deceit. Mr. Vonderheide's action was in violation of Fla. Stat. Section 90.201, Section 90.202, Section 90.401 and Section 90.403, causing unfair prejudice and erroneous assessment of flight risk, and ultimately led to a failure to present alternative non-monetary conditions of release according to Florida Rules of Criminal Procedure Rule 3.131 and Fla. Stat. Section 903.047.

10. In May 2025, Mr. Vonderheide again lied to the COURT that the DEFENDANT wanted to fire his attorney Mr. Bjorn Brunvand. This led to Mr. Brunvand withdrawing as DEFENDANT'S counsel depriving the DEFENDANT of his right to counsel of choice under United States v. Gonzalez-Lopez and violating the DEFENDANT'S rights under the 6th and 14th Amendments of the U.S. Constitution and the relevant provisions of the Constitution of the State of Florida. The DEFENDANT made Judge Bulone aware of this misconduct and motioned to examine Mr. Vonderheide in the Motion to Compel Communication Records. Judge Bulone refused to investigate this misconduct by denying this motion in violation of Fla. Stat. Section 90.104 and Florida Rules of Criminal Procedure 3.111 and 3.160. The DEFENDANT formally objects to the COURT'S and the STATE'S violations of law above.

11. In September 2024, over a year after his disappearance, and while the DEFENDANT was incarcerated, alleged victim Steven Cozzi called his mother, Lois Cozzi, on the telephone.

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A investigation was conducted by the STATE including a subpoena for telephonic records. This exculpatory evidence was not brought forth in trial by the STATE.

12. On the afternoon of 3/21/2023, a few hours after Steven Cozzi's disappearance, the DEFENDANT drafted a "Notice of Telephonic Hearing for 3/28/2023." He was instructed to do so by Judge Patricia Muscarella at the 3/21/2023 hearing. This notice was emailed to opposing counsel by the DEFENDANT between 3:30-4:00 PM and also to the clerk of the COURT via e-portal at 3:58 PM (Exhibit) on 3/21/2023. Although Detective Moore analyzed all emails on the DEFENDANT'S iPhone from 3/21/2023, he withheld this exculpatory evidence during his testimony and Mr. Vonderheide did not bring it forth during examination. And although they would have direct knowledge of the exculpatory nature of this document, Mr. Pillsburry and Judge Patricia Muscarella also did not testify to it under STATE questioning.

13. The DEFENDANT formally objects to the STATE'S duty to disclose direct evidence of the DEFENDANT'S alibi and timeline during the critical hours of the alleged crime as well as to the 2024 telephone call from Steven Cozzi that exonerates him of crime. This violates Florida Rules of Criminal Procedure 3.220, Fla. Stat. Section 90.401, Section 90.402, Section 90.604 and the principle of Brady v. Maryland (373 U.S. 83), which prohibits the prosecution from concealing or ignoring exculpatory evidence. The attached Exhibit establishes an indisputable alibi within the timeline. Furthermore, if the evidence that the alleged victim was alive in the year 2024 had been presented at a jury trial, there would be a full probability that the DEFENDANT would have been acquitted for lack of elements of an offense (corpus delicti). Rejection or omission of the evaluation of this evidence violates the 6th and 14th Amendments of the U.S. Constitution.

14. During trial, the DEFENDANT accused the STATE of a Brady violation, specifically that he was unable to open digital evidence files provided by the STATE on a severely limited jail laptop computer prior to trial. The STATE denied this allegation. To end the dispute, the DEFENDANT proposed Judge Bulone order the actual laptop to be brought to court to demonstrate during trial that the DEFENDANT was unable to view the STATE'S evidence against him. Judge Bulone denied this simple request, protecting the STATE'S position that no Brady violation took place.

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15. Mrs. Debra Henrichs was previously shown to be an unreliable witness at the 7/11/2023 Arthur hearing before Judge Bulone. Despite this, Mr. Vonderheide called her as an eye witness and subsequently referred to her testimony as "crucial" in his closing argument. No action was taken by Judge Bulone to censure the witness.

16. The DEFENDANT enters a formal objection to Mr. Vonderheide calling of witness Mrs. Debra Henrichs and relying on her testimony in closing arguments as "crucial" evidence, while her lack of credibility was officially demonstrated in the case records of a previous hearing before Judge Bulone. Pursuant to Fla. Stat. section 90.608, the testimony of a witness whose unreliability have been demonstrated in earlier judicial proceedings cannot constitute the exclusive or key basis for the STATE without being impeached and critically evaluated. Mr. Vonderheide's action violates Rule 4-3.3 of the Rules Regulating the Florida Bar and the principle established in Giglio v. United States (405 U.S. 150) - the prosecutor may not base a prosecution on testimony previously proven to be unreliable or misleading. Basing the closing argument on an unreliable witness while simultaneously rejecting the pro se DEFENDANT'S motions violates the 5th, 6th and 14th Amendments to the U.S. Constitution.

17. Similarly, it was established at the 4/17/2025 Motion to Suppress hearing that Mrs. Celeste Bacher never made a positive identification of the DEFENDANT in a photo lineup or in person at the hearing. Rather, she described a man with a goatee as the unrecognized male at her office complex on the day of Steven Cozzi's disappearance. It is well documented that the DEFENDANT has never had a goatee. No action was taken by Judge Bulone to limit this witness' testimony.

18. The DEFENDANT formally objects to relying on Mrs. Celeste Bacher's testimony as evidence identifying the DEFENDANT at 1501 Belcher Ave. Earlier in the proceedings, a factual state was established in showing that Mrs. Bacher did not identify the DEFENDANT in court or during photo line-up, but merely described a perpetrator with a goatee, which the DEFENDANT never had. Relying on this testimony violates Fla. Stat. Section 90.403, Fla. Stat. Section 90.608, the doctrine of collateral estoppel under the 5th Amendment, the prosecutor's duty to truthfulness pursuant to Giglio v. United States (405

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U.S. 150), and the right to a fair trial under the 6th and 14th Amendments to the U.S. Constitution and Article 1, Sections 9 and 16 of the Florida Constitution.

19. Judge Bulone has denied all significant pre-trial DEFENSE motions. These include the following:

    a. Motion to Dismiss Indictment (6/7/2023) - hearing held 7/11/2023;
    b. Motion to Reduce, Modify, or Set Bond (6/7/2023) - hearing held 7/11/2023;
    c. Demand for Statement of Particulars (9/5/2024) - hearing held 11/5/2024;
    d. Motion for Inspection and Production of Transcripts of the Grand Jury (1/16/2025) - hearing held 2/27/2025;
    e. Motion to Suppress Evidence Illegally Obtained from the Defendant's Residence (2/3/2025) - hearing held 4/17/2025;
    f. Motion to Suppress Evidence Illegally Obtained from the Defendant's Toyota Corolla (2/3/2025) - hearing held 4/17/2025;
    g. Motion to Suppress Evidence Illegally Obtained from the Defendant's Person (2/3/2025) - hearing held 4/17/2025;
    h. Motion to Withdraw As Counsel Due to Conflict (5/1/2025) - hearing held 5/1/2025;
    i. Motion for Rehearing of Motion to Suppress Evidence Illegally Obtained from the Defendant's Toyota Corolla (4/28/2025) - hearing held 5/9/2025;
    j. Motion to Withdraw as Counsel (8/31/2026) - hearing held 8/31/2026;
    k. Motion to Compel Communication Records (10/8/2026) - hearing held 10/8/2026;
    l. Motion for Return of Property (10/8/2026) - hearing held 10/8/2026.

20. In the first motion brought before the COURT, the Motion to Dismiss Indictment, the DEFENSE argued that the written indictment was vague and insufficient to put the DEFENDANT on proper notice. Judge Bulone denied the motion telling the DEFENSE to request a Statement of Particulars from the prosecution. When the Demand for Statement of Particulars was presented before Judge Bulone, he denied the motion providing no credible justification for his decision. Throughout the proceedings, many

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other DEFENSE motions have been denied without justification or with spurious justification.

21. The DEFENDANT formally objects to the COURT'S arbitrary denial of this and all pre-trial motions without providing legal grounds. These actions violate Florida Rules of Criminal Procedure 3.190 and 3.220, Fla. Stat. Section 38.10, the Florida Code of Judicial Conduct, and the DEFENDANT'S right present a defense and to a fair trial under the 5th, 6th, and 14th Amendments to the U.S. Constitution and Article 1, Sections 9 and 16 of the Florida Constitution.

22. Judge Bulone has denied all in-trial DEFENSE objections, even chastising the pro se DEFENDANT for making objections as described above.

23. The DEFENDANT formally enters an objection on the record regarding the COURT'S systematic overruling of all DEFENSE objections and the public reprimand of the pro se DEFENDANT for merely attempting to make objections. This action prevents the proper preservation of error for appeal, violates Florida appellate procedure rules, infringes upon judicial ethics under the Florida Code of Judicial Conduct and Fla. Stat. Section 38.10, and constitutes a flagrant violation the right to a fair trial and defense guaranteed under the 6th and 14th Amendments to the U.S. Constitution and Article 1, Sections 9 and 16 of the Florida Constitution.

24. Judge Bulone denied the DEFENDANT'S request to have Detective Bolton and Dr. Thogmartin demonstrate that it is physically possible to lift an adult male within a cart onto a table approximating the height of a truck bed by brute force as they allege, thus once again protecting the STATE'S narrative. Their certain failure to do so would convincingly show that law enforcement's and the prosecution's theory of the murder is impossible.

25. The DEFENDANT formally enters an objection on the record regarding the COURT'S denial to have Detective Bolton and Dr. Thogmartin conduct a physical demonstration concerning the possibility of lifting an adult male in a confined space onto the bed of a truck. Judge Bulone's action prevented the DEFENSE from demonstrating the physical impossibility of the prosecution's theory, which violates Fla. Stat. Section 90.401, Section

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90.402, Section 90.612 and Section 90.702, the right to confront and cross-witnesses under the 6th Amendment to the U.S. Constitution, the right to present a defense established in Holmes v. South Carolina (547 U.S. 319) and Faretta v. California (422 U.S. 806), and the right to a fair trial and defense guaranteed under the 5th and 14th Amendments to the U.S. Constitution and article 1, Sections 9 and 16 of the Florida Constitution.

26. The following facts were established during trial and read to Judge Bulone during closing arguments:

    a. No body has ever been recovered to corroborate fact of death of the alleged victim Steven Cozzi despite exhaustive efforts by law enforcement;
    b. No death certificate was issued for Steven Cozzi;
    c. There were unexplained purchases on Steven Cozzi's credit cards after his alleged death, purchases not made by his family members;
    d. No mechanism of death was given by law enforcement or the STATE;
    e. There was no proof given of an exsanguinating event inconsistent with life at the alleged crime scene;
    f. It is physically impossible to lift and maneuver a human body within a cart in a manner required for the STATE'S theory of the murder to be true;
    g. It is impossible to carry out a murder and dispose of the body within the time constraints inherent in the STATE'S theory of the murder;
    h. Evidence was tampered with and/or planted at the crime scene;
    i. This compromised evidence was later subject to dubious interpretation by a DNA analyst reading off computer generated results, rather than an expert providing a personal interpretation.

27. The DEFENDANT formally enters an objection on the record regarding the basing of a verdict on evidentiary material that demonstrates a lack of corpus delicti and a lack of a death certificate (Fla. Stat. Section 382.011), evidence of credit card activity of the victim post-alleged death (Fla. Stat. Section 90.401 and Section 90.402), lack of evidence of life-threatening hemorrhage, physical and temporal impossibility of committing the act, and flawed and tampered DNA evidence (Fla. Stat. Section 90.702 and Section 90.901).

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Convicting the DEFENDANT based on such flawed and contradictory findings violates the standard of Jackson v. Virginia (443 U.S. 307), the requirement of proof beyond a reasonable doubt, and the right to a fair trial and defense under the 5th, 6th, and 14th Amendment of the U.S. Constitution and Article 1, Sections 9 and 16 of the Florida Constitution.

28. Despite there being over 1000 pages of police reports and over a terabyte of digital evidence in this case, Judge Bulone returned a guilty verdict in less than 15 minutes of deliberation. The existence of nine fundamental evidentiary doubts (lack of body, lack of death certificate, post-alleged-death credit card activity, lack of mechanism of death, lack of medical trace of exsanguination, physical and temporal impossibility of committing the act, tampered with and falsely interpreted DNA evidence) precludes a rational judge from rendering a guilty verdict in 15 minutes.

29. The DEFENDANT formally enters an objection regarding the rendering of a guilty verdict in under 15 minutes following proceedings based on over 1000 pages of police reports and over a terabyte of materials, while completely ignoring 9 key evidentiary doubts, exculpatory evidence, and evidence of prosecutorial misconduct. The COURT'S conduct prevented a genuine evaluation of the evidence (Florida Rules of Judicial Administration 2.250), violated judicial ethics (Code of Judicial Conduct for the State of Florida - Canon 3B(8)), the standards of Brady v. Maryland (373 U.S. 83), and the principles of due process and proof beyond a reasonable doubt under the 5th, 6th and 14th Amendments to the U.S. Constitution and Article 1, sections 9 and 16 of the Florida Constitution.

30. According to Rule 2.330(g) of the Florida Rules of Judicial Administration, "Any motion for disqualification made during a hearing or trial must be based on facts discovered during the hearing or trial and may be stated on the record, provided that it is also promptly reduced to writing in compliance with subdivision (c)(1) and promptly filed. A motion made during a hearing or trial shall be ruled on immediately." As this Motion has been submitted during the DEFENDANT'S trial prior to sentencing under ongoing bias by Judge Bulone, the 20 day time requirement need not apply.

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31. A judge has a statutory duty to maintain complete impartiality and objectivity. This is especially critical in a bench trial where the judge functions as the de facto jury. Pursuant to Fla. Stat. Section 38.10 and Rule 2.330 of the Florida Rules of Judicial Administration, the attitude of a judge who declines all pre-trial DEFENSE motions, declines all in-trial DEFENSE objections and demonstrations, is unwilling to investigate and reprimand STATE misconduct, and renders a verdict within 15 minutes where there was more than one terabyte of evidentiary material and multiple substantial evidentiary disputes reveals judicial bias and violates the Florida Code of Judicial Conduct. Such an attitude creates reasonable belief that the COURT has assumed the role of the prosecutor rather than that of an impartial arbiter.

32. By his comments toward the DEFENDANT during the ongoing trial - chastising and threatening in nature, suggesting predetermination of guilt, and intending to dissuade from making further objections and pointing out error - Judge Bulone revealed himself to be biased and prejudiced against the DEFENDANT.

33. By his actions - declining all pre-trial motions, unwillingness to investigate the STATE for misconduct before trial and during trial, rendering a verdict in 15 minutes despite voluminous evidence - Judge Bulone has shown that his bias and prejudice against the DEFENDANT is longstanding.

34. The only appropriate course of action in light of Judge Bulone's ongoing bias and prejudice against the DEFENDANT is disqualification.

PRAYER FOR RELIEF AND PRESERVATION OF ERROR WHEREFORE Pro Se DEFENDANT respectfully requests this COURT to enter this Motion and all specific objections into the official record and to disqualify Judge Joseph Bulone. Should this Motion be denied, the DEFENDANT requests this COURT to explicitly rule upon each objection raised herein regarding the omission of alibi evidence and the STATE'S improper reliance on impeached testimony, and clarify for the record that these procedural and constitutional violations constitute harmful structural errors under the 5th,

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6th and 14th Amendments to the U.S. Constitution and the Florida Constitution, thereby fully presenting these insures for post-trial motions and direct appellate review.

CERTIFICATE OF SERVICE

I CERTIFY that on this 20th day of November 2026, this document has been furnished to Judge Joseph Bulone in Court, and to the State in Court.

Respectfully submitted by,

Jan Kosowski, 11/19/2026

Tomasz Kosowski Pro Se
Pinellas County Jail
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IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT, IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION
Case No.: 19-003057-CI

TOMASZ KOSOWSKI M.D.,

Plaintiff, v.

DUNEDIN SURGICAL CONSULTANTS, LLC, a Florida Limited Liability Company, TOTAL VITALITY MEDICAL GROUP LLC, a Florida Limited Liability Company, EREL LAUFER, M.D., P.A., a Florida Corporation also d/b/a LAUFER INSTITUTE OF PLASTIC SURGERY, JENNIFER FRIEND AUD, an Individual, BRIAN WOLSTEIN M.D., an Individual, and, EREL LAUFER M.D., an Individual,

Defendants.
_____/

NOTICE OF TELEPHONIC HEARING

JUDGE:	Honorable Patricia A. Muscarella
DATE & TIME:	Tuesday March 28th, 2023 at 11:30AM
TIME RESERVED:	Thirty (30) minutes
MATTERS TO BE HEARD:	1. Plaintiff's Motion to Strike Affirmative Defenses (of DSC et al.) - 04/22/2021 2. Plaintiff's Motion to Strike Affirmative Defenses (of Jennifer Friend) - pending 3. Plaintiff's Subpoena Duces Tecum - 11/14/2022 4. Plaintiff's Motion to Compel – 03/21/2023 5. Plaintiff's Motion for Sanctions - 01/17/2023

THE HEARING IS TELEPHONIC AND ANY PARTY WHO WANTS TO PARTICIPATE IN THE HEARING IS TO CALL 1 888 585 9008 AND ENTER ACCESS CODE: 717-253-391

NOTE: PLEASE MUTE ON YOUR END. DO NOT PLACE ON HOLD OR EVERYONE WILL ONLY HEAR MUSIC.

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ALL HARD COPIES OF DOCUMENTS TO BE CONSIDERED MUST BE RECEIVED BY THE JUDGE'S OFFICE VIA US MAIL/FED EX/UPS/COURIER (NOT EMAIL) AT LEAST 5 BUSINESS DAYS PRIOR TO THE SCHEDULED HEARING.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the forgoing has been furnished by the Florida E-Portal System and via email to Defendants on this 21st day of March 2023, as follows:

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