

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

STATE OF FLORIDA

vs.

CASE NO.: 2023-CF-002935  
CAPITAL

TOMASZ ROMAN KOSOWSKI,  
Defendant.

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**UNOPPOSED ORDER TO PROVIDE SEROLOGY DISCOVERY AND  
ELECTRONIC DATA AND STATISTICAL SOFTWARE**

THIS CAUSE, by the Defendant, TOMASZ ROMAN KOSOWSKI, by and through his undersigned counsel of record, DEBRA B. TUOMEY, ESQUIRE, for the purposes of compelling production of information regarding DNA analysis and comparison of analytic results, including the DNA analyst's file, bench notes and electronic data, including the title or name of the computer software used by Pinellas County Forensic Laboratory to perform the statistical calculations, and Quality Assurance Standards of Pinellas County Forensic Laboratory and pursuant to Florida Statute sections 760.40(2)(a), 943.325(14) and 760.40 said information being otherwise confidential and exempt from Florida Statute section 119.07(1) and Article I, section 24(a) of the Florida State Constitution, and said DNA information being relevant information in this cause necessitating disclosure to the Defense and the State, and the Court being otherwise advised in the premises, it is hereby:

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**ORDERED AND ADJUDGED**, the Pinellas County Forensic Laboratory located at 10900 Ulmerton Road, Largo, Florida 33778, to the extent that the records at issue include information which reveals the identity of a person who is a victim of any sexual offense proscribed in Florida Statutes Chapters 704, 706, 800, 827, or 847, as well as victim identifying information in accordance with Article 1, Section 16(b), Florida Constitution (Marcy's Law), pertain to Defendant's case, and are confidential and/or exempt, the same shall be released in accordance with this Order. However, to the extent that the records contain information and/or data regarding information related to other cases or individuals unrelated to this cause, such unrelated case information remains confidential and/or exempt and shall not be disseminated.

**ORDERED AND ADJUDGED**, that the Pinellas County Forensic Laboratory located at 10900 Ulmerton Road, Largo, Florida 33778, shall provide the State Attorney's Office and Defense counsel the following as it relates to: **Largo Police Department, Case agency Number: 23-002583 and Laboratory Report number 23-002355**; all submissions and requests for Serology Analysis related thereto: to wit,

1. Lab File: provide a complete copy of the lab file (also known in some laboratories as the litigation packet, litigation file, analyst file, etc.) including all records made by the laboratory or laboratories in connection with this case. If the

file includes color entries, we request a copy in color of those pages. Furthermore, if the file includes photographs, include photographic quality copies. These materials should include:

- a. any bench notes;
- b. any electropherograms;
- c. documentation of extraction;
- d. documentation of quantitation;
- e. documentation of amplification
- f. documentation of analysis methods employed; and
- g. reports and input files, such as stutter files, input into or produced by any probabilistic genetics software employed.

2. Raw Electronic Data: provide all electronic files produced as part of the analysis in this case whether or not the files were relied on in forming any opinions expressed in any report. This information shall be provided on transportable media such as a USB drive, CD/Rom disk or via an electronic cloud service.

3. Standard Operating Procedure: provide a copy of the Standard Operating Procedure in effect at the time of the testing. To minimize any burden of duplicating these items, you can provide them in electronic form.

4. Chain of Custody and Current Disposition of Evidence: provide copies of all records that document the treatment and handling of any biological evidence in this

case, from the initial point of collection up to the current disposition. Include a list of collected items that there is reason to believe contained biological evidence but have been destroyed or lost or have otherwise become unavailable.

5. Software: provide a list of all software used in this case, including name of the software program, manufacturer and version(s) used in this case, including any software used to produce electropherograms or any probabilistic genetics programs.

6. Searches of databases: If any search of any database, government or private, was conducted as part of the analysis in this case, provide a complete documentation of the nature and extent of the search and any results produced.

7. Documentation of Corrective Actions for Discrepancies and Errors: provide a copy of documented corrective actions maintained by the laboratory that are associated with any of the analysis involved in this case. Also, any corrective actions associated with errors ever caused by any analysts involved in this case within the past 10 years. If the laboratory does not document corrective actions or errors, it is sufficient to respond: "The laboratory does not document corrective actions or errors."

8. Summaries of Validation: provide summaries of all validation studies performed relating to any kits, analyses, or interpretation methods, such as a probabilistic genetics computer program, used in this case.

9. Accreditation: copies of all licenses or other certificates of accreditation in any area of analysis employed by the laboratories involved in this case.


10. Laboratory Personnel: provide background information about each person involved in conducting or reviewing the serological and DNA analysis in this case, including:

- a. Current resumes/CVs;
- b. Copy of any current certifications (also disclosure of any failed attempts at certification);
- c. Job Descriptions;
- d. All proficiency test results; and
- e. A summary with dates, case names and court locations where the analyst has testified in the last 10 cases.

ORDERED that the DNA analysis is the result of a criminal prosecution and pursuant to the parties' stipulation, the confidentiality of the records is waived.

IT IS FURTHER ORDERED AND ADJUDGED, that the information, included herein and anything pertaining to the DNA analysis and the comparison of DNA analytic results may be discussed between the parties and members of their litigation teams as needed for the preparation and litigation of this cause, but otherwise remains confidential and exempt as provided by Florida Statutes and it is not to be disseminated to anyone not authorized to receive the information.

DONE AND ORDERED, in Clearwater, Pinellas County, Florida this  
~~21~~ <sup>July</sup> day of June 2023.

  
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JOSEPH A. BULONE  
CIRCUIT COURT JUDGE

COPIES:

Defense Counsel  
Office of the State Attorney  
Pinellas County Forensic Laboratory