

IN THE CIRCUIT FOR PINELLAS COUNTY, FLORIDA
23-02935-CF
SECTION D

STATE OF FLORIDA

V.

Tomasz Roman Kosowski

DEFENSE'S INVOCATION OF CONSTITUTIONAL RIGHTS

Under Fla. R. Crim. P. 3.190(a), defense invokes the defendant's following constitutional rights: (1) the right to stay silent under Fla. Const. Art. 1, § 9 and Fed. Const. Amend. 5, and (2) the right to counsel under Fla. Const. Art. 1, §§ 2, 9, and 16, Fla. R. Crim. P. 3.130, *Traylor v. State*, 596 So. 2d 957 (Fla. 1992), and Fed. Const. Amend. 5, 6, and 14 as interpreted by the U.S. Supreme Court in *Miranda v. Arizona*, 384 U.S. 436 (1966), *Edwards v. Arizona*, 451 U.S. 477 (1981), *McNeil v. Wisconsin*, 501 U.S. 171 (1991), and *Arizona v. Roberson*, 486 U.S. 675 (1988).

1. By invoking these rights, defense demands no local, state, or federal police or prosecution personnel (including inmates acting at the request or direction of such personnel) attempt to engage defendant in any conversation without defense counsel being present. Any person with law enforcement who allows a violation of these rights to occur will be viewed as interfering with the attorney-client relationship as protected under Florida and federal law.
2. Defendant does not consent to speak to or meet with the media including photographers, camera personnel, reporters, or investigators from radio, television, newspapers, magazines, wire services, or any other news group. Defense demands the sheriff not let any media contact or visit defendant.
3. Defendant does not consent to appear in any lineup, show-up, or any other identification procedure without defense counsel being present.
4. Defendant does not consent to any polygraph or voice stress examination, any voice sample, handwriting exemplar, hair, blood, urine, saliva, skin sample or fingernail scrapings without defense counsel being present.
5. Defendant does not consent to the search of any residence, vehicle, person, or other property.
6. This Invocation of Constitutional Rights may not be waived except by a written waiver signed by defendant and defense counsel in open court. Anyone violating this Invocation of Constitutional Rights will be subject to legal action for sanctions, damages, or both.

Certificate of Service. Under Fla. R. Jud. Admin. 2.516(f), I certify that the foregoing document has been furnished to the State Attorney, Pinellas County Justice Center, 14250 49th Street North, Clearwater, Pinellas County, Florida 33762-2800 by delivery/email on March 27, 2023.

Attorney's Signature. Under Fla. R. Jud. Admin. 2.515(a), I sign this document.



MARGARET RUSSELL

Assistant Public Defender

Florida Bar Number: 72720

County Justice Center

14250 49th Street North

Clearwater, Fl 33762

Pubdef-efiling@co.pinellas.fl.us (727) 464-6516