

1
2
3
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IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT OF
THE STATE FLORIDA, IN AND FOR PINELLAS COUNTY
CRIMINAL DIVISION
CASE NO.: 23-02935-CFANO

STATE OF FLORIDA,
Plaintiff,

vs.

TOMASZ ROMAN KOSOWSKI,
Defendant.

_____ /

PROCEEDINGS: MOTION TO SET BOND
 MOTION TO DISMISS INDICTMENT

BEFORE: THE HONORABLE A. JOSEPH BULONE
 Circuit Court Judge

DATE: July 11, 2023

PLACE: Pinellas County Justice Center
 14250 49th Street North
 Clearwater, Florida 33762

REPORTED BY: CHARLENE M. EANNEL, RPR
 Court Reporter, Notary Public

PAGES 1 - 215

A-P-P-E-A-R-A-N-C-E-S

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	INDEX TO PROCEEDINGS	
		PAGE
1		
2		
3	Motion to Dismiss	6
4	Ruling	12
5	WITNESS CALLED BY THE STATE	
	JAKE BLANCHARD	
6	Direct Examination by Ms. Spadaro	20
	Cross-Examination by Mr. Brunvand	58
7	Redirect Examination by Ms. Spadaro	87
8	DEBRA HENDRICHS	
	Direct Examination by Mr. Vonderheide	94
9	Cross-Examination by Mr. Brunvand	114
	Redirect Examination by Mr. Vonderheide	125
10	JACOB PILLSBURY	
11	Direct Examination by Mr. Vonderheide	127
	Cross-Examination by Mr. Brunvand	156
12	Redirect Examination by Mr. Vonderheide	174
13	MICHAEL MONTGOMERY	
	Direct Examination by Ms. Spadaro	178
14	State Rests	197
15	Defense Rests	198
16	Argument	198
17	Ruling	202
18	Certificate of Reporter	215
19		
20		
21		
22		
23		
24		
25		

INDEX OF EXHIBITS

<u>STATE 'S</u>			
<u>EXHIBIT #</u>	<u>DESCRIPTION</u>	<u>PAGE</u>	
1	Colin Bolton Affidavit	19	
2	Lance Moore Affidavit	19	
3	Colin Bolton Affidavit	19	
4U	Photograph	105	
5A - 5I	Photographs	42	
6	911 Call	46	
7A, 7B	Photographs	105	
8	Floor Plan	29	

DEFENSE EXIBITS:

1	Statement of Debra Hendrichs	198
2	Text Messages	198

P-R-O-C-E-E-D-I-N-G-S

1
2
3
4
5
6
7
8
9
10
11
12
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14
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THE COURT: Is State ready on Kosowski?

MR. VONDERHEIDE: Yes, we are.

THE COURT: All right. Is the Defense ready?

MR. BRUNVAND: We are.

THE COURT: All right. And we need to bring the defendant in.

THE BAILIFF: He's on his way in.

THE COURT: How many defense lawyers do we have this morning?

MR. BRUNVAND: How many defense lawyers do we have?

THE COURT: Yes.

MR. BRUNVAND: Five.

THE COURT: Five, okay. So everyone should probably put their names on the record.

State, first of all.

MR. VONDERHEIDE: What's that, Your Honor?

THE COURT: If you can put your names on the record.

MR. VONDERHEIDE: Sure.

THE COURT: We have a lot of lawyers this morning.

MR. VONDERHEIDE: Nathan Vonderheide for the State of Florida.

1 MS. SPADARO: Alexandra Spadaro for the State of
2 Florida.

3 THE COURT: All right. Very good.
4 Defense?

5 MR. BRUNVAND: Bjorn Brunvand for Dr. Kosowski.

6 MS. SELLERS: Amanda Sellers for Dr. Kosowski.

7 MS. RAMOS: Willengy Ramos Wicks for
8 Dr. Kosowski.

9 MR. WISE: Jervis Wise on behalf of
10 Dr. Kosowski.

11 MS. TUOMEY: Debra Tuomey on behalf of
12 Dr. Kosowski. Good morning, Judge.

13 THE COURT: Okay. Good morning. All right.
14 And then Mr. Kosowski is present. All right.

15 So we have some motions set today. I think the
16 first one we're going to deal with is Defense Motion
17 to Dismiss the Indictment. Do we all agree that
18 that's what we should hear first?

19 MR. BRUNVAND: Yes, Your Honor. Mr. Wise will
20 be handling that.

21 THE COURT: All right. Very good.
22 Mr. Wise, you may proceed.

23 MR. WISE: Thank you, Your Honor.

24 And, Your Honor, as I know you are aware, we are
25 moving to dismiss the Indictment based on --

1 primarily based on Rule 3.140, but also just based on
2 Cruikshank and the Constitutional rights to due
3 process and the fair notice.

4 Cruikshank and Rule 1.40 are very clear, Your
5 Honor, that the State has a requirement to charge the
6 alleged defense with clarity and not to the point
7 where it's unconstitutionally vague and indistinct to
8 where we can't defend against it, and that's exactly
9 what's happened here, Your Honor.

10 Cruikshank warns against the State merely citing
11 the general elements of the offense, and that's
12 exactly what took place here. We have no notice of
13 what happened, what the State is alleging. The jury
14 specifically says -- the grand jury specifically
15 says, We don't know what happened.

16 The State, as everyone who has followed this
17 case knows, has theories as to what happened. Well,
18 nothing is included in the Indictment as to the
19 manner and means of this alleged homicide. It
20 basically says, We think you did it, and here are the
21 elements of murder.

22 The cases that the State relies on, Your Honor,
23 predate Rule 3.140. They ignore Cruikshank, which is
24 very clear that you can't just simply cite the
25 elements of the alleged offense.

1 Ingleton, which the State cites, references the
2 Houston case in one footnote. It doesn't address the
3 issue. There are other cases that I know -- and I
4 know Willie Crain is one that Mr. Vonderheide
5 provided this morning. It was a case where no body
6 was found, and I would concede the State, in that
7 instance, used similar language in its Indictment,
8 but the Defense never raised the issue. They never
9 raised Cruikshank. They never raised a violation of
10 3.140.

11 We really have no cases since Houston and
12 Mendenhall that address the issue. And again, the
13 problem with Houston and Mendenhall, number one, is
14 they predated 3.140, but, number two, even those
15 cases include additional allegations beyond the
16 simple elements of the charge.

17 Houston, for instance, at least alleges that an
18 assault took place and they alleged that some means,
19 instruments, or weapons are used. We don't even have
20 that here. We have, essentially, the bare elements
21 of the charge cited in the -- in the Indictment.

22 And based on that, based on Cruikshank, and
23 based on Rule 3.140, that's a violation of
24 Dr. Kosowski's rights to due process, his right to
25 fair notice, and we can't defend against it. And

1 based on that, Your Honor, we are moving to dismiss
2 the Indictment.

3 I would also point out, Your Honor, we're aware
4 of other information that suggests other -- other
5 things could have been the cause of the alleged
6 victim's disappearance here, but we have nothing to
7 go on. We have nothing to defend against except this
8 simple bare allegation.

9 Based on that, Your Honor, I believe this is a
10 violation of Dr. Kosowski's Constitutional rights.

11 THE COURT: All right. Thank you, Mr. Wise.
12 What says the State?

13 MR. VONDERHEIDE: Thank you, Your Honor. Good
14 morning. Nathan Vonderheide for the State. As it
15 relates to the language from our Indictment, it's
16 largely a product of Houston and Mendenhall. Both of
17 those cases are still good law. In fact, they were
18 cited in 1997. Mr. Wise mentioned that they were
19 mentioned in a footnote in that Ingleton case. The
20 reason they were mentioned in the footnote is they
21 were mentioned side by side in that case.

22 So in 1997, Ingleton, the Fifth District says:
23 Historically, grand juries have been instructed to
24 include in murder indictments the manner and means by
25 which the death was caused.

1 The immediate sentence after that. The Fifth
2 District also stated, and it has also been held,
3 however, that the Indictment may state that such
4 information is unknown to the grand jury when such is
5 the case, and that's exactly what we have here.

6 In Mendenhall and Houston, the indictments were
7 largely similarly constructed as the Indictment
8 that's filed against Dr. Kosowski, and those -- when
9 a grand jury is satisfied that an unlawful homicide
10 has been committed and the evidence does not
11 satisfactorily show how it was accomplished, the form
12 of indictment used in this case is supported by
13 abundant authority in the various states.

14 So the Indictment language, having been the same
15 as those cases which are still precedent, which was
16 cited in 1997, the Indictment is -- is sufficient and
17 puts the -- the -- Dr. Kosowski on notice for what he
18 is being charged with.

19 Now, I do want to point out *Crain vs. State*,
20 894 So.2d 59, that's a Florida Supreme Court case,
21 and it's from 2004. In that case -- I will be using
22 that case later on, too, in the latter half when
23 we're talking about the Arthur hearing, but what's
24 interesting about that is the indictment language on
25 a missing body of a seven-year-old girl was the same

1 as the State's language in this Indictment.

2 So that's a case from 2004, and while they did
3 not address that issue as a death penalty case in
4 front of the Florida Supreme Court, they're going to
5 handle any issue that would arise in the case.

6 So I would say that the Indictment in this case
7 is sufficient to put Dr. Kosowski on notice of the
8 charge, and there's no vagueness that would embarrass
9 him, as the case law says, or subject him to any
10 jeopardy in the future should he be acquitted of this
11 offense or should he be convicted of this offense.
12 There is no danger that he could be convicted of the
13 same crime in the future. Thank you.

14 THE COURT: All right. Thank you.

15 Any rebuttal? Anything from you, Mr. Wise?

16 MR. WISE: Briefly, Your Honor. One thing that
17 I would point out in Ingleton, and the footnote that,
18 again, addresses Houston, is it states that manner
19 and means of death don't necessarily have to be
20 included if they can't be determined, but they must
21 be -- they are required to be included if the State
22 knows. The State, we know, has theories as to what
23 happened here, but they're not charging him.

24 They're giving us this basic allegation that I
25 dispute what Mr. Vonderheide says, we can defend

1 against, and we know what -- what is alleged. We
2 don't. We have the statute essentially cited. And
3 when that happens, Your Honor, then the whole
4 charging process is essentially futile.

5 We have no idea what the State is alleging.
6 They simply copied -- copy the murder statute with no
7 allegations whatsoever. And -- and this motion has
8 been pending for quite some time. There's been no
9 superceding indictment. Nothing for us to go on
10 other than this. It's a bare constitutional
11 violation, Your Honor.

12 THE COURT: All right. Thank you.

13 It is interesting that the cases that the
14 parties have cited are from 1875, 1905, and 1916.
15 And I think one of the reasons, you know, for that,
16 in spite of my gray hair, I wasn't around then, but
17 my understanding is that there really wasn't a whole
18 lot of discovery back then, so what was in the
19 Indictment or in the Information was pretty crucial
20 for the Defense to find out what the allegations are.

21 Of course, now there are a plethora of police
22 reports, which the State is obligated to hand over to
23 the Defense. There's also depositions that the
24 Defense is entitled to take of basically every single
25 relevant witness.

1 We also have all of these affidavits that were
2 filed. One of them was 24 pages. One was 18 pages.

3 The standard here is that the Court should
4 dismiss the Indictment where the Indictment is so
5 vague, indistinct, and indefinite as to mislead the
6 accused and embarrass him in the preparation of his
7 defense or expose him after conviction or acquittal
8 to substantial danger of new prosecution for the same
9 offense.

10 It's really pretty obvious what the allegation
11 is here, and the allegation is -- and I have the
12 Indictment right in front of me -- that on the 21st
13 day of March, 2003 (sic), that the defendant is
14 accused of murdering Steven Cozzi.

15 Now, it does allege mortal wounds of which said
16 mortal wounds, and by the means aforesaid, in that
17 the grand jury has no knowledge of, in other words,
18 it's unknown as to exactly the specifics of the
19 murder, but the grand jury is alleging here that the
20 defendant murdered the victim on the 21st day of
21 March.

22 So there's really no confusion. So it's not
23 like if he gets convicted or if he gets acquitted of
24 this, that there's going to be confusion and
25 embarrassment and may be charged again because it's

1 pretty obvious what we're talking about here.

2 And, again, there's no confusion and
3 embarrassment here when you look at the plethora of
4 police reports. I don't know how thick they are, but
5 normally they get pretty thick on a murder like this.
6 I think we're going to hear some testimony today.
7 There are affidavits, again, of law enforcement
8 officers that have been filed in the court file
9 already. One is 24 pages. One is 18 pages.

10 The Houston case does indicate -- that's the one
11 from 1905 -- it is true that when a grand jury is
12 informed of the instrumentalities used in effecting a
13 homicide and of the manner of the death, these should
14 be set forth in an indictment.

15 But when a grand jury is satisfied that an
16 unlawful homicide has been committed and the evidence
17 does not satisfactorily show how it was accomplished,
18 the form of indictment used in this case is supported
19 by abundant authority from the various states.

20 So in Houston, the Florida Supreme Court
21 indicated that if the grand jury doesn't know exactly
22 how it happened, but they're alleging that it
23 happened, then that is satisfactory.

24 The Mendenhall case, which is from 1916, follows
25 Houston. It doesn't get into a whole lot of

1 specifics.

2 Then we have the Ingleton case, which is the 700
3 So.2d 735, from 1997. And, again, they do follow
4 Houston and Mendenhall. And specifically here,
5 Footnote 2 states as follows: Historically, grand
6 juries have been instructed to include in murder
7 indictments the manner and means by which the death
8 was caused.

9 It has also been held, however, that the
10 indictment may state that such information is unknown
11 to the grand jury when such is the case.

12 Now, usually, the most critical and compelling
13 piece of evidence in a murder case is the body
14 itself, especially when you're talking about the
15 cause and the manner of death. Sometimes there is no
16 body, and the allegation here is that there is no
17 body because of the criminal episode of the defendant
18 in the disposing of the body.

19 So without the body, it's difficult to know if
20 the victim was stabbed or shot or the victim of blunt
21 force trauma or strangulation or any combination of
22 those. It could be more than one of those things
23 that happens, and that's just because the body,
24 allegedly, was disposed of by the defendant.

25 So based upon all of the foregoing, I'm going to

1 deny the motion.

2 All right. So next, we have the Arthur hearing.
3 So let's deal with that. That's the State's motion.
4 And then whether I grant that or not, then we'll have
5 the issue of should the defendant get a bond. Even
6 if I find that the proof is evident or the
7 presumption is great, I could still give him a bond.

8 So let's find out, first of all, if I can hold
9 him without bond. So that's the State's motion, so
10 you may proceed on that.

11 MR. BRUNVAND: Your Honor, could we -- I'll ask
12 to invoke the rule at this point.

13 MR. VONDERHEIDE: Your Honor, may we approach
14 for a moment?

15 THE COURT: Okay.

16 (Bench conference held.)

17 MR. VONDERHEIDE: The next of kin is a witness
18 for the State and I believe going to -- another next
19 of kin is going to be a witness for the defendant. I
20 would like them to be -- if they can be in the
21 courtroom.

22 THE COURT: Well, under Florida law, they have
23 the right to be here for everything. So --

24 MR. BRUNVAND: I have no objection to --

25 MR. VONDERHEIDE: Next of kin?

1 MR. BRUNVAND: -- the next of kin being in the
2 courtroom.

3 MR. VONDERHEIDE: Okay.

4 THE COURT: All right.

5 MR. BRUNVAND: And I discussed that with my
6 client.

7 THE COURT: All right. And that, obviously,
8 goes for both sides.

9 MR. BRUNVAND: Yes.

10 MR. VONDERHEIDE: Thank you.

11 (Sidebar conference concluded.)

12 MR. VONDERHEIDE: All right. Before we begin
13 with evidence, I filed three affidavits in the case.
14 Two of them relate to the Arthur hearing standard of
15 presumption greater, guilt is evident.

16 The third one relates to the second half, which
17 is the dangerousness of Dr. Kosowski, and his ability
18 to flee the country.

19 So at this time, those are State's Exhibits 1,
20 2, and 3. I believe State's Exhibit 1 is the
21 affidavit of Detective Bolton. I would ask to move
22 that into evidence now, even though it's already been
23 filed.

24 State's Exhibit 2 is the affidavit of Detective
25 Lance Moore, already filed, e-filed, but I would ask

1 to move it into evidence to be used here today. And
2 since we're here for the second half of the second
3 phase, I will just add it now into evidence, State's
4 Exhibit No. 3 is the second phase affidavit of
5 Detective Bolton.

6 THE COURT: All right. Very good. I'm not sure
7 I got that third one, though.

8 MR. VONDERHEIDE: It was filed, I think,
9 yesterday. If I may approach?

10 THE COURT: Okay. All right.

11 Any objection from the Defense?

12 MR. BRUNVAND: Your Honor, the rule allows
13 hearsay. We would object to the fact that it's
14 hearsay. We would object to the fact that we believe
15 it violates the confrontation clause, but we
16 recognize that it allows hearsay.

17 The exception under the hearsay -- under the
18 rule; however, is that if it's information that was
19 obtained in violation of either the Florida
20 Constitution or the United States Constitution, it
21 should not be considered.

22 So for purposes of that, we -- we -- we would
23 agree that it can come in, but -- but with the
24 caution that we're not agreeing that the information
25 in those affidavits was necessarily obtained

1 consistent with the United States Constitution, and
2 we anticipate filing a Motion to Suppress challenging
3 a lot of the information that is, in fact, set forth
4 in the affidavit.

5 THE COURT: All right. Thank you. And it's
6 been long established that at an Arthur hearing
7 affidavits are admissible, hearsay is admissible. So
8 I would admit them into evidence.

9 (State's Exhibits 1, 2, and 3 were admitted.)

10 State, do you want to make an opening statement,
11 or do you just want to call your first witness?

12 MS. SPADARO: Yes, Your Honor. Prior to calling
13 our first witness, can I just make sure that we can
14 hook up the sound because we do have some exhibits?

15 THE COURT: Okay.

16 MS. SPADARO: Thank you, Your Honor. Alexandra
17 Spadaro on behalf of the State. Our first witness
18 would be Jake Blanchard.

19 THE COURT: Very good.

20 THE BAILIFF: Mr. Blanchard, right this way.
21 Stand right here next to me. Raise your right hand.
22 Face the clerk. Take the oath and answer out loud,
23 please.

24 (Witness was duly sworn on oath.)

25 THE BAILIFF: Sir, right this way. Go ahead and

1 have a seat. Speak in a loud and clear voice for the
2 Court.

3 THE COURT: All right. Good morning, sir.

4 MS. SPADARO: May I inquire?

5 THE COURT: You may inquire.

6 MS. SPADARO: Thank you.

7 DIRECT EXAMINATION

8 BY MS. SPADARO:

9 Q. Good morning. Will you please introduce
10 yourself to the Court and spell your last name for the
11 court reporter.

12 A. My name is Jake Blanchard. First name J-A-K-E.
13 Last name Blanchard, B-L-A-N-C-H-A-R-D.

14 Q. Thank you, Mr. Blanchard. Now, before we talk
15 about why you're here today, I want the Court to get to
16 know a little bit about you. Tell us a little bit about
17 yourself.

18 A. I was a -- I was in the Navy for four years
19 after high school. I used the GI Bill to go to undergrad
20 while I repossessed cars at night. And decided while I
21 was doing that, I would rather be a bankruptcy attorney
22 for whatever reason and help people. And -- and so I went
23 to law school, and I became a debtor's attorney with
24 Marshall Reisman in September of 2008. And I worked with
25 Marshall. We became partners.

1 And I got an offer from a big firm, and I
2 thought that would be a good move for me. I learned a
3 lot, but it wasn't for me. And so in January of 2014, I
4 went on my own. So I've been on my own for over -- a
5 little over the past nine years.

6 Q. Okay. And what's your law firm called?

7 A. Blanchard Law.

8 Q. And what type of law do you practice?

9 A. We do primarily bankruptcy. We do foreclosure
10 defense, business litigation, contracts, writing
11 contracts, and dealing with contract disputes.

12 Q. Okay. Is your law firm big or small?

13 A. Small.

14 Q. How many people currently work at Blanchard Law?

15 A. Two.

16 Q. Now, I want to take you back to March 21st of
17 this year. How many people worked at Blanchard on that
18 day?

19 A. Three.

20 Q. Who was the third member of your team?

21 A. Steven Cozzi.

22 Q. Mr. Blanchard, I want to talk to you about
23 Steven Cozzi. When did you first meet him?

24 A. I first met Steven Cozzi at -- at a BNI meeting.
25 It's -- it's a networking meeting, and I was substituting

1 for someone. So in these meetings, there's about 60
2 people from different occupations and trades that get
3 together, and they network, and they meet once a week.
4 And you would get up and do an infomercial about yourself,
5 like a 30-second infomercial about yourself.

6 And -- and so that's -- I saw Steven do his
7 infomercial, and it was really prepared, really funny,
8 really informative, and I was -- I was, like, I really --
9 I really liked him just from that, so I went up, and I
10 introduced myself.

11 And I was -- I didn't have an associate at the
12 time, but I thought to myself, Well, if I ever need one,
13 I'm going to talk to this guy. He had did family law.
14 He, you know, family law is tough, so I don't -- I think
15 he made the best of it, but at some point, he was -- I
16 became friends with him on Facebook. I saw on Facebook
17 that he was looking for new work.

18 So I messaged him to have -- come have lunch
19 with me, and he -- he was perfect for what we needed. We
20 needed someone -- we needed somebody with empathy, and I
21 needed someone with spirit. I needed someone smart and
22 diligent. He was all these things.

23 He didn't know anything about bankruptcy, which
24 was great because then he didn't have to unlearn stuff.
25 So I was really excited to bring him on board. And so --

1 so he was just out of law school barely two years, but he
2 had lived a life.

3 Prior to that, he lived in New York, and he
4 did -- he went to law school as a second career, like --
5 like I did. And he was older than the other kids in law
6 school like I was.

7 Q. When did he -- when did he come to work for you?

8 A. September of 2018.

9 Q. Okay. Was your intuition right? Was he a good
10 employee?

11 A. Oh, he was -- he was -- he was the best. It
12 could not have -- it could not have worked out better.

13 Q. Now, you said he started working in 2018, so up
14 until 2023, he was working for you?

15 A. Yes, he came in September, 2018, I think.

16 Q. Now, would you say while he was working for you,
17 his work improved or declined?

18 A. It -- it improved. It improved every day.

19 Q. Now, it sounds like he was more than just an
20 employee to you; is that right?

21 A. Yeah.

22 Q. Is he one of your best friends?

23 A. Yes, he was.

24 Q. Talk to us about your friendship with Steven.

25 A. He -- we were both little brothers, and we would

1 always joke about our big brothers, but as a little
2 brother, you always want a little brother. So Steve
3 became my little brother. And we would go running on --
4 on the weekends and text each other stupid jokes at night.
5 And occasionally complain about our spouses, like we all
6 do.

7 And so he just became one of my closest friends.
8 And he fell in love with Michael, and they were going to
9 get married, and he asked me to stand up with him at the
10 wedding, and I was in his wedding.

11 Q. Describe his personality to the Court? Was he
12 social? Was he antisocial? Was he funny? Calm? Quiet?

13 A. He was -- he was unique in that he was -- had
14 such a wit about him that no matter what you were talking
15 about, he would say something funny. And he was always --
16 and he was always in a good mood.

17 And he was always joking and making movie
18 references. He had a brain that would trap information
19 and then just bring it out at the most odd times, and it
20 was so much fun to see what he would do and say in
21 situations like that. But he was -- he was -- he was a
22 very social guy. He was pretty outgoing.

23 Q. Did he have a lot of friends?

24 A. Yes. Yeah, he had a lot.

25 Q. Did he -- was he active in the community?

1 A. Yes.

2 Q. How so?

3 A. He was -- he was in the -- he was active in the
4 St. Pete Bar. He wrote for their -- their publication.
5 He also was active with Pride, and he set up a booth at
6 the St. Pete Pride one year, and he was just glowing. And
7 so he loved being part of the community and helping
8 people.

9 So we wanted to do it again, but then COVID
10 came, so. But he was always, always, you know, doing pro
11 bono and asking, you know, to do pro bono. He was very
12 keyed in with Gulf Coast and Bay Area Legal Services.

13 Q. Did you notice at any point those activities or
14 his involvements declining?

15 A. No.

16 Q. They were continuous over the couple of years
17 that you knew him?

18 A. Yes.

19 Q. You mentioned his -- his husband Michael. Do
20 they have any animals or kids?

21 A. Yeah. They have a dog, Casey. It's a Corgi,
22 and I remember when they got him as a puppy. And they've
23 got a rescue dog named Sprout.

24 Q. Did he love his animals?

25 A. Oh, yeah, he did. They both do.

1 Q. Now, did -- to your knowledge, did Steve ever
2 suffer from any anxiety?

3 A. Probably about a year, a year and a half ago, I
4 was -- you know, I mentored him, so I noticed he was sort
5 of worrying about stuff that I would continually say,
6 Don't worry about it. And I encouraged him to go talk to
7 somebody, and he did. And I told him that I do the same
8 thing that I did, and I had to -- I have to deal with it.

9 I mean, you know, I told him that I had to take
10 medication to control anxiety. I've been doing it since
11 2004. There's nothing wrong with it. There's nothing to
12 be ashamed of it. So I encouraged him to talk to somebody
13 about it, and he did. And --

14 Q. Did you see a difference after that?

15 A. Within a couple of months, he was really the
16 same. He was back to himself. He was -- he was good. He
17 didn't -- it seemed to do the trick. And we didn't really
18 deal with it -- have to deal with it other than, you know,
19 the -- the cases and the anxieties that go with the cases,
20 but it wasn't anything unusual after that.

21 Q. Would you say lawyers have a lot of anxiety
22 anyway?

23 A. You could -- you could ask my wife that when I
24 come home, I'm sure. Yeah. I know I do. I can't speak
25 for the rest of us, but every time we -- you know,

1 sometimes we see each other and we just -- we're just --
2 we're just glad to see each other to get through the day.
3 There's a lot of anxiety being an attorney.

4 Q. Now, even though there was anxiety. You noticed
5 it with Steve. You saw him get help. After he went and
6 got help, were you ever concerned for his mental health at
7 that point?

8 A. No. No. He took care of it, whatever it was.
9 I mean, there was no issue after that.

10 Q. Now, did Steven drink alcohol?

11 A. I never saw him drink.

12 Q. Do you know why that is?

13 A. I know that -- and this was also one of the
14 reasons why I liked him. I knew that he was in recovery
15 and that -- and my dad was a Vietnam veteran, and he was
16 in recovery for 35 years, and I never saw my dad take one
17 drink. And I knew that Steve had that same commitment
18 and -- and he -- and he had been through that walk.

19 So it gave him a great deal of empathy. That
20 was one of the reasons why I wanted him to come work with
21 me because I knew that he committed himself. And he was
22 the type of person that, if he committed himself, that's
23 it. It's going -- he is going to stick with it. So one
24 time we had a client bake us a rum cake and he -- he
25 wouldn't even eat it.

1 Q. Were you ever concerned about Steve's sobriety?

2 A. No.

3 Q. Now, I want to talk to you about March 21st of
4 this year, and that was the last day you saw Steven,
5 right?

6 A. Yes.

7 Q. Were you working that day?

8 A. Yes, I was.

9 Q. And where was your firm located on that day?

10 A. We were at 1501 Belcher Road South. I was in
11 Unit 6B, which is in the northeast corner of the building.

12 Q. Is that suite, does that have just your law
13 firm, or are there other buildings -- or other businesses
14 in that building?

15 A. Just -- at that time, just my law firm. It had
16 been like that for a couple of years. Just my law firm,
17 yeah.

18 Q. Were there other possible rooms or businesses to
19 be located, or was it just one business?

20 Does that make sense?

21 A. Yes. It was just one business. I mean, I could
22 have had another business. And for a time, I did have a
23 tax resolution business, but at, you know, for the last
24 year, year and a half, it was just our law firm. It was
25 just the three of us in there.

1 MS. SPADARO: Okay. May I approach the clerk?

2 THE COURT: You may.

3 MS. SPADARO: I'm showing opposing counsel
4 what's been previously as State's Exhibit 1 -- I'm
5 sorry -- 8 for identification.

6 May I approach?

7 THE COURT: You may.

8 BY MS. SPADARO:

9 Q. Mr. Blanchard, I'm handing you what has been
10 previously marked as State's Exhibit 8 for identification.

11 Do you know what this is?

12 A. This looks like the floor plan to our building.

13 Q. Okay.

14 A. Our whole office building that we have. That we
15 are in.

16 Q. Okay. Is this a fair and accurate depiction of
17 the office building that you were in on March 21st of
18 2023?

19 A. Yes.

20 Q. Okay.

21 MS. SPADARO: At this time, the State would like
22 to enter into evidence what's been previously marked
23 as State's Exhibit 8 for identification as Exhibit 8.

24 THE COURT: Any objection?

25 MR. BRUNVAND: No, Your Honor.

1 THE COURT: It's admitted.

2 (Exhibit No. 8 was admitted into evidence.)

3 MS. SPADARO: May I publish?

4 THE COURT: You may.

5 BY MS. SPADARO:

6 Q. Now, Mr. Blanchard, you just identified this as
7 the layout of the building. I kind of want to just walk
8 through it with the Court, if that's okay with you.

9 Can you see from where you're sitting? I can
10 zoom out, too.

11 A. Yes.

12 MS. SPADARO: So, actually, Your Honor,
13 permission for the witness to step down over here to
14 point out some of the -- parts of this exhibit. Is
15 it okay if he comes over there?

16 THE COURT: All right. Yeah. He can go over
17 there, or he --

18 BY MS. SPADARO:

19 Q. Or if you can point from there, Mr. Blanchard.
20 I'm sorry. All right. Kind of walk us through -- once I
21 get this focused. Okay.

22 All right. Walk us through this blueprint or
23 the layout. Where is -- where was Blanchard Law located
24 on this picture?

25 A. May -- may I stand?

1 THE COURT: You may.

2 THE WITNESS: This is the foyer where you come
3 into the building right there.

4 BY MS. SPADARO:

5 Q. Okay.

6 A. And that is at the north of the building. This
7 is our office right here. If you can push -- push it down
8 a little bit?

9 Q. Sure.

10 A. Yeah.

11 Q. I'm sorry.

12 A. For whatever reason, it's not showing a door
13 into here, but there's a door there.

14 Q. When you walk through that foyer from the
15 outside --

16 A. Yeah?

17 Q. -- what do you see right when you walk in?

18 A. There was a big, like, abstract painting of John
19 Lennon, and then that door usually was open, and then you
20 could see the men's room.

21 Q. Okay. So where was -- and, I'm sorry, you may
22 have said this already, where was your office located in
23 respect to the foyer?

24 A. So this is -- here is the foyer. This part
25 here --

1 Q. Uh-huh.

2 A. -- was Blanchard Law.

3 Q. Okay.

4 A. This is -- this was my office. Rebecca's
5 office. This was an extra office. This was the
6 conference room. This was Steve's office.

7 Q. Okay.

8 A. And then -- and then a little, like,
9 lunchroom/break room area.

10 Q. Now, did you have a restroom located in your
11 office, or was it a communal restroom for everybody to
12 share?

13 A. No. In this building, the only restroom that we
14 had was this one, and it was in the common area where you
15 see the common area hall, common area hall. So this was
16 the only bathroom.

17 Q. Okay. Was there -- you pointed to a spot on
18 this picture, located conference room, and you said that
19 was Steven's office?

20 A. Yeah.

21 Q. Was there a door that led out to the hallway to
22 get to the men's restroom from Steven's office.

23 A. Yes. Right --

24 Q. Could you point that out to us?

25 A. Yeah. This was Steve's office, and this was the

1 door that would go to the hall and to the bathroom.

2 Q. Okay. Now, there are a lot of other offices
3 located or -- or mentioned on this picture.

4 A. Uh-huh.

5 Q. Can you kind of just walk us through what each
6 of those are, to your knowledge, or what they were at the
7 time?

8 A. So the owner of the building bought this
9 building about a year and a half or two years prior to --
10 it was about a year and a half prior to what happened, and
11 he was going to merge this building or -- and the business
12 with the vet clinic next door, I believe.

13 So he wasn't renewing -- the landlord wasn't
14 renewing leases. So it got to where by the -- by the time
15 of the incident, these were all vacant. The veterinary --
16 the veterinary clinic, which was next door, had an admin
17 office here.

18 This office was a business called Renaldi
19 (phonetic), and then it was Blanchard Law. And then --
20 so, really, the only three at that time were was -- was
21 veterinary clinic, admin, Renaldi, and us, and then all of
22 these were -- were vacant.

23 Q. Okay.

24 A. Does that make sense? Is that what you needed?

25 Q. That's exactly what I was asking for.

1 A. Okay.

2 Q. Thank you. When you -- I want to go back to the
3 Blanchard Law Firm.

4 So that door you pointed to outside -- that led
5 to Steven's office?

6 A. Yes.

7 Q. If you were to turn right, is that how you would
8 get to the restroom?

9 A. Yes.

10 Q. If you were to turn left walking out of Steven's
11 office, what would that lead to?

12 A. It would lead to this -- this common area hall.
13 There would be, like, a utility room here where there was,
14 like, electrical stuff and breaker switches and, like, a
15 ladder to the roof.

16 I've been in this building for -- for eight
17 years. I started off here. So I know the place. I know
18 it very well. And so this was the common area hall, and
19 then it would go out into these other offices that were --
20 were vacant at the time. But these doors remained --
21 would all be shut, and it would just be the common area
22 hall.

23 Q. Okay.

24 A. What you would see if you turned left.

25 Q. Gotcha. And like you said, those were all

1 vacant?

2 A. Yes.

3 Q. The office buildings?

4 A. Yeah.

5 Q. Okay.

6 A. From here to -- with the exception of this.

7 Q. Uh-huh.

8 A. So here over.

9 Q. Okay.

10 A. And, you know, here down.

11 Q. So I'm going to leave that up, but I want to
12 bring you back to the March 21st date. You stated that
13 you went to work that day.

14 Do you know what time you got to work?

15 A. I don't remember exactly. It was a little after
16 9:00.

17 Q. Okay. How would you have walked into work?

18 A. So I come in through the foyer. There's a door
19 right here. We have a security system in our office that
20 has a magnetic door lock.

21 Q. Uh-huh.

22 A. So --

23 Q. And we'll talk about that in a little bit, too.

24 A. Okay. So I would walk through the door that
25 isn't here.

1 Q. Uh-huh.

2 A. But it should be.

3 Q. All right. Now, was that before or after Steven
4 got to work? Was he already there that day?

5 A. Yeah. He -- he got there before me every day,
6 so, yeah.

7 Q. So --

8 A. Everybody does.

9 Q. Did you see him that morning when you walked in?

10 A. Yes.

11 Q. Where was he?

12 A. He was -- this is his office. He -- his desk
13 was right -- he had, like, an L-shaped or a U-shaped desk,
14 so it was like this. So he was sitting right here at his
15 computer, and -- so, yeah, I said hello.

16 Q. What was he doing when you came in?

17 Was he working?

18 A. Yes, he was.

19 Q. And do you know what he was working on?

20 A. He was -- we were trying to get a couple of
21 things done, but I remember him working on a -- a
22 complaint for a client of ours. It's probably irrelevant,
23 but I remember the case. Did you want to know the case?

24 Q. No, but you remember he was working on
25 something?

1 A. Yes.

2 Q. Right?

3 A. I was -- he asked me a couple of questions, and
4 I was telling him, you know, this is how I want it in the
5 Complaint, and this is where I want it. You know, he
6 goes -- he argued with me, no, no, it should go this way,
7 but we half-joked around a little bit. And I said, Okay,
8 you do it how you do it, and we'll work on it later.
9 That's what we usually do. So we had that conversation.
10 And then -- and then that was really pretty much all I
11 said to him.

12 Q. Okay. Was he the type of employee that you had
13 to monitor, or was he --

14 A. No.

15 Q. -- pretty self-sufficient?

16 A. No. He was -- he was self-sufficient, and I
17 did -- I got to the point where I told him I don't have to
18 review everything that you do. I'm the lead attorney. My
19 name is on the door. I'm in charge, but I trusted him.

20 And in a lot -- in a lot of things, he became
21 better at me -- better than me at, so I relied on him, and
22 I think that that case, truthfully, is one of those
23 things. So he was excited to work on it because he was --
24 he was learning a lot. And so -- yeah, anyway.

25 Q. Mr. Blanchard, I'm actually going to ask you to

1 have a seat. May I return to the clerk? I didn't want to
2 make you stand anymore.

3 A. That's okay.

4 Q. To your knowledge, did he -- did Steven have any
5 hearings or meetings on anything going on that day?

6 A. On the calendar, there was a case management
7 conference hearing for Kosowski vs. Dunedin Surgical
8 Consultants, Total Vitality Medical Clinic, Erel Laufer,
9 Erel Laufer, P.A., Dr. Wolstein, and Adam Roseoff
10 (phonetic). I -- I may have missed one -- and Jennifer
11 Friend. I represented everybody but Jennifer Friend in
12 that case.

13 Q. Okay. And we'll talk a little bit more about
14 that lawsuit in a little bit, but he had a hearing for
15 that lawsuit that day?

16 A. Yeah.

17 Q. Do you know what time that was?

18 A. 10:30.

19 Q. Now, did you have to typically remind him about
20 hearings?

21 A. Never.

22 Q. Meetings?

23 A. Never.

24 Q. Deadlines?

25 A. No.

1 Q. Was it ever like him to miss an appointment or a
2 hearing in court?

3 A. No. I mean, he would never miss an appointment.
4 It was not like him to miss anything.

5 Q. Did he miss this one?

6 A. He did.

7 Q. When did you notice that Steven wasn't in his
8 office anymore?

9 A. Well, probably around 11:00 in the morning.

10 Q. Okay. Did you text him or anything that day?

11 A. I did.

12 Q. And do you remember what you asked him?

13 A. I asked him if he went to the CMC.

14 Q. What is CMC?

15 A. Case management conference --

16 Q. And --

17 A. -- because I -- it was -- they were mostly
18 telephonic, but I didn't see him there, so I thought maybe
19 he went. Some, you know -- sometimes the state court
20 judges are having us appear in person. I didn't know if
21 this was one of the cases, but I saw on the Notice of
22 Hearing when I pulled it up, it did say telephonic, but I
23 don't know, Steve could have gone anyway. So I texted him
24 to see where he was.

25 Q. Did he text back?

1 A. No.

2 Q. After you didn't hear back from Steven, did you
3 go looking for him?

4 A. Yeah.

5 Q. Where did you start?

6 A. I started in his office.

7 Q. What did you notice about his office?

8 A. His wallet, his phone, and his keys were there.

9 And I just was looking over everything, and I bumped a
10 chair, and it woke his computer up, and he was in the
11 middle of responding to an e-mail that I had sent him.

12 Q. So he was in the middle of working on something.
13 His phone, his wallet, his keys were there, and he didn't
14 text you back.

15 Did this cause you to be concerned?

16 A. Yes.

17 Q. Why? Is that like Steven to just get up and
18 leave his things behind and not say anything to you?

19 A. Not like him at all. That wouldn't -- it didn't
20 make sense at all.

21 Q. So when you started getting concerned, what was
22 the next step after you saw that he wasn't in his office
23 and all of his belongings were still there?

24 A. I went, and I checked all of the offices in our
25 suite, and then I went --

1 MR. VONDERHEIDE: Permission -- I'm sorry.

2 Permission to republish Exhibit A? This may help.

3 THE COURT: You may.

4 MS. SPADARO: Thank you.

5 BY MS. SPADARO:

6 Q. Sorry. I saw that you wanted to point to it, so
7 let me help you out.

8 A. I went, and I checked all of the offices in our
9 suite.

10 Q. Okay.

11 A. And then I went and checked the bathroom.

12 Q. Now, why did you check -- why did you check the
13 bathroom?

14 A. I mean, that would be the only other place that
15 he would go if he wasn't in our office.

16 Q. Did you notice anything in that hallway that
17 stood out to you?

18 A. It's -- I -- when I walked up on the office --
19 or on the bathroom, I smelled bleach, and I saw blood on
20 the door.

21 Q. Okay. After you saw blood on the door and you
22 smelled bleach, did you go in?

23 A. Yes, we did.

24 Q. What did you see when you walked in there?

25 A. I saw blood. I saw a -- I -- there was blood on

1 the stall. There was small spurts next to the urinal.

2 Spatter...

3 Q. Do you need a minute? That's okay.

4 A. I -- there was blood on the toilet. It looked
5 like there was blood on the wall that somebody tried to
6 clean up because the paint was smeared, and it wasn't like
7 that, and on the floor, and it just smelled like bleach.
8 We don't have bleach. I never would carry -- keep bleach
9 in the office. So it was just -- it was a scary sight, so
10 I got worried.

11 MS. SPADARO: May I approach the clerk, Your
12 Honor?

13 THE COURT: You may.

14 MS. SPADARO: I'm showing opposing counsel
15 what's been previously marked as State's Exhibit
16 5A -- Composite 5A through 5I.

17 MR. BRUNVAND: No objection.

18 THE COURT: All right. So they are admitted
19 with no objection.

20 (State's Exhibits 5A through 5I were admitted
21 into evidence.)

22 MS. SPADARO: May I approach the witness?

23 THE COURT: You may.

24 BY MS. SPADARO:

25 Q. All right. Before we publish these, I just want

1 you to look through them just to make sure you recognize
2 all of those, and we're going to walk through some of
3 those pictures.

4 Are those photographs of the restroom?

5 A. That's the bathroom door from the outside.

6 Q. How about this?

7 MS. SPADARO: Your Honor -- I'll stop you really
8 quick. Your Honor, could we go over to the Elmo?

9 THE COURT: Yes.

10 MS. SPADARO: Thank you.

11 THE WITNESS: Do you want me to go with you?

12 BY MS. SPADARO:

13 Q. Yes. We're going to walk through these
14 together, okay.

15 A. Okay.

16 Q. All right. For the record, I am publishing
17 what's been premarked as State's Exhibit 5A.

18 You mentioned that was what?

19 A. The bathroom door, the outside men's bathroom
20 door.

21 Q. Okay. For the record 5B, what is this a
22 photograph of?

23 A. That's the --

24 Q. Go ahead.

25 A. That's -- it looks like that was the blood on

1 the door.

2 Q. That was on the outside of the bathroom door?

3 A. Yeah.

4 Q. Okay. Now, you mentioned that there was blood
5 all in the restroom as well, correct?

6 A. Yeah.

7 Q. All right. What is this a photograph of? And
8 for the record, that is 5C.

9 A. This is the -- it was a small bathroom. There
10 was one urinal and one toilet stall. So, you know,
11 typically, you try to avoid the bathroom if somebody else
12 was in there.

13 Q. Would you be on top of someone --

14 A. Oh --

15 Q. -- if they was using the urinal and you were
16 waiting inside the restroom?

17 A. Yes. Yeah.

18 Q. So if you heard somebody in there, is it typical
19 that you would just come back later?

20 A. I would -- yeah. Probably.

21 Q. Okay.

22 A. Yeah. Yeah, definitely. I'm not going to wait
23 while there's people in there.

24 So there's blood. There was blood here, right
25 here, next to the urinal.

1 Q. Okay.

2 A. Some splatters. Then there was some remnants of
3 blood down here.

4 Q. Okay. For the record, 5D. Is there blood in
5 this photo?

6 A. Yes, but it looked like somebody tried to clean
7 it up.

8 Q. Okay.

9 A. But there was clearly blood, and it could have
10 been something else. Maybe hair.

11 Q. Okay. Now, publishing 5G, this is inside the
12 stall.

13 Did you see that when you walked in?

14 A. Yeah.

15 Q. And what is that?

16 A. Well, this is what panicked me more than
17 anything was the blood right here on the toilet and then
18 this over here.

19 Q. So there's a discoloration in this photo on the
20 wall. Was that there when you walked in?

21 A. It was there when I walked in, but that had
22 never been there before.

23 Q. Okay. And what did it look like to you?

24 A. It looked like somebody tried to clean something
25 off of it.

1 Q. Was the paint chipped away on the wall?

2 A. It wasn't chipped away, but it was -- it looked
3 like it was rubbed with some sort of chemical that would
4 rub the paint off. It looked like it was rubbed off.

5 Q. Okay. And then for the record 5F, is that a
6 better photograph of that?

7 A. Yes.

8 Q. Okay. Mr. Blanchard, if you can return to your
9 seat. Thank you.

10 A. Thank you.

11 Q. Now, what was your state of mind like when you
12 walked into the restroom, you couldn't find your friend,
13 you see blood everywhere, it smells like bleach; what --
14 what were you thinking at that moment?

15 A. I was -- I -- I started to freak out. I was
16 panicked.

17 Q. Okay. Now, did you call the police?

18 A. Yes.

19 MS. SPADARO: May I approach?

20 THE COURT: You may.

21 MS. SPADARO: I'm showing opposing counsel
22 what's been premarked as State's Exhibit 6 for
23 identification.

24 MR. BRUNVAND: No objection.

25 MS. SPADARO: May I approach?

1 THE COURT: You may. All right. If there's no
2 objection, it's admitted.

3 (State's Exhibit No. 6 was admitted into
4 evidence.)

5 MS. SPADARO: Okay. Permission to publish.

6 THE COURT: You may. Is that the 911 call?

7 MS. SPADARO: It is.

8 (Exhibit No. 6 was published for the Court.)

9 FEMALE VOICE: 911 emergency.

10 OPERATOR: (Indiscernible) at this time.

11 Caller, go ahead.

12 MR. BLANCHARD: Yeah. I'm -- my friend and --
13 his name -- his name is Steven Cozzi, he works for
14 me. And he's my associate, and he's been my friend
15 and associate for five years. He got up to go to the
16 bathroom, and he's gone, and I can't find him. His
17 phone and keys are on his desk, but there's like --
18 he went to the bathroom, but there's some -- there's,
19 like, blood in the bathroom, but I don't know -- but
20 I can't find him. And my paralegal Rebecca is here
21 with me, we looked through the whole building, and we
22 don't -- we don't know what happened to him.

23 OPERATOR: Okay. What's the address, sir?

24 MR. BLANCHARD: 1501 Belcher Road South.

25 OPERATOR: Is there a suite number?

1 MR. BLANCHARD: Yeah, it's Suite B.

2 OPERATOR: Okay. All right.

3 MR. BLANCHARD: Largo.

4 OPERATOR: And you said he was in the bath --

5 MR. BLANCHARD: His car is here.

6 OPERATOR: -- and then he left?

7 MR. BLANCHARD: Uh-huh.

8 OPERATOR: You said he was there, and then
9 there's blood in the bathroom?

10 MR. BLANCHARD: Yeah. Uh-huh.

11 OPERATOR: Okay. And how long ago did you see
12 him?

13 MR. BLANCHARD: He -- he -- I think I saw him --
14 like, the last time I saw him was maybe an hour ago
15 because he -- we're all working in our offices and
16 so --

17 OPERATOR: Okay.

18 MR. BLANCHARD: -- and then he -- he got up and
19 went somewhere, and then I thought he went to a
20 hearing, but then I didn't see him. And I sent him a
21 text and asked him if he went to this hearing to
22 (indiscernible), and then I went and looked in his
23 office, and he's just gone.

24 OPERATOR: Okay. What is his name?

25 MR. BLANCHARD: Steve Cozzi, C-O-Z-Z-I. His

1 first name is Steven, middle name Randall.

2 OPERATOR: How old is she?

3 MR. BLANCHARD: 41.

4 OPERATOR: And you said his vehicle was still
5 there?

6 MR. BLANCHARD: Yeah, his vehicle is still
7 there. His wallet, his phone, and his keys are on
8 his desk.

9 OPERATOR: Okay. Did he go outside at all?

10 MR. BLANCHARD: I don't know. I can't find him.

11 OPERATOR: All right.

12 MR. BLANCHARD: I'm walking around outside right
13 now looking for him.

14 OPERATOR: And what is your name?

15 MR. BLANCHARD: I don't know where he would have
16 gone. My name is Jake Blanchard.

17 OPERATOR: Is this a good phone number for you,
18 Jake?

19 MR. BLANCHARD: Yes.

20 OPERATOR: Okay. All right. Let me have an
21 officer come out and respond to you, all right?

22 MR. BLANCHARD: Okay. Thank you.

23 OPERATOR: You're welcome. Bye-bye.

24 (Recording concluded.)

25 BY MS. SPADARO:

1 Q. Mr. Blanchard, was it like Steve to just walk
2 off and not say anything?

3 A. Of course not. I mean...

4 Q. Would he just go down and walk on Belcher
5 Road --

6 A. No.

7 Q. -- leave his car?

8 A. He was pretty timid. He wouldn't walk down the
9 street by himself.

10 Q. Was it typical for him to walk anywhere and
11 leave his car, his phone, his keys, and his wallet behind?

12 A. No, that's not typical.

13 Q. Now, Mr. Blanchard, at the time, did your law
14 firm have a security system?

15 A. It did.

16 Q. And can you describe to the Court how that
17 worked? Were there cameras, or was it something
18 different?

19 A. We didn't have cameras. I only had that
20 suite -- I didn't want to put cameras in there to preserve
21 attorney-client confidentiality privilege, that sort of
22 thing, but there was a security system, and when we were
23 not there, it would -- there was an alarm, and there was
24 motion detectors inside. And the only way you could get
25 into our suite is if someone let you in.

1 Q. And the -- how many doors led to your suite?

2 A. Two.

3 Q. And was that the one in Steven's office, plus
4 the main entrance?

5 A. Correct.

6 Q. Were there sensors on both of those doors?

7 A. Yes.

8 Q. Did you ultimately check those sensors or see if
9 there was any activity on those sensors during this day?

10 A. Yes.

11 Q. What did that reveal to you?

12 A. It looked like someone went -- went out the
13 door -- went out Steve's door at 9:50 about.

14 Q. Okay. Did it look like anyone ever returned?

15 A. No. No. There wasn't anybody going back in.

16 Q. Okay.

17 A. But before that, you can see when he went to the
18 bathroom, that he would be back within a few minutes, but
19 not -- not that day.

20 Q. Ultimately, did law enforcement ever come out
21 after you called 911?

22 A. Yes.

23 Q. And did you speak with them?

24 A. Yes.

25 Q. Did they ever ask you about people you thought

1 may have wanted to hurt Steven?

2 A. Yes.

3 Q. Could you think of anyone or give any names?

4 A. The only name that came to my mind was
5 Dr. Kosowski. That's the only person. Steve didn't have
6 people that didn't like him. He just wasn't that kind of
7 person.

8 Q. Well, why did you think Dr. Kosowski?

9 A. Because Steve had been on the receiving end of
10 some very terse e-mails. Very --

11 Q. Are you talking about the litigation?

12 A. Yes.

13 Q. All right. So let's -- let's talk about that a
14 little bit. Can you tell the Court what the subject
15 matter of that -- that -- that pending lawsuit was, or the
16 suit was at the time on March 21st of 2023?

17 A. Kosowski filed a 15-count complaint. 11 of them
18 were against my defendant clients that we had talked about
19 earlier, the other four were against Jennifer Friend.
20 I -- and I may be a number or two off on what counts were
21 what. It was a long complaint. A very long complaint.

22 So --

23 Q. Well, let me -- let me stop you there. Your
24 firm represented multiple defendants to the suit?

25 A. Correct. Yes. Uh-huh.

1 Q. Now, were you actively involved in the lawsuit,
2 or was that more Steven's role?

3 A. I was supervising. Steven was the lead. He
4 took -- he took the primary. He was running point on it.

5 Q. Okay. So who -- who would go to, like, the
6 hearings and the meetings and the depositions? Was that
7 you, or was that Steven?

8 A. Steve.

9 Q. Now, was Mr. -- was -- oh, excuse me.
10 Was Dr. Kosowski represented?

11 A. He was up until a year and a half before, I
12 think. I think his attorney withdrew early 2022 sometime.

13 Q. Okay. So he was representing himself during the
14 time frame --

15 A. Correct.

16 Q. -- that we're discussing today?

17 You mentioned that Steve was on the end of
18 some -- I believe some e-mails or something you were
19 talking about.

20 How would you describe the lawsuit in general?

21 A. Contentious.

22 Q. Why?

23 A. You know, it -- it's -- it's a -- Kosowski had
24 somebody complain on him on a review, and he was offended
25 by it, and he thought that it was going to affect or ruin

1 his career. So he blamed everybody that had anything to
2 do with where he worked. At the time, he worked at Erel
3 Laufer, P.A. as a plastic surgeon. So he blamed the
4 biller, Jennifer Friend, and he blamed Erel Laufer, who is
5 the doctor that he worked with, and he blamed the surgical
6 center, and he also accused them all of conspiring against
7 him.

8 He also said that there was an oral contract
9 between him and Erel Laufer, P.A., or -- either that or
10 Dunedin Surgical Center, I can't remember which.

11 Q. Well, let me ask you this, Mr. Blanchard, you've
12 been practicing civil law for a long time. Is it typical
13 that lawsuits can become contentious?

14 A. Yeah.

15 Q. Was this one kind of different, though?

16 A. It was.

17 Q. Why?

18 A. It was very -- I mean, when you're dealing
19 with -- I've been, like I said, 15 years I've been an
20 attorney, it will be, and when you're dealing with --
21 you're usually dealing with another attorney, and we try
22 not to internalize things, and we do a pretty good job
23 with that.

24 And so you have that buffer between plaintiff
25 and defendant, you have the attorneys. And so it could

1 get, you know, contentious, and we could accuse each other
2 of, you know, misstating case law or something like that,
3 but this was -- this was beyond it.

4 Q. When you said this was "beyond it," was
5 Dr. Kosowski accusing Steven of other things?

6 A. There -- he would file -- he filed a number of
7 Motions for Sanctions. One of them for -- for dealing
8 with discovery disputes, and I think one of them he
9 accused Steve of lying --

10 Q. Okay.

11 A. -- and falsifying something, which is,
12 obviously, not true. I mean, he's a member of the Florida
13 Bar. Steve was afraid to do anything wrong because he was
14 afraid of the Florida Bar.

15 Q. Now, to your knowledge, did Dr. Kosowski ever
16 ask that Steven be removed from the case as his opposing
17 counsel?

18 A. I think in one motion he did -- he did seek to
19 have him removed. I believe so.

20 Q. In your 15 years practicing law, have you ever
21 seen that before?

22 A. No.

23 Q. Did it appear that Dr. Kosowski made it personal
24 with Steven?

25 A. It did.

1 Q. How so?

2 A. Well, Dr. Kosowski had been in that office that
3 I know of at least two times prior to a deposition on
4 January 26th, which was --

5 Q. Let's talk -- and I'm going to talk -- let's
6 talk about that deposition on January 26th.

7 A. Yeah.

8 Q. Were you present for it?

9 A. I wasn't in the deposition. I had -- I was -- I
10 was out, and then I just got back to the office, and it
11 was in the afternoon.

12 Q. Did something happen between Dr. Kosowski and
13 Steven during that deposition; to your knowledge?

14 A. Apparently, Kosowski called him a scumbag like
15 his client in the bathroom --

16 Q. Where?

17 A. In the bathroom.

18 Q. In the bathroom?

19 A. Yeah.

20 Q. Was this on a break?

21 A. I believe so.

22 Q. So --

23 A. And he e-mailed me that, and I was --

24 Q. When you said "he," you're talking about Steven?

25 A. Steven e-mailed me that, and I was furious. So

1 I flung the room open -- the door open to the conference
2 room and I was just fuming. My veins were popping out of
3 my neck. And they were in the middle of the deposition,
4 and I was getting ready to stop it and just wring his neck
5 and throw him on the street. I was so mad.

6 And Steve stopped me and was just like, you
7 know, take it easy. It's okay. So I didn't interrupt the
8 deposition. I went back in my office.

9 Q. Had you guys -- when I say "you guys," I mean
10 you and Steven talked about that after that day?

11 A. Oh, yeah.

12 Q. And what did you -- what -- what did you guys
13 talk about?

14 A. We -- we talked about letting the Judge know
15 just how inappropriate he had been and had been being in
16 the case. It wasn't just that, there was some -- there
17 were e-mails and Steve --

18 Q. Was it escalating?

19 A. It seemed to be, yes.

20 Q. Okay. Did that cause you some concern?

21 A. Not from a -- not from a physical standpoint.

22 It just caused me concern that he would not be reasonable,
23 and we would never settle this, and we would have to go to
24 arbitration and then, you know, go to trial at some point.
25 It -- it -- it caused me concern from a business

1 perspective because the case was starting to become
2 dragging -- it was dragging on.

3 Q. Okay.

4 A. But it didn't -- and it concerned me, but I
5 wasn't afraid for Steve's safety at that point.

6 Q. Okay. But he's the only person that you could
7 think of when Steve went missing that day?

8 A. Correct.

9 Q. That would want to harm him?

10 A. That was the only name that came to mind.

11 Q. Now, Mr. Blanchard, you know one of the
12 reasons -- the main reason we're all here today is because
13 Defense is asking for Dr. Kosowski to have a bond set.

14 I want you to tell the Court what your opinion
15 is on that.

16 A. Well, I think that he was going to kill other
17 people, probably me, probably Jennifer Friend, probably
18 Jake Pillsbury.

19 Q. Is it fair to say that you feel like he would be
20 a danger if he were let out?

21 A. My wife is terrified that they're going to let
22 him out. I'm terrified they're going to let him out.

23 Q. Okay. Now, is there anything else you want to
24 tell this Court while you have the opportunity to?

25 A. No.

1 MS. SPADARO: May I have a moment to confer?

2 THE COURT: You may.

3 MS. SPADARO: I have no further questions at
4 this time.

5 THE COURT: Any cross-examination?

6 MR. BRUNVAND: Yes, Your Honor.

7 CROSS-EXAMINATION

8 BY MR. BRUNVAND:

9 Q. Good morning.

10 Mr. Blanchard, I think you indicated that you
11 supervised the lawsuit that involved Steven Cozzi and
12 Dr. Kosowski; is that correct?

13 A. Steven Cozzi was an associate attorney at my
14 office, and that lawsuit -- we defended the defendants in
15 the lawsuit, all of them but one, and Steven Cozzi worked
16 primarily on that case, correct.

17 Q. Sure. Sure. Which means that up until a
18 hearing in March of 2023 that you participated in, you
19 didn't actually participate in any of the depositions or
20 hearings, Steven Cozzi handled it?

21 A. Correct.

22 Q. Okay.

23 A. I think I talked to Kosowski one time on the
24 phone --

25 Q. Okay.

1 A. -- to see if there was anything that we could do
2 to work -- work the case out, and it -- let's just say
3 that was it. Then I had seen him in the -- in the office.
4 He had been in there at least a few times for extended
5 periods of times using the conference room and going in
6 between the conference room and -- he'd have to walk
7 through Steve's office to go to the bathroom, so I would
8 see him there.

9 Q. Okay. How many times would you say you had seen
10 him there?

11 A. I -- I -- I would say that at least two times
12 that I saw him there, but I know that he was there at
13 least three times.

14 Q. Okay. So January 26th is one time?

15 A. Correct.

16 Q. Of 2023, right?

17 A. Yes.

18 Q. Can you give us the dates of the other times?

19 A. No. I don't know. I don't remember.

20 Q. Was it before or after January 26th?

21 A. Before.

22 Q. Okay.

23 A. Because after -- when January 26th happened, he
24 was not going to ever step foot back in my office.

25 Q. So let's talk briefly about the January 26th.

1 The deposition takes place in the office, right?

2 A. Yes.

3 Q. You're not part of it?

4 A. No, I'm in the office.

5 Q. Well --

6 A. Right next door.

7 Q. You had been gone, and then you came back to the
8 office while the deposition was going on?

9 A. Right.

10 Q. Okay.

11 A. But I could hear it from my office.

12 Q. All right. And at some point is it your -- your
13 testimony that during the deposition at some point you get
14 this e-mail --

15 A. Uh-huh.

16 Q. Yes?

17 A. Yeah.

18 Q. Okay. Not a text, but an e-mail?

19 A. He e-mailed Rebecca and I, my paralegal, for the
20 record that this had happened. And I don't know that I
21 saw the e-mail right away, but when I did see it, I -- I
22 got upset.

23 Q. All right. And so what's reported to you is
24 that there was an encounter between Mr. Cozzi and
25 Dr. Kosowski in the bathroom, right?

1 A. Yes.

2 Q. Okay. And during that encounter, Dr. Kosowski
3 told Mr. Cozzi that he was a scumbag?

4 A. Like his clients, correct.

5 Q. Like his clients?

6 A. Correct.

7 Q. Okay. Might you be mistaken about the
8 deposition continuing after that conversation? Might it
9 be that that conversation took place after the deposition
10 that concluded?

11 A. Well, I have an e-mail.

12 Q. I understand.

13 A. And the e-mail had a time stamp on it.

14 Q. Right.

15 A. So you'd want to look to see when it concluded,
16 but I don't think that the deposition had fully concluded
17 because when I found out, I almost stopped the deposition.

18 Q. Okay. But you're not sure?

19 A. I'm not sure of what?

20 Q. The e-mail and the time that that deposition
21 ended would be the conclusive answer as to whether or not
22 the deposition had concluded or not? You're not -- you're
23 speculating on that; is that a fair statement?

24 A. No.

25 Q. No?

1 A. The deposition had not concluded.

2 Q. It had not concluded? Okay.

3 So if the deposition transcript is timed, then,
4 and it turns out that the time on the deposition
5 transcript is prior to the time that you received the
6 e-mail, then that's an incorrect entry on the deposition;
7 is that correct?

8 A. Well, I think the deposition started at 2:00,
9 and I think the e-mail came in around 3:30. So I don't
10 think the deposition concluded until after that.

11 Q. I understand. That was my question earlier was:
12 Do you think this, or do you know it? And I think you
13 said, I know it. And then so is it possible that maybe
14 you're mistaken about when that happened compared to when
15 the deposition concluded?

16 A. Well, I think that --

17 Q. Yes or no?

18 A. -- you're -- well, I think what's going on is
19 that you're trying to confuse me, but I don't remember
20 exactly, but I can tell you that prior to this give and
21 take that the two of us had, I was certain of that, yes.

22 Q. Okay. The -- let's talk briefly about March
23 28th. All right. There's a motion hearing that takes
24 place, right?

25 A. Yes.

1 Q. All right. That's the first time that you are
2 actually participating in the motion hearing?

3 A. That I could remember, yeah.

4 Q. Okay. And several motions were addressed on
5 that date?

6 A. Yes.

7 Q. And many of these motions were motions that had
8 been filed by Dr. Kosowski?

9 A. Correct.

10 Q. These were motions that presumably you knew,
11 from the reports of cocounsel and others, that these
12 motions were motions that Dr. Kosowski felt were important
13 motions?

14 A. Okay.

15 Q. Do -- is that -- can we agree on that, that he
16 felt that they were important motions?

17 A. Sure.

18 Q. Okay. In fact, a few weeks after March 28th,
19 there is a hearing that Dr. Kosowski participated on via
20 telephone from the jail, right?

21 A. Yes.

22 Q. And, in fact, he tells the Court that those
23 motions were important to him during that hearing, right?

24 A. Okay. Yes.

25 Q. Right. He says the reason that he wasn't

1 prepared and couldn't respond to the Summary Judgment
2 motion was because those motions hadn't been ruled on yet,
3 right?

4 A. I don't remember that specifically.

5 Q. Okay. All right. So on March 28th, when all
6 these motions are being heard that are important to
7 Dr. Kosowski, you're present, right?

8 A. I'm on the phone.

9 Q. Sure. You're present on the phone, right?

10 A. Yeah.

11 Q. Okay. Who else is present for that hearing on
12 the phone?

13 A. Jake Pillsbury. He represents Jennifer Friend.

14 Q. Sure. And who else is present, the judge?

15 A. Yes.

16 Q. Court reporter?

17 A. I don't recall.

18 Q. Okay. So at least the judge, yourself, and
19 Mr. Pillsbury, correct?

20 A. Correct.

21 Q. All right. And who is not present for that
22 hearing?

23 A. Well, we didn't know if he was going to call in
24 or not, but he didn't call him.

25 Q. Okay. Well, you knew that he was incarcerated,

1 right? It was all over the news that he had been
2 incarcerated.

3 A. So he was incarcerated and called in at the
4 other hearing.

5 Q. Well, you knew that he was incarcerated on March
6 28th, correct?

7 A. I was relieved that he was incarcerated on March
8 28th, correct.

9 Q. Okay. And did anyone raise the question when
10 these important motions were being heard for Dr. Kosowski
11 as to whether or not he had been notified of this hearing?

12 A. He set the hearing.

13 Q. Okay. Well, did anyone raise the question of
14 whether or not we should maybe reach out to the jail to
15 find out whether or not Dr. Kosowski will be able to
16 participate in the hearing that he had set since he is in
17 jail?

18 A. I'm not the judge. If the judge felt that that
19 is what should have happened, then that's what she could
20 have done, but, apparently, she didn't find the motions
21 important enough or substantive enough to go to that -- go
22 to that. And certainly, the judge knew he was in jail as
23 well.

24 Q. Sure. Would it be fair to say --

25 A. It's not my position to stop the hearing and

1 say, Let's get him.

2 Q. Would it be fair to say that you did not suggest
3 to the Court that maybe we should make sure that
4 Dr. Kosowski can have his word during this hearing, right?
5 You didn't say that?

6 A. Of course not.

7 Q. Okay. Nor did anyone else? Mr. Pillsbury
8 didn't do it either, right?

9 A. I think that the Judge may have said something
10 about it, but neither Mr. Pillsbury or I did.

11 Q. Okay.

12 A. I was -- I was -- I was afraid to hear his voice
13 at that point.

14 Q. You indicated that when you were asked by law
15 enforcement if you knew of anyone who would want to harm
16 Steven Cozzi; do you recall that?

17 A. I do.

18 Q. Okay. And you remember when you were asked by
19 law enforcement these questions, law enforcement, they
20 were wearing these little cameras on their vest, right?

21 A. I don't know.

22 Q. Okay. Have you looked at any -- have you been
23 told that there is body cam footage --

24 A. No.

25 Q. -- of the conversation -- of conversations that

1 took place in your office while law enforcement was there?

2 A. No.

3 Q. Would that surprise you?

4 A. No.

5 Q. Okay. You never noticed their little boxes on
6 their --

7 A. No.

8 Q. All right. Well, there is footage of
9 conversations between yourself and law enforcement, and
10 that does not surprise you, correct?

11 A. It doesn't surprise me.

12 Q. Okay. And part of that footage, in fact, has a
13 conversation between yourself and law enforcement they --
14 where you are asked that very question that you were asked
15 to direct examination, and that is the question of: Can
16 you think of anyone who would want to harm Steven Cozzi,
17 right?

18 A. Yes.

19 Q. Okay. Your answer to law enforcement on that
20 particular day was, No?

21 A. No. You're wrong. There's another part that
22 you're not talking about where I said the only person that
23 I can think of is him that had a problem with him.

24 Q. All right. Is there a time that you tell law
25 enforcement, you answer that question, and you strictly

1 say -- strictly say that, I don't know of anyone who would
2 want to harm Steven Cozzi?

3 A. At that time, I didn't know that -- I didn't --
4 I didn't expect someone to hurt him. I had no --

5 Q. Sure.

6 A. It never came to my mind. I never expected --

7 Q. Right.

8 A. -- anybody to hurt him. Why would anybody want
9 to hurt him? He is the sweetest person.

10 Q. Sure, and that's what you tell law enforcement,
11 right?

12 A. Correct.

13 Q. Okay. And then later on in the conversation,
14 the issue is brought up by law enforcement about: Are
15 there any lawyers that maybe had issues with him, right?

16 A. Right. Uh-huh.

17 Q. Okay. And that's when --

18 A. That's right.

19 Q. That's when Dr. Kosowski's name --

20 A. Right.

21 Q. -- comes up, right?

22 A. Yeah.

23 Q. So -- but it's not about the harming part. It's
24 about he had issues with Dr. Kosowski, right?

25 A. Yeah. I mean, I never thought he would murder

1 him, but I knew that he had a problem with him, but I
2 never expected any kind of physical violence.

3 Q. Sure.

4 A. So when they -- when they went that extra step,
5 yes, it did, it triggered that.

6 Q. Right. And you said that he had problems with
7 him, but you never said that I believed that Dr. Kosowski
8 would physically harm Steven Cozzi?

9 A. I -- you're right, I didn't.

10 Q. Okay. All right.

11 You indicated -- and I don't know if it was you
12 or if it was the prosecutor that made the statement about,
13 you see blood everywhere.

14 Was that the prosecutor, or were those your
15 words?

16 A. I don't recall.

17 Q. Okay.

18 A. I did see blood.

19 Q. When you go into the bathroom, the men's room,
20 right?

21 A. Yeah.

22 Q. And you see some blood, right?

23 A. Yes.

24 Q. Okay. You don't describe it as seeing blood
25 everywhere, right?

1 A. I don't recall.

2 Q. Okay. Well, we just heard the 911 call, right?

3 A. Yeah.

4 Q. You were here, you listened to it?

5 A. Yeah.

6 Q. And when you listened to the 911 call, you don't
7 say, I see blood everywhere. You said, I see blood.

8 A. Correct.

9 Q. Okay.

10 A. If that's what it said. I mean, I don't
11 remember specifically, but if --

12 Q. Okay.

13 A. -- it's on the recording.

14 Q. Right. There was some photos shown, right, in
15 here this morning from that bathroom?

16 A. Correct.

17 Q. All right. And was that a fair description of
18 what you saw?

19 A. Yes.

20 Q. Okay. And -- and when you say, I saw blood,
21 you -- really, the more accurate answer would be, I saw
22 things that appeared to me to be blood, right?

23 A. No. I know what blood looks like.

24 Q. Well, but there are experts that actually will
25 test things to see whether or not something is, in fact,

1 blood. So there are things that may look like blood
2 that's not blood?

3 A. They wouldn't be on the stall wall, though.

4 Q. Well --

5 A. Or on the toilet.

6 Q. -- that's for the expert to decide, right?

7 A. Fair enough.

8 Q. You didn't do any testing on it, right?

9 A. No.

10 Q. But it appeared to you to be blood?

11 A. Sure.

12 Q. Okay. There was conversations between yourself
13 around the same time period that you were talking to law
14 enforcement about whether or not anyone else -- that you
15 could think of anyone that might want to hurt, physically
16 hurt, Steven Cozzi. There is also discussions during that
17 time period where the officer says to you, There's not a
18 lot of blood in the bathroom.

19 Do you recall that conversation?

20 A. Yeah.

21 Q. Okay.

22 A. I do. And I remember -- yeah, I do.

23 Q. You didn't --

24 A. I remember -- I remember someone saying that,
25 yes.

1 Q. Sure. Law enforcement, right?

2 A. Right.

3 Q. Okay. And -- and when he said that --

4 A. It was a she.

5 Q. Okay. When that's -- is it possible, maybe,
6 there were multiple law enforcement officers that made
7 that statement?

8 A. Maybe.

9 Q. Okay. And when those statements were made in
10 your presence, you didn't disagree with their assessment
11 of what was seen in the bathroom, correct?

12 A. We did not see -- no, I -- I didn't see a lot of
13 blood.

14 Q. Sure.

15 A. I saw a lot of bleach.

16 Q. You smelled a lot of bleach?

17 A. I smelled a lot of bleach, and I saw a lot of --
18 it looks like paint smeared, and it looks like someone
19 cleaned up blood on the floor.

20 Q. And there appears to be -- when you walk in the
21 bathroom, was that -- the door to the cabinet under the
22 sink, was that open or closed? I know in the photo it's
23 opened, but was it opened or closed when you walked in
24 there initially?

25 A. I don't know for sure, but it usually was

1 closed, and I think that it was closed at that point, but
2 I don't know for sure.

3 Q. All right. Was -- was it surprising to you to
4 see cleaning supplies under the sink?

5 A. Not -- no. No, it wasn't surprising to me to
6 see cleaning supplies.

7 Q. Okay. All right. I want to take a look at
8 State's Exhibit 8. For some reason, it doesn't work on
9 the actual screen.

10 The foyer part is the main entrance to the
11 building on your side of the building; is that correct?

12 A. Correct.

13 Q. The top center?

14 A. Uh-huh.

15 Q. And where it says "reception," and there's not a
16 door there, but that's where you -- there's a glass door
17 going into your office or a door with the window in it at
18 least?

19 A. There's a -- there's a large -- there's a wood
20 door, but there is a window, but it's shaded and has,
21 like, a logo on it. But it was -- the window was about
22 this size of a vertical, yeah.

23 Q. You can look through that into your office,
24 right?

25 A. Yeah.

1 Q. And, likewise, from the inside of the office,
2 you can look through that out into the foyer or hallway?

3 A. Yes.

4 Q. Okay.

5 A. You can't see much.

6 Q. On -- on the left, as you're facing the entrance
7 to your office, there appears to be some sort of a
8 doorbell that looks like it might have a camera associated
9 with it?

10 A. The doorbell has -- the doorbell does have a
11 camera, but you have to push it for it to come on.

12 Q. Okay. So it only works when you actually push
13 it? It doesn't monitor what happens in that foyer?

14 A. No.

15 Q. Okay. You said you had been in this building
16 for?

17 A. Since August of 2015.

18 Q. Okay.

19 A. I was in the -- this is 2B, I was there
20 initially. And then I believe, then, in early 2019, I
21 moved to the other office.

22 Q. All right. If I'm looking at the far left top
23 where it says "foyer," and it looks like a door going
24 outside, what's -- what's --

25 A. Well, there -- there should be a door going

1 outside --

2 Q. Sure.

3 A. -- but there isn't one.

4 Q. That's the main door, right?

5 A. Correct.

6 Q. Okay. But if I'm looking towards the left,
7 towards where the Judge is sitting, it says: Foyer.
8 8.5 by 6.3., and it looks like there's a door there; is
9 that accurate?

10 A. I don't see -- I don't see it. It says --

11 Q. Oh --

12 A. -- foyer. 25-foot by 11 and 4 inches.

13 Q. The other side. The other side.

14 A. Oh, this?

15 Q. Yes.

16 A. Okay.

17 Q. Is there a door there?

18 A. Yes.

19 Q. Okay. That leads outside?

20 A. Yes.

21 Q. Okay. And then the bottom of this diagram, is
22 that the north side of the building?

23 A. The bottom on the diagram would be the south
24 side of the building.

25 Q. The south side of the building, okay. The foyer

1 is facing the north. The bottom is facing south, right?

2 A. Correct.

3 Q. And it looks like there are three exit doors on
4 the bottom of the diagram; is that correct?

5 A. Correct.

6 Q. So there's three doors that leaves the building
7 and/or enters the building on the -- on the south side,
8 correct?

9 A. Correct.

10 Q. Okay. And then also towards the bottom and
11 again on my left, maybe your right, there's another door
12 that appears to exit towards Belcher; is that correct?

13 A. Where -- where are you talking about?

14 Q. In the --

15 A. This one.

16 Q. That's correct.

17 A. Yes. That exits towards Belcher. This was --
18 this was my old office.

19 Q. Okay. It's reported that there was a problem
20 with homeless people hanging out in and around the
21 building.

22 What do you know about that?

23 A. I know that I had seen -- when I came into work,
24 I had seen it looked like someone had slept there. There
25 was a blanket that was left there on -- at one time. Some

1 beer cans. But there wasn't a lot. It wasn't all the
2 time.

3 Q. Okay. When you say "slept there," are you
4 talking inside the building or outside the building or
5 both?

6 A. The one time I remember is it would have been
7 someone that looked like they had went and slept in the
8 bushes or near the bushes --

9 Q. Okay.

10 A. -- or underneath -- or underneath the soffit --

11 Q. Okay.

12 A. -- to get out from the rain.

13 Q. All right. Any time when there was people
14 inside the building that you know of?

15 A. I don't know of any personally.

16 Q. Sure. But -- so we've talked about hearsay
17 information today --

18 A. Yeah.

19 Q. -- throughout the hearing.

20 Do you know about any through hearsay where it
21 was reported to you that homeless people were inside the
22 building that shouldn't be there?

23 A. About a week and a half prior to that. I -- I
24 mean, I remember that someone that worked in the building,
25 who basically took care of the building, reported to the

1 police that she thought a homeless person left a cart or a
2 bag in this utility closet, and so she called the police,
3 and the police came out.

4 Q. Okay. Do you know how many different
5 individuals had keys that would still be functional keys
6 to access any of these outside doors to the building?

7 A. No.

8 Q. Okay. Presumably, former tenants may have keys?

9 A. Yes.

10 Q. Presumably, someone who might have done
11 maintenance work at the building might have had keys?

12 A. Yes.

13 Q. Okay. You talked about Steven Cozzi suffering
14 from anxiety.

15 A. Like we all do.

16 Q. Okay. And you suggested that there's nothing
17 uncommon about suffering from anxiety, right?

18 A. Right.

19 Q. Which is accurate. Lots of people suffer from
20 anxiety. I don't know that we all do, but many people do,
21 right?

22 A. I just meant it's not something to be ashamed
23 of.

24 Q. Absolutely not anything to be ashamed of. But
25 it's something that Steven Cozzi did suffer from anxiety.

1 You noticed it?

2 A. Yes.

3 Q. And -- and it concerned you to the degree that
4 you had the conversation with him that it's nothing to be
5 ashamed of, right?

6 A. Well, I had the -- he was my best friend.

7 Q. Sure.

8 A. So I had the conversation with him because I
9 knew him very well, and I knew that he was overly
10 concerned about things that should -- you know, that was
11 my job to worry about.

12 Q. Sure. Sure. So because you were his friend,
13 you had the conversation with him about anxiety and the
14 fact that it's not something to be ashamed of, correct?

15 A. Correct. Uh-huh.

16 Q. And you confided in him that you, yourself, take
17 medications for anxiety?

18 A. Yes.

19 Q. And that it would be nothing for him to be
20 ashamed of to do the same, it might help him?

21 A. If he needed it.

22 Q. Okay.

23 A. I told him to go to a doctor. Like you said,
24 I'm not an expert.

25 Q. Sure. Sure. So you recommended that he go see

1 a doctor, and he did?

2 A. Yes, he did.

3 Q. Okay. And -- and it appeared to help him, and
4 he appeared to be doing better, right?

5 A. Yes.

6 Q. Okay.

7 A. That was the end of it, actually.

8 Q. Now, when you first met Steven Cozzi, you had
9 indicated that you first met him at -- what is it called,
10 a BNI event?

11 A. A BNI event. That's correct. Yeah.

12 Q. And when you met him at the BNI event, was this
13 like a Zoom BNI event or live and in-color type of BNI
14 event?

15 A. It was live.

16 Q. Okay.

17 A. It was -- it would have been, you know,
18 probably -- I don't know. It was in -- it was in 2018.
19 It was prior to him coming to work with me.

20 Q. Okay. All right. Prior to COVID? Prior to --

21 A. Yeah.

22 Q. -- everything going --

23 A. Right. Yes. Prior to COVID.

24 Q. Okay. And at that time, you were very impressed
25 with Steven Cozzi, right?

1 A. Yes. Yeah. I -- because it's unusual for
2 someone to prepare for those meetings on a weekly basis --

3 Q. Sure.

4 A. -- but he did, so I was impressed.

5 Q. Sure. And so impressed that you reached out
6 and -- and became friends, right?

7 A. I think I became -- I reached out to become
8 friends with him because I liked him.

9 Q. Sure.

10 A. I -- I just wanted to be his friend.

11 Q. Sure. I mean, but part of that was that you
12 were impressed --

13 A. Of course.

14 Q. -- with his presentation?

15 A. Yes.

16 Q. His demeanor?

17 A. That's right.

18 Q. All right.

19 A. Uh-huh.

20 Q. And as a result of that, you became friends on
21 social media, and you ended up --

22 A. Uh-huh.

23 Q. -- learning that he was looking for work?

24 A. Correct.

25 Q. And then you decided, I'm going to hire him and

1 give him a shot in my practice, right?

2 A. Yes.

3 Q. Yeah. You thought, you know, he can probably --
4 I can help him, and he can help me?

5 A. Yes.

6 Q. And we could be a great team?

7 A. Right.

8 Q. Okay. And --

9 A. And we were.

10 Q. I'm sorry?

11 A. And we were a great team.

12 Q. And you were a great team.

13 So it was after all of that that the moment
14 comes when you recognized that he is suffering from
15 anxiety, right?

16 A. It probably would have been a couple of years
17 after that.

18 Q. Sure. Sure. And in life, we have periods where
19 things are going great, and then we might have periods
20 where things -- where we struggle, right? Nothing wrong
21 with that?

22 A. Okay.

23 Q. Would you agree?

24 A. Yes.

25 Q. Okay. He -- you had indicated also that he had

1 confided in you about his struggles with addiction?

2 A. Yes.

3 Q. Okay. And -- and specifically the fact that he
4 was sober and had been sober for quite some time?

5 A. A number of -- many years. I can't remember how
6 many, but, yes.

7 Q. Right. And I think you indicated on direct
8 examination that, in fact, at one point he was offered a
9 rum cake and declined because it contained rum, right?

10 A. Yes.

11 Q. Okay. And part of that may be because
12 there's -- there's a thought amongst many people that --
13 who struggle -- struggle with addiction, and alcohol
14 addiction in particular, that just one sip of alcohol
15 might send me down the slippery slope where things are
16 going bad again, right?

17 A. I don't know.

18 Q. Sure. But you know that that's certainly
19 something that people talk about?

20 A. I don't know.

21 Q. All right. Would you agree that -- are you at
22 all familiar with AA and addiction?

23 A. I didn't learn about it until later, when I was
24 an adult, and I had found out that my dad was in AA for 35
25 years, and I didn't -- I didn't know, but I never saw him

1 take a drink. And when I got older, you know, that was
2 revealed to me, and so that's the -- basically what I know
3 about it.

4 Q. Okay. Do you know that some people succeed in
5 their battle with addiction and others don't?

6 A. Yes, I do.

7 Q. Some people may succeed for years and then fail?

8 A. Okay.

9 Q. Others succeed for the remainder of their lives,
10 right?

11 A. Like my father did, yes.

12 Q. Like your father did?

13 A. Correct.

14 Q. Okay. And the fact that that uncertainty about
15 whether or not they're going to succeed and fall off the
16 wagon, so to speak, is the fact that there's a lot of
17 unknowns, right?

18 A. I don't know the answer to that.

19 Q. Understood.

20 A. I don't understand what --

21 Q. Understood.

22 A. I don't understand the question.

23 Q. Did you also -- in confiding with Steven Cozzi,
24 did you also have discussions with him about the fact that
25 he had been in a relationship when he lived in New York

1 City that became very violent?

2 A. No. He never told me that it was violent. The
3 only thing -- and the only time we really talked about
4 it -- we may have talked about it only a couple of
5 times -- and he just said that he went through a bad
6 breakup. I don't -- I don't know about -- I never heard
7 about any violence.

8 Q. Okay.

9 A. Steve wasn't violent, so...

10 Q. On March 21st, we've talked about conversations
11 that you had with law enforcement about a variety of
12 things.

13 Did you have conversations with anyone on
14 March 21st about the possibility that Steven Cozzi had
15 slipped up and was no longer alcohol-free, and maybe had
16 fallen off the wagon, and then maybe that was an
17 explanation for his missing status?

18 A. I think at that point, that was the hope.

19 Q. Okay. But did you have that conversation
20 with -- maybe with his dad and with his husband?

21 A. I did, yes.

22 Q. Okay.

23 MR. BRUNVAND: If I could have a moment, Your
24 Honor?

25 THE COURT: You may.

1 MR. BRUNVAND: That's all that I have, Your
2 Honor. Thank you.

3 THE COURT: Any redirect?

4 MS. SPADARO: Briefly, Your Honor.

5 THE COURT: Hopefully.

6 MS. SPADARO: I will make it brief. Famous last
7 words.

8 REDIRECT EXAMINATION

9 BY MS. SPADARO:

10 Q. Mr. Blanchard, opposing counsel talked to you
11 about a hearing on March 28th where Dr. Kosowski wasn't
12 present because he was incarcerated.

13 Do you normally call opposing counsel to remind
14 them about hearings --

15 A. No.

16 Q. -- to see if they're in custody?

17 A. No.

18 Q. Let alone someone who was in custody for
19 murdering your best friend?

20 A. No.

21 Q. Okay. Now, opposing counsel also talked to you
22 about bouncing the ideas off of -- bouncing ideas off of
23 what could have happened to him.

24 When you walked into the bathroom, and you saw
25 blood, which we'll get to in a second, what were your

1 first thoughts?

2 A. My first --

3 Q. Was it that he was murdered?

4 A. No. My first thought was that maybe he had,
5 like, some sort of, like, bathroom emergency, and that he
6 was -- that it would have been -- he was embarrassed, you
7 know, that -- and that's my first thought. My first
8 thought was not -- no, murder. It was that he had -- it
9 was -- it was -- I thought that he basically had some
10 gastrointestinal issues that -- but it was --

11 Q. And that was the hope, right?

12 A. That was the hope.

13 Q. The hope was maybe it was something like that.
14 He was embarrassed?

15 A. That's right, that he was embarrassed.

16 Q. Not that he was never coming back again, right?

17 A. Correct. I never -- that didn't start to enter
18 into my mind until --

19 Q. Until you started thinking about it, right?

20 A. Yeah.

21 Q. And more evidence started coming forward that
22 you became aware of, right?

23 A. Right.

24 Q. Now, opposing counsel also mentioned there --
25 and I'm not going to put it back up -- but talking about

1 that blueprint and talking about the different outside
2 exits and everybody who could have had keys or maintenance
3 men.

4 Are you aware of anybody else who had keys that
5 cornered Steven Cozzi into the restroom and called him a
6 scumbag?

7 A. No.

8 Q. Anyone else who had keys or could have had
9 access to the building who sent nasty e-mails?

10 A. No.

11 Q. File motions to recuse him or remove him from
12 the case?

13 A. No.

14 Q. Accused him of fraud?

15 A. No.

16 Q. Had a contentious litigation with him?

17 A. No.

18 Q. Okay. Now, opposing counsel also talked to you
19 about when -- I don't know if it was me or you when we
20 said "blood everywhere," but I just want to clarify.

21 When you walked into the bathroom, you saw blood
22 on the wall, right?

23 A. I saw blood on the door before I got into the
24 bathroom. I saw some blood on the stall wall. I saw some
25 blood on -- I saw blood on the toilet. Then I saw it on

1 the wall, yes.

2 Q. On the floor, too, right?

3 A. On the floor, yes.

4 Q. So in at least five different places where you
5 saw blood, right?

6 A. Correct.

7 Q. Is it fair to say that could be, I guess,
8 colloquially everywhere?

9 A. Well, I mean, it's in various locations, so that
10 could be everywhere.

11 Q. And it's not common, right?

12 A. No, it's uncommon.

13 Q. Okay.

14 A. It's uncommon for blood anywhere in a bathroom.

15 Q. Now, opposing counsel also talked to you about
16 Steven's anxiety, and you talked to me about that, too.

17 When you described him -- or when you saw that
18 he was having some anxiety, was it more stress related to
19 work, or was it concerns that he might be suicidal or harm
20 himself?

21 A. It was stress related to work.

22 Q. Okay. Did he ever make any statements like
23 he -- like suicidal statements?

24 A. No.

25 Q. Okay. So when you refer to anxiety, you're

1 talking about stress, right?

2 A. That's -- I think they're synonymous.

3 Q. Now, you also talked about his sobriety?

4 A. Correct.

5 Q. Had you ever seen him drink alcohol --

6 A. No.

7 Q. -- in the years that you've known him?

8 A. No.

9 Q. Have you ever seen him be tempted?

10 A. No.

11 Q. Have you ever seen him or heard him say that,
12 gosh, he really needs a drink?

13 A. Not once.

14 Q. Is it fair to say that his sobriety was strong?

15 A. Yes.

16 Q. And --

17 A. I had faith in it.

18 Q. And is it fair to say that the hope was that
19 maybe he went to go grab a drink versus never coming back
20 again?

21 A. Absolutely.

22 Q. Have you seen or heard from Steven Cozzi since
23 March 21st?

24 A. No.

25 Q. The last thing I want to ask you, Mr. Blanchard.

1 You said that you had met Dr. Kosowski on a few occasions?

2 A. I had seen him in the office.

3 Q. Okay. Do you see him in the courtroom today?

4 A. Yes.

5 Q. Would you please point to him and identify an
6 article of clothing he is wearing?

7 A. He's wearing an orange, it looks like jumpsuit
8 or overalls.

9 MS. SPADARO: Let the record reflect that the
10 witness has identified the defendant.

11 THE COURT: The record shall so reflect.

12 MS. SPADARO: Moment to confer?

13 THE COURT: You may.

14 MS. SPADARO: No further questions.

15 THE COURT: Thank you. Sir, you may step down.

16 All right. Let's deal with a few things that we were
17 unable to do before.

18 (Break taken.)

19 THE COURT: All right. You have three more
20 witnesses; is that right?

21 MR. VONDERHEIDE: Yes, Your Honor.

22 THE COURT: All right. If we're realistic about
23 this, we'll go forward until lunchtime. Then we'll
24 take a lunch break. Then we'll go on after that
25 because I think it's going to take that long, isn't

1 it?

2 MR. VONDERHEIDE: I'm not sure that it's going
3 to take that long.

4 MS. SPADARO: I think that was our longest
5 witness.

6 THE COURT: We'll see how long this takes
7 because I've got three pleas to do.

8 (Break taken.)

9 THE COURT: If we can bring out Dr. Kosowski.

10 (Defendant entered the courtroom.)

11 THE COURT: Thank you. All right. Everyone is
12 present, including the defendant.

13 State, please call your next witness.

14 MR. VONDERHEIDE: The State calls Debra
15 Henrichs.

16 THE BAILIFF: I summoned Debra Henrichs. She's
17 not responding.

18 MR. VONDERHEIDE: She's not in the side room?

19 THE BAILIFF: She's not here.

20 MR. VONDERHEIDE: We'll pivot. We'll call Jake
21 Pillsbury as a witness. Never mind. We'll go back.
22 We found Debra Henrichs.

23 THE BAILIFF: Ma'am, right this way. Stand next
24 to me. Raise your right hand. Face the clerk to
25 take the oath and answer out loud.

1 (The witness was duly sworn on oath.)

2 THE BAILIFF: Ma'am, right this way. You're
3 going to have a seat right there. Speak into the
4 microphone in a clear and loud voice for the Court.

5 THE COURT: Good morning, ma'am.

6 THE WITNESS: Hello.

7 DIRECT EXAMINATION

8 BY MR. VONDERHEIDE:

9 Q. Ms. Henrichs, could you please state your full
10 name and spell your first and last name for the court
11 reporter.

12 A. Debra Henrichs. D-E-B-R-A. H-E-N-R-I-C-H-S.

13 Q. Can I have you either speak up a little bit or
14 maybe move the mic -- you can move the microphone. It's
15 got a cable there.

16 A. Debra Henrichs.

17 Q. Excellent. All right. And where are you
18 presently employed, ma'am?

19 A. Tampa Bay Veterinary Specialist.

20 Q. How long have you been at that place?

21 A. 27 years.

22 Q. All right. Where is it located?

23 A. 1501-A Belcher Road and B.

24 Q. All right. A and B. Is it right around the
25 corner? It's pretty close to here.

1 A. Yes.

2 Q. All right. So you said it's a veterinary
3 clinic?

4 A. Yes, Building A is.

5 Q. All right. So Building A is -- the entirety of
6 Building A is a veterinary clinic?

7 A. Yes.

8 Q. Building B. What's in Building B?

9 A. Okay. The administrative office for the
10 veterinarian clinic rents a suite.

11 Q. Okay.

12 A. The lawyer -- Jake Blanchard's Law Firm used to
13 rent a suite there, and the Renaldi rented a suite there.

14 Q. So you've got -- that's not as many suites are
15 in the building, but that's how many are occupied right,
16 three?

17 A. Yes.

18 Q. Okay.

19 MR. VONDERHEIDE: If I may approach the witness?

20 THE COURT: You may.

21 BY MR. VONDERHEIDE:

22 Q. I will show you what's already in evidence as
23 State's Exhibit 8. Take a look at this and tell me if you
24 recognize this document?

25 A. This is the inside of that Building B.

1 Q. All right. So that's the blueprint of Building
2 B?

3 A. Yes.

4 Q. All right. What do you do at the veterinary
5 clinic? What's your job assignment?

6 A. I do the cleaning and maintenance.

7 Q. All right. As you are doing the cleaning and
8 maintenance, do you know every square inch of those
9 buildings?

10 A. Yes.

11 Q. All right. And do you have a key for all of the
12 units?

13 A. Yes.

14 Q. Okay. All right. We'll get it on the TV here.
15 Ma'am, if you can turn round and look at the TV.

16 A. Okay.

17 Q. Can you point to where the -- the lawyer's
18 office, as you called it, Jake Blanchard Law Firm, where
19 was that on this?

20 A. Let's see. This is Building B. So that would
21 be where you come in. So their office is right there.

22 Q. Okay. Now, this office is down in the lower
23 right-hand corner. Are they -- were they empty at the
24 time?

25 A. No.

1 Q. Okay. So the Blanchard Law Firm is up in the
2 suite on the right, right?

3 A. Right.

4 Q. Okay. What about -- what about right here,
5 these suites right there?

6 A. Those are not being leased at the moment.

7 Q. Okay. Then at the time on March 21st of 2023,
8 were they being leased?

9 A. No.

10 Q. These were empty?

11 A. Right.

12 Q. All right. And we see a utility closet here.
13 On March 21st, and, in fact, throughout March of 2023, was
14 that door locked on this utility closet?

15 A. No.

16 Q. When you said the veterinary clinic has their
17 administrative offices in there, where are those located?

18 A. That's in the very first suite.

19 Q. Okay. And this -- is it Renaldi; is that what
20 you said?

21 A. Renaldi is in a suite.

22 Q. Renaldi --

23 A. They're across from the lawyers.

24 Q. All right. So is this their whole suite, from
25 here all the way back?

1 A. Yes.

2 Q. Okay. You could have a seat.

3 March of 2023, you were, obviously, working at
4 the veterinary clinic, right?

5 A. Yes.

6 Q. And you were working in maintenance, right?

7 A. Yes.

8 Q. Cleaning? Was cleaning the bathrooms one of
9 your responsibilities?

10 A. In Building A. Not Building B.

11 Q. All right. So in Building B, the bathroom
12 where -- why we're all here today, you were not
13 responsible for cleaning that bathroom?

14 A. No.

15 Q. All right. In this entire Building B, Suite B,
16 there are only those two bathrooms?

17 A. Yes.

18 Q. So none of the office suites separately have
19 their own bathroom in it?

20 A. No.

21 Q. I want to ask you about an incident that
22 occurred there on March 14th of 2023.

23 Do you remember that day?

24 A. Yes. I went to check the timers.

25 Q. Okay. Why were you checking the timers?

1 A. Because we had just had the time change, and I
2 believe the lights on Building B were cutting off too
3 early to where everybody would still be in the dark in the
4 morning entering.

5 Q. All right. So did you --

6 A. So I wanted to check the timer to make sure
7 because they're old and cranky and make sure I had set
8 them right. And if not set them just a little longer.

9 Q. Where were the timers located?

10 A. In the breaker room.

11 Q. When you say "breaker room," is that also the
12 utility closet there on the map?

13 A. Yeah.

14 Q. All right. We'll go back to this, and then we
15 will show some pictures here. But we see the utility
16 closet, and you said the door wasn't locked there, right?

17 A. Right.

18 Q. Now, let's -- over here, this says "conference
19 room." But was this the door to the Blanchard Law Firm?

20 A. Yes.

21 Q. All right. So this door to the Blanchard Law
22 Firm, it opened out into the hallway?

23 A. Yes.

24 Q. And then right around the corner was the utility
25 closet?

1 A. Right.

2 Q. So what happened when you went to the utility
3 closet?

4 A. I opened the door, and there was a man in there.

5 Q. There was a man in there. What -- when you
6 opened the door and you see a man in there, were you
7 expecting a man in there?

8 A. Of course not.

9 Q. All right. What happened when you saw him in
10 there?

11 A. I slammed the door back and jumped back and then
12 opened the door back again. And he said, Somebody
13 reported a power outage, and he apologized for scaring me,
14 and he went on his way.

15 Q. All right. So was this guy in the utility
16 closet reporting a power outage, was he wearing, like, a
17 Duke Energy outfit or anything like that?

18 A. No.

19 Q. How was he dressed?

20 A. In casual clothes.

21 Q. Okay.

22 A. And he had a mask on.

23 Q. What happened after you -- after he said that to
24 you that there was a power outage, what happened from
25 there?

1 A. He left.

2 Q. All right. And he left. How did he leave?

3 A. Through the lobby and went down. So he went out
4 here and then went that way.

5 Q. All right. When he went that way, did you --
6 where did you go?

7 A. I followed him.

8 Q. Okay. You followed him. Why did you follow
9 him?

10 A. Because something didn't feel right, and I
11 thought I had saw him in the building a week or two prior,
12 and I just had a sinking, horrible feeling that something
13 terrible was going to happen.

14 Q. When you -- you followed him outside. Now, in
15 front of the building, there's some -- there's some bushes
16 out there?

17 A. Yes.

18 Q. Between the parking lot and where you were
19 standing, right?

20 A. Yes.

21 Q. All right. Were you able to get a look as to
22 where he went?

23 A. Yes.

24 Q. Where did he go?

25 A. He went into a Tundra truck.

1 Q. A Tundra truck?

2 A. Uh-huh.

3 Q. Do you -- you know trucks? You can ID them?

4 You're certain it was a Toyota Tundra?

5 A. Yes.

6 Q. Do you remember what color it was?

7 A. There was no color, so I'm thinking it was maybe
8 silver or gray --

9 Q. All right.

10 A. -- because nothing stands out for color.

11 Q. What stands out to you about the truck?

12 Let me ask you this: He got in the truck.

13 Where did he go from there?

14 A. Well, because it wasn't a service truck of any
15 sort, I found it unusual. So I waited to see if I can get
16 the tag number, and it appeared to me as if it was
17 Jersey -- New Jersey tags on it, which I thought was
18 strange as well.

19 Q. All right. Why did you know them as New Jersey
20 tags?

21 A. Well, I pay attention when I drive, and I know
22 quite a few of the foreign tags amongst us.

23 Q. A problem with New Jersey drivers; is that what
24 you're saying in the winter?

25 A. Sometimes they're very strange, yes.

1 Q. All right. So you clocked it as a New Jersey
2 tag and a gray Toyota -- or a gray or silver Toyota
3 Tundra?

4 A. Yes.

5 Q. Did you report that to somebody that works in
6 your office?

7 A. I went to administration because I thought
8 something was horribly wrong. And I went next door and
9 got Todd to have him go on the roof to see if maybe a bomb
10 or something was placed in the air conditioning vents. I
11 probably watch too many crime shows.

12 And then we called the owner of the building. I
13 called the owner of the building to see if he had called
14 anybody out to service for a power outage, and clearly,
15 there was none. He said, No. So Kristy in the
16 administration office thought that we should file a police
17 incident as well with them.

18 Q. So is there a police incident report filed?

19 A. Yes.

20 Q. And when you say "Todd," does he also work for
21 the veterinary clinic?

22 A. Yes.

23 Q. And what is his role there?

24 A. He is the nursing manager.

25 Q. All right. And did he actually go up on the

1 roof?

2 A. Yes.

3 Q. Make sure nothing was amiss, right?

4 A. Right.

5 Q. Did you see something unusual in that room,
6 though, that didn't belong?

7 A. Yes. When recapping with them I thought, What
8 is in that box? There was a box right in the corner,
9 because there's a shelf --

10 Q. Uh-huh.

11 A. -- and there was a box about four feet tall, I
12 guess, and a foot square. I said, That box wasn't in
13 there because I had that closet cleaned out, and that box
14 wasn't there, and I didn't know where it had come from.
15 There would be no reason for anybody to store anything in
16 there because the suites are large enough for storage.

17 Q. Now, did you open the box?

18 A. No.

19 Q. You avoided opening the box, right?

20 A. Yes.

21 Q. Did Todd open the box?

22 A. Yes.

23 Q. What was in the box?

24 A. He said it was some kind of folding cart.

25 Q. Okay. Like a folding cart, a folding wagon in

1 the box?

2 A. Yes.

3 MR. VONDERHEIDE: If I may approach the witness,
4 Your Honor?

5 THE COURT: You may.

6 BY MR. VONDERHEIDE:

7 Q. I've got a composite. It's not exactly in order
8 here, so what I will show you is State's Exhibit 40 for ID
9 purposes.

10 Can you take a look at that and tell me if you
11 recognize that?

12 A. Okay. That is the storage breaker room.

13 Q. Okay. Then this is State's Exhibit 7A and 7B.

14 Do you recognize these photographs?

15 A. Yes. That's the storage room inside and
16 outside.

17 MR. VONDERHEIDE: Your Honor, at this time, I
18 would request to move into evidence what's 7A and B
19 Composite for ID purposes as State's 7A and B. And
20 this may be 4U, maybe, not 40. Is that 4U?

21 THE CLERK: 4U.

22 MR. VONDERHEIDE: And 4U.

23 THE COURT: Okay. Any objection?

24 MR. BRUNVAND: No, Your Honor.

25 THE COURT: They are admitted.

1 (State's Exhibits 7A, 7B, and 4U were admitted
2 into evidence.)

3 BY MR. VONDERHEIDE:

4 Q. I'm going to show you, this is 4U. All right.
5 So we're looking at this. Is this the door to the storage
6 closet?

7 A. Uh-huh.

8 Q. There's no door handle on this picture. Was
9 there a door handle on March 14th of 2023?

10 A. No.

11 Q. No? So anybody could access that room?

12 A. Right.

13 Q. Okay. I'm going to show you the next picture.
14 This one is 7E. Take a look at this.

15 Is that inside this storage room?

16 A. Yes.

17 Q. When you said the box which contained the wagon,
18 how tall was that box in relation to this shelf we see
19 here?

20 A. It was as tall as that.

21 Q. Okay.

22 A. And the same width.

23 Q. The same width as the shelf? About as tall as
24 the shelf?

25 A. Yeah.

1 Q. Then I'm going to show you what's been
2 previously marked as -- it's actually in evidence as 7A.

3 Is that the rest of the utility closet?

4 A. Yes, all the breaker boxes because each suite
5 has their own and the timers.

6 Q. Okay. Police take an incident report. You said
7 that you recognized him from a week before.

8 Tell us about that.

9 A. Yeah. That's why I had that sinking feeling
10 because I thought, Oh, this guy was here before. What's
11 going on? And I was leaving to go in Building A, and he
12 had come in, and he was looking in the lawyer's office.
13 So I proceeded to tell him, if anybody is there, that they
14 didn't open until 9:00, and I didn't believe that they
15 went by appointments only.

16 Q. All right. So the same guy that was in the
17 utility closet a week later, about a week or two before
18 you see him peering into the lawyer's office?

19 A. Uh-huh.

20 Q. Right?

21 A. Yeah.

22 Q. At that point, did you see which way he went?

23 A. No, because I was on my mission to go next door,
24 and I didn't pay any attention.

25 Q. Okay. Let's fast forward to --

1 A. I thought maybe he was early for an appointment
2 or something.

3 Q. The wagon that was in the box in the utility
4 closet, did it belong to anybody inside of the veterinary
5 clinic in 1501-A or B?

6 A. No.

7 Q. Did you touch it ever?

8 A. Hell, no.

9 Q. Okay. After March 21st, 2023, do you know the
10 Sheriff's Office came out, Largo PD came out, and they
11 processed the scene, right?

12 A. Uh-huh.

13 Q. When they were done processing 1501-B, was what
14 wagon cart in that utility closet, or was it gone?

15 A. No, it was gone.

16 Q. It was gone? Okay. Let's go to March 21st,
17 2023.

18 Were you working a full shift that day?

19 A. Yeah.

20 Q. All right. And did you notice anything unusual
21 about the bathroom that day when you were walking around
22 1501-B?

23 A. When I came in from Building A to Building B, I
24 smelled straight full-blown bleach, and that's like, whoa.
25 It hit you as soon as you walked in the door, and I'm

1 thinking, What is going on? And then I thought --

2 Q. Well, let me ask you, when you walk through what
3 door? Is it the main door to the building?

4 A. The lobby through -- yeah, Building B.

5 Q. Okay.

6 A. Where is the door? Oh, yeah foyer. So when you
7 came in, because the restrooms are right there, and it
8 smelled like it was coming from the men's room. It was
9 powerful.

10 Q. Did you ever look in the men's room?

11 A. Hell, no.

12 Q. Did you --

13 A. Well --

14 Q. -- the smell --

15 A. Not at that time.

16 Q. Not at that time, right. So you smelled the
17 bleach. What happens from there?

18 A. So I went to the office, the TBVS office, and I
19 let the girls know, Now, if you go to the lady's room, it
20 smells like really full-blown strong bleach. I don't know
21 what's going on. Maybe Jake and the other attorney
22 decided to clean the men's room or something. So I warned
23 them of the bleach odor.

24 Q. Okay. At some point, do the -- do you call the
25 police?

1 A. No, I didn't call the police.

2 Q. How did you find out something was amiss in the
3 building?

4 A. Because Jake was coming down the hall, and he
5 was wanting to know did I clean -- was I cleaning the
6 bathroom or something because he could smell the bleach.
7 So I'm not really sure who called the police.

8 Q. Okay.

9 A. But I know he was seriously distressed.

10 Q. He looked like he was seriously distressed?

11 A. Uh-huh.

12 Q. Did he mention why he was distressed?

13 A. Because he -- because he -- well, he had asked
14 me had I seen Steve, and I said, No. And he had asked
15 me -- or he had told me, Well, the cell phone and keys are
16 on the desk, and I haven't seen him. He went to the
17 bathroom, and he never came back.

18 And I said, Oh, my God, you're kidding me. And
19 then I thought about, well, the bleach smell. What could
20 have happened? You know. He was like, I don't know.

21 Q. Did you know Mr. Cozzi?

22 A. I know -- I only met him -- I saw him a couple
23 of times. I really didn't see much of the other people in
24 the -- that rent in the building.

25 Q. All right. So then you would see them maybe if

1 they had to run to bathroom, but other than that --

2 A. A time or two, yeah. Or maybe once or twice
3 when they were coming in for their work.

4 Q. That day, the same day, did you end up talking
5 to the police?

6 A. I think I spoke with a detective later because I
7 had already gone by the time they had come to the
8 premises.

9 Q. All right. And you later filled out a written
10 witness statement as well?

11 A. Yeah.

12 Q. The person that was in the utility closet on
13 March 21st and you chased out, and the person who was
14 peering in the windows of the law office about a week
15 before that, do you see him here in the courtroom today?

16 A. I do.

17 Q. All right. Can you please point to him and
18 identify an article of clothing?

19 A. The man in the orange shirt.

20 Q. Okay.

21 MR. VONDERHEIDE: Your Honor, if the record
22 could reflect, she's identified Dr. Kosowski as the
23 person she saw at the law firm?

24 THE COURT: The record shall so reflect.

25 MR. VONDERHEIDE: I have nothing further.

1 THE COURT: Do you mean March 21 or --

2 MR. VONDERHEIDE: Yeah, March 20 -- March --
3 March of 2023. March 21st -- March 14th of 2023, and
4 the week before.

5 THE COURT: I think you said the 21st.

6 MR. VONDERHEIDE: It was -- well, let me be
7 clear.

8 BY MR. VONDERHEIDE:

9 Q. He's the man you saw in the bath -- in the
10 utility closet on March 14th, 2023, right?

11 A. It was two days after the time change.

12 Q. Okay.

13 A. So whatever the time change was. Sunday, I
14 did -- I did it Sunday when I came in, and I didn't make
15 it back Monday to check because I hadn't seen, so I went
16 to go the following day on the Tuesday.

17 Q. And when -- when you chased him out of the law
18 firm, you immediately called -- the police were called,
19 and an incident report was taken?

20 A. When I chased him?

21 Q. Well, when he walked out, and you followed
22 behind him, seen him leaving, there was an incident
23 report?

24 A. No. Was there? No, the incident -- oh, yeah.
25 That was the date of the incident --

1 Q. Let's go back. Let's clear it up.

2 A. Yeah. Yeah.

3 Q. So you see him in the utility closet, right?

4 A. Yes. Yes.

5 Q. All right. The same day you see him in the
6 utility closet, who is Dr. Kosowski, you see him in the
7 utility closet, there's an incident report made with Largo
8 Police, right?

9 A. Yes.

10 Q. And there's a wagon left behind in the utility
11 closet?

12 A. Yes.

13 Q. Then you see him get into a gray Toyota truck
14 and leave?

15 A. Yes.

16 Q. It's got a New Jersey tag on it?

17 A. Yes.

18 Q. The week before or maybe two weeks before you
19 see Dr. Kosowski peering into the windows of the law firm?

20 A. Yes.

21 MR. VONDERHEIDE: All right. I have nothing
22 further.

23 THE COURT: Thank you.

24 Any cross-examination?

25 MR. BRUNVAND: Yes.

1 CROSS-EXAMINATION

2 BY MR. BRUNVAND:

3 Q. Good morning.

4 A. Good morning.

5 Q. On March 14th or two days after the time
6 change --

7 A. Okay.

8 Q. -- you indicated that you saw Dr. Kosowski at
9 the building where you were working, right?

10 A. (Witness indicates.)

11 Q. Yes?

12 A. Yes.

13 Q. Okay. And the person that you saw was wearing a
14 white mask, right?

15 A. Uh-huh.

16 Q. Yes?

17 A. Yes.

18 Q. Okay. Like a type of mask that were commonly
19 worn by people during COVID?

20 A. It was just white. I don't know.

21 Q. Sure.

22 A. There was all kind of mask-wearing.

23 Q. Certainly. But one of the masks that were worn
24 by lots of people during COVID happened to be the white
25 mask, right? The white paper type mask?

1 A. Well, it wasn't like the foldy ones, it was a
2 different kind of white mask.

3 Q. Okay. Would you describe it as a paper -- a
4 white paper mask?

5 A. Yes.

6 Q. Okay. Does it cover up the mouth?

7 A. Yes.

8 Q. Does it cover up part of the nose?

9 A. Yes.

10 Q. Does it go down below the chin a little bit; do
11 you recall?

12 A. I don't know.

13 Q. You don't know. Okay.

14 Would it be fair to say that whatever might have
15 been behind that mask, you couldn't see?

16 A. Oh, of course not.

17 Q. Right. So, for example, if the person that you
18 saw had a goatee and it was contained within the mask, you
19 wouldn't be able to -- you wouldn't know?

20 A. Well, you could see facial side hair.

21 Q. Assuming it's not well-groomed and it's outside
22 of the mask, right?

23 A. Right.

24 Q. But if there's a goatee that's covered up by the
25 mask, you wouldn't be able to see it?

1 A. No.

2 Q. Okay. No -- no, you would not, right?

3 A. No.

4 Q. Okay. We're in agreement?

5 A. Yes.

6 Q. Okay. Very good.

7 The -- you indicated that you went outside
8 and -- and you saw a truck, and I think on direct
9 examination, you said that you believed it was a New
10 Jersey plate?

11 A. Yes.

12 Q. Okay. I'm going to ask you when I'm asking you
13 questions, instead of just nodding your head, you need to
14 verbalize so that the court reporter can take down your
15 answers.

16 A. Oh, yes. Okay.

17 Q. Now, do you recall providing a written statement
18 on March 28th, 2023?

19 A. Yes.

20 Q. Okay. Was that the first time you prepared a
21 written statement?

22 A. I believe so.

23 Q. Okay. And that statement was handwritten in
24 your handwriting, right?

25 A. Yes, sir.

1 Q. All right. And at that time you were aware of
2 the fact that Dr. Kosowski had been arrested, right? It
3 was all over the news.

4 A. Yes.

5 Q. All right. So you knew that Dr. Kosowski had
6 been arrested, and you had seen his face on the news,
7 correct?

8 A. I didn't actually see it myself, but somebody at
9 work had showed me that there was a -- they called it an
10 article on their phone, and I said, Oh, really?

11 Q. Okay. So there were articles showing up on
12 social media?

13 A. I reckon.

14 Q. On news sites, right?

15 A. Uh-huh.

16 Q. Yes?

17 A. Yes.

18 Q. Okay. And they prominently displayed
19 Dr. Kosowski's face, correct?

20 A. Yes.

21 Q. Okay. And you had seen that prior to writing
22 this statement on March 28th, correct?

23 A. I don't know for sure on that.

24 Q. Okay. Well, let me ask you this --

25 A. With the dates.

1 Q. Let me ask you this.

2 A. I don't have a calendar.

3 Q. Well, the day that you wrote your statement --

4 MR. BRUNVAND: If I could approach?

5 THE COURT: Okay.

6 BY MR. BRUNVAND:

7 Q. I'm going -- I'm going to just show you --

8 MR. BRUNVAND: We can mark this as Defense

9 Exhibit 1.

10 BY MR. BRUNVAND:

11 Q. Does that appear to be a handwritten statement
12 that you prepared?

13 A. Yes.

14 Q. Okay. Does it appear to have the date --

15 A. Yes.

16 Q. -- March 28th on it?

17 A. Yes.

18 Q. Okay. Which is about two weeks after you had
19 seen the individual at your place of employment, correct?

20 A. Yes.

21 Q. Okay. Assuming that the 14th is the correct
22 date, right?

23 A. Yes.

24 Q. Okay. And at that point in time when -- when
25 you wrote this statement, Dr. Kosowski had been arrested,

1 okay, and you were aware of that; is that correct?

2 A. I was aware of it.

3 Q. Okay. You had indicated that when you saw this
4 individual on the 14th of March, you had significant
5 concerns, right?

6 A. Yes.

7 Q. Yes?

8 A. Yes.

9 Q. That's why you went -- you followed the person
10 outside, and you saw what you described at the time as an
11 out-of-state plate, possibly yellow?

12 A. Yes.

13 Q. Okay. You didn't at that time say New Jersey
14 plates, did you?

15 A. Well, I did. If -- if I didn't write it down, I
16 didn't write it down, but I told the officers that.

17 Q. Okay. And you then -- you were not able to get
18 the tag, right?

19 A. Correct.

20 Q. And so then you met with Todd, I believe it was?

21 A. Then I went to administration and told them, and
22 then I went next door and got Todd, yes.

23 Q. Sure. And -- and you and Todd went back, and
24 you looked inside the utility closet?

25 A. I went over with the -- Kristy and Todd what had

1 happened, yes.

2 Q. And that included going back and looking in the
3 utility closet?

4 A. Yes.

5 Q. All right. And you didn't -- you, yourself, did
6 not touch the box, right?

7 A. No. I didn't even realize it was there for the
8 incident happening until after when I was walking through
9 with them --

10 Q. Okay. That's when you -- that's when you saw
11 it?

12 A. That's when I realized it was there.

13 Q. Okay. All right. And did I understand you
14 correctly that at that point, after the three of you were
15 looking in the utility closet, and you look at the box
16 that you see in the closet, that you decide we better call
17 law enforcement?

18 A. I didn't say that we should call law
19 enforcement. I had Todd go to the roof and check the air
20 conditioning units.

21 Q. That's right. So you had Todd check the roof to
22 see if maybe there were some bombs, I think you had
23 indicated?

24 A. I thought that could be a possibility or --

25 Q. Okay. What -- what other possibilities were you

1 considering?

2 A. Perhaps putting something in the air
3 conditioning vents that would poison anybody breathing the
4 air coming through the units.

5 Q. Okay. So a variety of things that might harm
6 others?

7 A. Yes.

8 Q. Okay. So you -- you were genuinely concerned at
9 that time, right?

10 A. Yes.

11 Q. All right. So after that, you decide to contact
12 law enforcement on that day?

13 A. I did, but I saw the box was there and I thought
14 it was strange. I said, Where did that box come from?
15 And -- and then Todd had opened the box, and then had gone
16 back to the office, called the owner of the building to
17 see to make sure that anybody was called out for some kind
18 of power issue or outage, of which he said, No. And so
19 then we decided to -- he decided, and Kristy thought that
20 we should file a police incident report.

21 Q. Okay. So you do that or --

22 A. No.

23 Q. -- did someone else do that?

24 A. No, I did not do that.

25 Q. Did you speak with anyone with law enforcement

1 on that day, on March 14th?

2 A. I believe I spoke to a detective later in the
3 evening. He had called me --

4 Q. On the phone?

5 A. -- when I was home, yeah.

6 Q. Okay. And do you recall who that was?

7 A. I don't remember his name, but I saw him the
8 next morning when I came to work.

9 Q. Okay. In your statement on March 28th, you
10 indicate that the person that you saw on or about the
11 14th, you said, I guess he was about 6 foot tall?

12 A. Yes.

13 Q. Medium build?

14 A. Uh-huh.

15 Q. Yes?

16 A. Uh-huh. Yes.

17 Q. Okay. 185 to 200 pounds?

18 A. Yes.

19 Q. Short brown hair?

20 A. Yeah.

21 Q. No facial hair?

22 A. Not that I could tell.

23 Q. Okay.

24 A. Just sideburns and, you know, curly hair.

25 Q. And then you indicated that he had a white mask

1 on both times that you saw the person?

2 A. Uh-huh.

3 Q. Yes?

4 A. Yes.

5 Q. Okay. That he was wearing jeans; do you recall
6 that?

7 A. Jeans, casual.

8 Q. Okay. Your statement is he was wearing jeans,
9 casual shoes, and a t-shirt?

10 A. A T-shirt or a long-sleeved white shirt, maybe.
11 I don't know for sure.

12 Q. Do you recall what color the shirt was?

13 A. Neutral. White.

14 Q. Okay. Would it be fair to say that in this
15 statement that you provided to law enforcement on March
16 28th of this year, at no point did you say the individual
17 that I saw on March 14th was, in fact, Dr. Kosowski, who I
18 have seen on the news, and I have seen in the news media?

19 A. Well, I knew who he was, but I didn't know who
20 he was.

21 Q. Okay. But would it be fair to say that you were
22 certainly -- I mean, you -- you knew that there was an
23 investigation going on of someone who is missing from your
24 building, right?

25 A. Yes.

1 Q. All right. And then you learn that someone has
2 been arrested and accused of murdering that lawyer, right?

3 A. Yes.

4 Q. Okay. And then after that, and after all of
5 that is all over the news, and you fill out a sworn report
6 statement about what happened, you don't say anything
7 about the guy that you guys arrested is, in fact, the
8 person that I saw on March 14th?

9 You don't say that, right?

10 A. No, because I didn't -- I didn't put those dots
11 together.

12 MR. BRUNVAND: Could I have a moment?

13 BY MR. BRUNVAND:

14 Q. Do you recall -- so on March 28th, you didn't
15 put the dots together. Do you recall when and where you
16 put those dots together?

17 A. I didn't really give it much thought, to be
18 honest with you. It was something horrific that happened,
19 and I knew something bad was going to happen, and I was
20 trying to just, you know, go back to normal.

21 Q. Do you recall the moment in time and the place
22 where you were when the dots came together, and you
23 realized that's the same person?

24 A. It was the time that girl showed me on her
25 phone, Is this the guy you saw, Deb? And I go, Yeah. And

1 she said, Yeah, he was the one that they arrested.

2 Q. And might that have been prior to March 28th?

3 A. I don't know.

4 MR. BRUNVAND: No other questions. Thank you.

5 THE COURT: Okay. Thank you.

6 Any redirect?

7 MR. VONDERHEIDE: Yes.

8 REDIRECT EXAMINATION

9 BY MR. VONDERHEIDE:

10 Q. Debra, do you watch the news?

11 A. Not really.

12 Q. Were you obsessively paying attention to the
13 media coverage in this case?

14 A. No.

15 Q. So you connected the dots when somebody
16 showed -- it was on her phone? She showed you on her
17 phone --

18 A. Right.

19 Q. -- the picture of --

20 A. Because the girl -- they were concerned about
21 me.

22 Q. All right. As soon as you saw that picture on
23 her phone, a lightbulb went off that said, this is the
24 same guy?

25 A. Yes.

1 Q. And if that had happened before March 28th, you
2 certainly would have written it into this report, right?

3 A. Yes.

4 MR. VONDERHEIDE: All right. I have nothing
5 further.

6 THE COURT: All right. Thank you, ma'am. You
7 may step down.

8 THE WITNESS: Thank you.

9 THE BAILIFF: Please step this way.

10 THE COURT: Please call your next witness.

11 MR. VONDERHEIDE: She may be excused.

12 THE COURT: Very good.

13 MR. VONDERHEIDE: Jake Pillsbury.

14 THE BAILIFF: Sir, right this way. Stand right
15 here next to me. Raise your right hand. Face the
16 clerk. Take the oath. Answer out loud.

17 (Witness was duly sworn.)

18 THE BAILIFF: Right this way. Have a seat up.
19 Speak into the microphone in a loud and clear voice
20 for the Court.

21 THE COURT: Good morning, sir.

22 THE WITNESS: Good morning, Your Honor.

23 THE COURT: You may inquire.

24 DIRECT EXAMINATION

25 BY MR. VONDERHEIDE:

1 Q. Mr. Pillsbury, could you state your full name
2 and spell your last name for the record?

3 A. My name is Jacob W. Pillsbury. My last name is
4 spelled P-I-L-L-S-B-U-R-Y.

5 Q. Sir, how are you employed?

6 A. I am an attorney. I own my own law firm.

7 Q. And how long have you been a lawyer?

8 A. I've been an attorney since September of 2012.

9 Q. All right. Did you used to work in this
10 building?

11 A. Yes, and I still sometimes work in this
12 building.

13 Q. Okay. But were you here as a Public Defender?

14 A. Yes.

15 Q. And how many years?

16 A. I did a year at the PD in Tampa. I did, I
17 believe, about three years at the Public Defender in Pasco
18 County, and I did a year at the Public Defender here in
19 Clearwater as well.

20 Q. And you still do criminal cases?

21 A. Yes, regularly. Most of my practice is
22 criminal.

23 Q. All right. Do you do some civil cases as well?

24 A. Yes, from time to time.

25 Q. Did you get brought into a case where

1 Dr. Kosowski was a pro se plaintiff?

2 A. Yes, I did back in, I believe, spring of 2022 is
3 when I got involved.

4 Q. All right. Was Dr. Kosowski already
5 representing himself at that point?

6 A. He was.

7 Q. Who were the other lawyers that were involved in
8 this litigation?

9 A. So when I got brought in, my client had been
10 represented by an attorney that was -- that had lost his
11 license prior to me getting involved. The other attorney
12 on the case was Steven Cozzi. He represented all of the
13 defendants except for my client, and Jake Blanchard was
14 the -- his supervisor, who I believe was the named
15 attorney on the case, but most of my experience was
16 working either with Dr. Kosowski directly or with Steve.

17 Q. All right. And what was your client's name?

18 A. My client's name was Jennifer Friend.

19 Q. So you get involved in this litigation. How
20 many years had it been going on?

21 A. I think it was -- I think it was at its
22 three-year point when I got involved, and she had been
23 unrepresented for like a year, and I believe the plaintiff
24 had been unrepresented for around that long, maybe even
25 longer. So I got involved, I believe, three years in.

1 Q. Okay. Three years in, what do you get involved
2 for? What do you -- what is the first thing that you do
3 with them?

4 A. So my client's former attorney, who is no longer
5 licensed, asked me to take care of her. I know him from
6 law school. And they were concerned because she had been
7 set for deposition, and the plaintiff was going to be
8 asking her questions directly, and they were concerned
9 because of how aggressive he had been throughout the case
10 towards her.

11 They just needed somebody there to protect her,
12 so at first, I just filed a limited appearance just to
13 appear for her deposition just to try and keep it somewhat
14 on the rails was my role.

15 Q. Did you appear at that deposition?

16 A. I did.

17 Q. Was Mr. Cozzi at that deposition?

18 A. He was. That's when I met him.

19 Q. Was it in person?

20 A. It was. It was at a -- I can't remember the
21 name of the building, but it's right next to the
22 courthouse in New Port Richey. There was a conference
23 room there because that's, I guess, near where my client
24 lived.

25 Q. Dr. Kosowski was acting as his own lawyer?

1 A. He was.

2 Q. And he was asking questions of your client?

3 A. He did.

4 Q. Were there objections throughout the
5 questioning?

6 A. We had to object often during that questioning
7 because it was -- I mean, he's not an attorney, so he
8 doesn't know how to conduct the deposition properly.

9 Q. Was he very aggressive throughout that
10 deposition?

11 A. He's always aggressive.

12 Q. Was Mr. Cozzi, when he was present, was he also
13 objecting?

14 A. Yes. Steve -- Steve objected quite a bit even
15 though it was, technically, my client. The questions were
16 so bad and confusing regularly throughout the questioning
17 that we -- we had to maintain a record, so we had to
18 object to the vast majority of his questions because the
19 record was just such a mess.

20 Q. So he's -- he's questioning, you're objecting.
21 How many hours do you think you were there?

22 A. It was at least three hours. It may have been
23 four. I don't remember exactly. It was very long for a
24 lay witness deposition.

25 Q. So is it safe to say during that three-hour

1 period, you started to recognize his voice and would
2 understand, if he was speaking, what his voice sounded
3 like?

4 A. He has a very recognizable voice, a very
5 recognizable cadence. And the things that he says,
6 he's -- he's very -- it's very easy to recognize when the
7 plaintiff is speaking.

8 Q. So when you had that deposition, is that the end
9 of you appearing with or appearing in court conferences
10 with Dr. Kosowski?

11 A. No. I've -- I've been in a room with him, I
12 believe, three times. It may -- it may only be two, but I
13 believe it is three times. And I've been on multiple
14 phone conferences, case management conferences, hearings
15 in front of the Court where he's been present as well.

16 Q. All right. And he and Mr. Cozzi would be
17 present at these things?

18 A. Yes.

19 Q. Let me ask you about Mr. Cozzi's presence at the
20 court hearings and the depositions.

21 Was he always punctual?

22 A. Yes. Always.

23 Q. Would he --

24 A. He was never late.

25 Q. Would he always appear?

1 A. Always. He's a very detail-oriented guy. As a
2 matter of fact, he appeared -- I had to appear for a
3 hearing at one point when I was stuck in a hearing here in
4 this courthouse, and Steve called to let me know that they
5 had called our case -- and had his office call and let me
6 know, so I was actually a little bit late. He was -- he
7 made sure that I was able to call in and conference in.
8 So he would make sure even I was punctual sometimes when I
9 had a conflict or something along those lines.

10 Q. Was Dr. Kosowski making accusations specifically
11 against Mr. Cozzi about discovery violations?

12 A. Yes.

13 Q. All right. Tell us about some of those.

14 Did he -- did Dr. Kosowski accuse Mr. Cozzi of
15 falsifying documents?

16 A. Yes, he did. He patently said that he believed
17 that some of the discovery that had been provided to him
18 were forgeries. He said that during multiple hearings.
19 His justification for making those allegations were based
20 on dates that were on invoices that had been provided to
21 him.

22 He also lied to the Court regularly saying that
23 he never received anything in response to multiple
24 discovery requests that he made. He -- he told the Court
25 there was an improperly filed document that he titled the

1 subpoena, which the Court treated as a Request for
2 Production that asked for specific items that he multiple
3 times told the Judge he received nothing in response to,
4 despite the fact there was a Dropbox that was provided to
5 him before I ever even got involved in the case that had
6 thousands of documents in it, including regular --
7 including responses to quite a few of these items that he
8 said he never received anything in response to.

9 So he -- yeah, he made quite a few allegations
10 about Steve, none of which were supported by any evidence
11 or were actually appropriate or warranted in the case.

12 Q. So the discovery that he was seeking was in a
13 Dropbox the whole time that he had access to?

14 A. Yes, and we went to a special master hearing,
15 and everything that he identified during that hearing
16 was -- I was able to pull it up on a computer and show it
17 to him or to the special master, Judge Day, during that
18 hearing.

19 I mean, I think he had an issue with the way
20 that it had been provided to him with the -- the lack of
21 organization, and he just didn't want to dig through it
22 even though he asked for all of these documents.

23 So -- but, yeah, every -- everything my client
24 had had been provided to him before I got involved, and
25 everything -- I don't know about Steve's clients, but I

1 know that -- I know that I have access to I don't know how
2 many documents in the case. I mean, just a ton. A ton of
3 information.

4 Q. The falsifying records that he accused Mr. Cozzi
5 of, was that just a function of that he was not
6 understanding that when you printed something out that it
7 was a different date, the day it was printed?

8 A. Yeah. So his -- the -- what he -- what he
9 justified in saying that Steve was acting somehow
10 inappropriately was these dates that were on these
11 invoices, because he asked for specific invoices that were
12 sent on these specific patients of his that I guess this
13 business that he previously worked for provided.

14 And the originals of those invoices, obviously,
15 were mailed to whoever they were addressed to. This is
16 just my understanding of how invoices work. And so when
17 he asked for copies of them, they printed them off of some
18 software, and that software, obviously, auto-populates the
19 date on these invoices when it gets printed off.

20 So I guess Steve's clients provided him these
21 print offs, and he gave them to Dr. Kosowski in response
22 to his deposition -- or, excuse me, his discovery
23 requests. And he told the Court that Steve was guilty of
24 forgery because of that, which Steve didn't draft any of
25 those documents, so I don't know how -- he got away with a

1 lot in the case because he was pro se. I will say that.

2 Q. As a result of his -- his misunderstanding of
3 what was going on, did he actually file a motion seeking
4 the removal of Steven Cozzi?

5 A. Yeah, he asked for sanctions. I believe he
6 asked for him to be removed as well.

7 Q. Do you remember approximately when that was?

8 A. I think it was either November or December.

9 Q. All right. Was it before the January 26th
10 deposition?

11 A. Yes.

12 Q. All right. So let me ask you about that January
13 26th, 2023 depo.

14 Who was being deposed?

15 A. Her name is Tricia Mason. She was an employee
16 of the plastic surgery center where Dr. Kosowski used to
17 work, which was one of the defendants in our case. So she
18 was -- I want to say she was like an office supervisor or,
19 you know, like head of their, like, secretaries or
20 scheduling people. Like, I can't recall exactly what
21 her -- her job title was, but she worked for his former
22 employer.

23 Q. Where did the depo happen?

24 A. It was at Steve's office.

25 Q. All right. Had you been to Steve's office

1 before?

2 A. Yes.

3 Q. Had you been to Steve's office for this case
4 before, this civil case?

5 A. Yes, I had.

6 Q. All right. What was that for?
7 Why were you there?

8 A. I know I went there for the special master
9 hearing with Judge Day. I believe it was three or four
10 hours we were there. We sat in their conference room.
11 Steve was very accommodating throughout the case because
12 he and his business partner had a conference room. They
13 had a space.

14 I run a remote office, because I'm a small solo
15 firm, so Steve would make his office available to
16 Dr. Kosowski whenever he needed to do a depo or, you know,
17 this weird special master hearing that we had to have. He
18 pretty much always made his office available. So for that
19 special master hearing, we were all there.

20 I think I may have been there one other time.
21 I'm not sure whether that was for a depo or some other
22 hearing, or maybe it was just a meeting with Steve. I
23 can't recall.

24 Q. Was -- Dr. Kosowski was present at that special
25 master hearing?

1 A. He was. He was there the whole time.

2 Q. All right. To use the bathroom when you're at
3 the conference room at the Blanchard Law Firm, where would
4 you go? Which door would you go out?

5 A. So the way their office is situated is there's
6 a -- there's a secretary when you walk in the front door.
7 You go back, there's some offices. Then you make a turn
8 into a main conference room. And then there's a door from
9 the conference room directly into Steve's office, which
10 you can walk through, and Steve had a door that went
11 directly out into the main hallway that was a shared
12 hallway with the other businesses in the building. So you
13 could go through his -- it's faster just to go through
14 there to go out to the bathroom.

15 Q. And that was offered, right? The walking
16 through his office was offered to go out to the bathroom?

17 A. Yes, it was.

18 Q. Dr. Kosowski would have been there and utilized
19 that door?

20 A. I believe he did utilize it when I was there.

21 Q. Let's talk about January 26th again. Did you
22 appear in person, or are you on Zoom?

23 A. January 26th, I had a last-minute hearing in
24 Bradenton, and I asked the permission of Steve and
25 Dr. Kosowski if I could appear through Zoom. They both

1 didn't have an objection to that. So I contacted the
2 court reporter, and she said she could set it up last
3 minute for me. I was afraid of being late, and I didn't
4 want to hold it up because it had already been rescheduled
5 a couple of times, and I did not want there to be another
6 issue with that depo. And she, apparently, was available.

7 Q. So January 26th, you are present on Zoom for the
8 entirety of the depo?

9 A. Yes.

10 Q. Did -- did -- Dr. Kosowski is conducting the
11 depo, right?

12 A. He did.

13 Q. How was his behavior during the depo?

14 A. He was extremely aggressive in his questioning.
15 It was -- it was very strange. He started off -- because
16 I was -- they didn't have me muted before the depo got
17 started or anything. So when they walked in, when they
18 were meeting, when they were talking before the depo, I
19 heard all of this.

20 You know, he -- the -- Ms. Mason came in. You
21 know, he asked her, you know, how her family was doing
22 because, apparently, she had missed -- she had had to
23 reschedule the depo a couple of times because, I guess,
24 her mother was sick, and they live out of the country, and
25 she was helping to take care of them.

1 Dr. Kosowski had been upset about that issue,
2 but when she came in, you know, he was asking her how her
3 family was and everything. Talking to her like they were,
4 you know, friends because, I guess, they had worked
5 together.

6 And then as soon as the depo started, it was
7 typical really aggressive questioning, really aggressive
8 tone, you know, just his -- just the way he typically
9 behaves during the -- during the case was just -- I mean,
10 he spent three hours beating up this lady who had very
11 little information to give him and re-asking the same
12 questions he asked of every witness, and asking the same
13 questions over and over and over. Some of them over 10
14 times over our objections, obviously. You're not supposed
15 to --

16 Q. Was Steven objecting?

17 A. Yeah, we both were.

18 Q. You were objecting, and Steven was objecting?

19 A. Yes.

20 Q. At some point, is there a break?

21 A. Yes, they took a break. She needed a break.

22 Everybody needed a break.

23 Q. Did you find out what happened on the break?

24 A. I did.

25 Q. What happened on the break?

1 deposition. The deposition is used to -- we all know why
2 it's used. It's used to get information. It's not used
3 to interrogate a random person who is not even a party to
4 the case.

5 Q. And would you characterize his behavior during
6 these depositions as interrogation?

7 A. Absolutely. I mean, the way that I describe it
8 is literally, he would hammer this person with questions,
9 and he would hit them with the same question over and
10 over. He would then ask a different question and go right
11 back to the same question, you know.

12 I mean, it was -- it was very much an
13 interrogation. Like, I mean, I don't know what he thought
14 was going to happen. He was trying -- I guess he was
15 trying to get him to testify inconsistently, but, like,
16 none of it is going to be admissible in the case because
17 it's such a mess.

18 Q. From January 26th to March 21st of this year,
19 did you have other time in court or depositions with
20 Dr. Kosowski?

21 A. Since January?

22 Q. Well, from January -- between January 26th and
23 March 21st, did you have any hearings, any court status
24 checks; if you can recall?

25 A. We were -- I mean, we corresponded quite a bit

1 in e-mail. I was -- we were scheduled for an arbitration,
2 and I had requested to get some hearings set before the
3 arbitration. He said that he was unavailable. He would
4 not make himself available at any time before those
5 arbitrations.

6 So, you know, there was a lot of back and forth
7 to where, you know, I would remind him that I tried to
8 do -- say yes to every date and everything. He accused me
9 of never being responsive, which, you know, I'm a solo. I
10 respond as quickly as I can and, you know, as much as I
11 can.

12 But, you know, I had been -- I had never been
13 the reason why anything wasn't scheduled in the case. We
14 had a lot of arguments about that. He ended up forwarding
15 a bunch of my e-mails to the Court, which is totally
16 inappropriate, arguing that, you know -- you know, where
17 he accused me and Steve of, we should be reported to the
18 Bar, and, you know, lots of personal attacks against us
19 directly.

20 And then we ended up -- my motion that I wanted
21 to have hear -- heard, he would -- he refused. Despite
22 being given a ton of dates to choose from and despite the
23 Court saying, No, you're going to be here on this day, he
24 said he was totally unavailable. That he -- that it was
25 too soon to be able to affect his schedule and that he was

1 going to be out of the country for the entire end of
2 February. He's told that to the Court multiple times.

3 And then he -- and then -- so the Court just
4 said, Okay. Then we're going to decide this motion on the
5 pleadings. So we had, basically, written pleadings that
6 we filed to have a motion heard.

7 I can't remember if we had any other phone calls
8 between January -- like, actual, like, hearings. I mean,
9 I believe I talked to him on the phone a couple of times.
10 I'm not sure about that. But I know that we had a ton of
11 correspondence. I can't remember if there were any
12 hearings in between when my motion was decided on the
13 pleadings and that January 1st date, but we did have an
14 arbitration scheduled in early March that got continued.

15 Q. All right. So March 21st, 2023, did you guys
16 have a hearing scheduled that day?

17 A. Yes.

18 Q. A telephonic hearing?

19 A. Yes.

20 Q. You were noticed for it. Do you get a phone
21 number when you're noticed for it?

22 A. Yes.

23 Q. Does it come with a passcode as well?

24 A. Exactly. They notice it. They give you a
25 call-in number, they give you the passcode that you need

1 to use. It's a conference call service that gets used by
2 the Courts for these short hearings.

3 Q. Who -- who set that hearing? Who -- who got it
4 set with the Court?

5 A. I believe Steve was the one that asked for it,
6 and he would have noticed it, because he noticed basically
7 everything in the case. I wasn't being paid, so Steve was
8 doing the vast majority of -- of the notices and
9 everything.

10 Q. March 21st, 2023, the telephonic conference,
11 what time was it scheduled; do you remember?

12 A. It was scheduled to start -- it was set for
13 10:00 a.m., I think. 10:00.

14 Q. When it was --

15 A. Maybe 10:30.

16 Q. Okay.

17 A. So it was either 10:00 or 10:30.

18 Q. Was it originally 10:00, and then it was moved
19 to 10:30; does that sound accurate?

20 A. That sounds -- that sounds accurate. No, it
21 definitely was 10:30. It was 10:30 for sure, I believe.

22 Q. Okay.

23 A. Oh, man.

24 Q. You're talking like a lawyer now.

25 A. Now I'm second-guessing myself.

1 Q. Let me ask you this: Whatever time it was
2 scheduled, you were early for it, right?

3 A. Yes.

4 Q. So you would dial into the conference call, and
5 you're there before anybody else?

6 A. Yes. I -- well, no. I mean, the Judge was -- I
7 mean, the way these conference calls work is the Judge
8 keeps the conference call going for, like, multiple hours.
9 And they'll have hearings on one case, and then that will
10 end. Then she will have a hearing on another case, and
11 people will be in and out of the hearing during that
12 time -- or in and out of the conference room at that time.

13 Q. So you called in before it was to start, right?

14 A. I call in five minutes before because that's
15 what I always do.

16 Q. All right. What would Steve usually do? Would
17 he usually be -- would he be late? Would he be early?
18 Would he be right on time?

19 A. Steve was usually there before I got there.

20 Q. Okay.

21 A. Actually, I -- like I said, I have never seen
22 Steve late to anything. Anything. And in the entire time
23 that I dealt with him, he was never late for anything. He
24 was always on time or early. So I don't know when he
25 would get there. Usually he was there before I was.

1 Q. All right. So on this particular occasion, you
2 were there first, right?

3 A. Yes.

4 Q. And Steve never logged into that court hearing?

5 A. No.

6 Q. Did Dr. Kosowski log into the court hearing?

7 A. He did.

8 Q. And do you know approximately how many minutes
9 before he would have logged into the court hearing?

10 A. I think we actually started doing the hearing
11 early. I think we actually started talking about it
12 before it was scheduled to start.

13 Q. Who is "we"?

14 A. The judge actually started -- I think she
15 actually addressed the hearing before it was scheduled to
16 start, I believe.

17 Q. Who was in there?

18 A. I was, and Kosowski was there.

19 Q. How do you know it was him?

20 A. I mean, his voice, number one. He has a very
21 recognizable voice. It's kind of nasally. He has a
22 specific accent. I mean, I can just tell it's him when he
23 talks. It's very clear it's him.

24 Also, based on what he was saying, he was making
25 the same accusations against me that he had been levying

1 against me for the last several months. He was
2 complaining about the interrogatory responses that I had
3 filed, because I had attached some objections to some of
4 them because he was asking for information which would not
5 have been in my client's knowledge, and he was complaining
6 that they were not good enough, the answers. You know,
7 just based on his behavior, it was him. Obviously, it was
8 him.

9 Q. Well, was he -- you and him, also, were you in
10 the court hearing for the entire allotted time?

11 A. Yes.

12 Q. All right. During what time, did he seem to
13 have an agenda that he was trying to get through?

14 A. Yeah.

15 Q. Tell us about the agenda. Just, you know, he
16 had points that he was getting through; is that what it
17 was?

18 A. He had filed a bunch of motions. He had filed
19 this motion -- this absurd Motion for Sanctions against
20 Steve, which he wanted heard, and which he asked to have
21 heard at that hearing or at that status check. I guess it
22 was a conference -- a case management conference.

23 So it wasn't noticed for that day, so the Court
24 wasn't going to hear it. We were there to get these
25 things scheduled, so he wanted the Court to hear that. He

1 wanted the Court to rule on all of his outstanding
2 discovery motions. He wanted the Court to issue orders to
3 compel production of discovery responses to all of these
4 interrogatories he was filing and --

5 Q. Was he going through it? Was he taking control
6 of the conversation, would you say?

7 A. He took over for sure. I -- I -- at the very
8 beginning of the hearing, I told the Court that I was
9 unaware of something that had been filed because it hadn't
10 reached me and that I would, you know, get answers to it
11 as quickly as I could, and he proceeded to use that as,
12 basically, a jumping off point to ask the Court to do
13 everything that he wanted in that hearing.

14 And he did. He did it the entire time. And the
15 Court -- I mean, the Court told him that she couldn't rule
16 on any of these things, because they weren't noticed for
17 that day, but she said because you want all of these
18 things done right away, we can just schedule this for a
19 hearing coming up in the near future before our
20 arbitration date, which was set in a couple of weeks.

21 And she -- so she went ahead and scheduled all
22 of these things he wanted for a week out, even though
23 Steve wasn't there.

24 Q. So she -- the Judge scheduled it for March 28th,
25 right?

1 A. Correct.

2 Q. And Dr. Kosowski was fine with that March 28th
3 date?

4 A. Yeah, he asked for it. He wanted it as soon as
5 possible.

6 Q. He wanted it as soon as possible?

7 A. Yeah.

8 Q. His list he went over, and Steve, -- he never
9 showed up, right?

10 A. No. I was texting Steve asking him where he
11 was, because it was so weird that he wasn't there. I was
12 telling him -- I believe I texted him and told him that,
13 you know, he is taking over the hearing. You know, he is
14 getting -- he is getting everything he wants set, and
15 you're not getting a say in any of this.

16 I then asked him about the date that they were
17 proposing. You know, all of these texts were sent to
18 Steve while this hearing was going on because I couldn't
19 call, and I wish I could have, but I couldn't call the
20 office because I was on the only phone that I had. I
21 didn't have another phone. I use my cell phone for my
22 business line.

23 Q. Did the defendant make any reference to Steve
24 throughout this hearing?

25 A. He mentioned that he wasn't there. He said he

1 was not here. He's not even here.

2 Q. What time --

3 A. Which at the time, like, now looking back on it,
4 it's -- but at the time, like, Yeah. I mean, he's not
5 here. Like I told the Court, we needed him here. His --
6 his -- he set this. He asked for this. Like, we need him
7 here, and we just -- the Court didn't call. I didn't -- I
8 wasn't able to call. I wish I had. And you know, he
9 mentioned that he wasn't there when he was asking to have
10 his motions granted.

11 Q. At the close of the hearing, did you continue to
12 attempt to contact Mr. Cozzi?

13 A. I texted him. I said, Everything got set for
14 the 28th. I don't know if this is okay for you. I didn't
15 call -- I didn't call after the hearing was over. I
16 didn't -- I wish that I had. I really wish I had called.

17 Q. Did you ever hear from Jake Blanchard later that
18 day?

19 A. Yeah. Jake called me, like, pretty -- pretty
20 soon after the hearing ended. I don't know how long it
21 had been, but he called me and said -- he asked me if
22 Steve had been in the call, and I said, No, where is he?
23 Like, he -- like, he never -- I thought he was -- I
24 thought Steve was, like, in trouble or something because
25 he hadn't shown up and his boss was calling me. Like --

1 and he's, like, No, he just vanished, and he said he had
2 to go.

3 He didn't -- I -- I don't remember if he told me
4 the police were there, or I think he told me the police
5 were there because I was freaked out. I was -- I was,
6 like, Where is he? Is everything okay? I was trying to
7 ask him if Steve was okay because I was worried about him
8 because he's my friend, but he -- he had to go. Like, he
9 had -- it was obvious he was dealing with it right then.

10 Q. What did you think?

11 A. I initially -- my initial thought was -- when he
12 said Steve was missing, my initial thought was -- like, my
13 initial thought was that Tom -- Tom had done it. That Tom
14 was responsible for it. That was my initial thought.

15 Q. You mean the defendant?

16 A. Yes.

17 Q. Dr. Kosowski.

18 A. Dr. Kosowski. That was my initial -- that was
19 the first thing that came into my head.

20 Q. Why?

21 A. Because he hated us. He hated us both. He made
22 it very clear throughout the entire case. He called one
23 of the nicest, most easy to deal with attorneys that I've
24 ever dealt with in my life a scumbag repeatedly and said
25 that he needed to be reported to the Bar.

1 I've been doing this for a decade, and I've
2 never met anybody who was easier to deal with than Steven
3 Cozzi. And I have -- I -- you know, I'm not -- you know,
4 I'm not a 30-year attorney or anything like that, but I've
5 dealt with a lot of people. I do family law. I've dealt
6 with a lot of difficult attorneys in my time, and I've
7 never met anybody like Steve, and this guy was basically
8 treating him like he was some kind of monster, you know,
9 throughout this case and was just horrible to us the whole
10 time.

11 Q. Did you voice these concerns with your wife
12 during the pendency of this litigation?

13 A. Yeah. I told her -- every time I had to deal
14 with Tom, I -- I -- I told my wife regularly about how
15 crazy it was and about how difficult he was, and about how
16 hard it was for both of us to have to deal with this
17 person.

18 And like -- like, I can deal with a reasonable
19 attorney who is aggressive. I can't deal with a person
20 who is -- has no idea what he's doing and who, you know,
21 is just abusive to everybody he interacts with in the
22 case, including the Court. Like, it was -- it was
23 extremely difficult to deal with, which is why Steve and I
24 probably became friends because how much of a terrible
25 person to deal with Tom had been.

1 And, like, I just -- I knew Steve well enough at
2 that point to know that, like, this isn't a person with a
3 bunch of enemies. He did -- he did primarily bankruptcy
4 and, like, minor business litigation. Like, he's not
5 making a bunch of enemies doing that job, and he's a
6 sweetheart. Honestly.

7 I don't know what else to say. Like, there is
8 no -- he's just such a nice, friendly guy. Like, he was
9 way nicer to Tom than I was. Like, way nicer because I
10 just -- I can't deal with him.

11 Q. When that thought crossed your mind, did you
12 express that to anyone?

13 A. Yeah. I told my wife all of this, and she --
14 after the deposition in January, she told me she was
15 afraid that he was going to do something to us in January.
16 She told me that I needed to be careful around him. My
17 wife --

18 Q. What about --

19 A. -- she's not a lawyer. She's never met him.
20 So, like, she was worried about him from the beginning.
21 As soon as she found out that Steve was missing, she --
22 she knew that he had done it.

23 Q. What did you do as a consequence of Steve's
24 going missing on March 21st?

25 A. I should have listened to my wife right away,

1 obviously. But I tried to -- you know, I tried to tell
2 myself, you know, I don't know everything about Steve.
3 You know, I don't know what's gone on here, but, like, as
4 time went on and I got more and more information, I
5 started to realize -- I got a call from Jake who told me
6 that he went missing at the office while he was there, and
7 that they had -- his phone was still on while he was
8 there. It was still playing music. I knew then. I knew
9 then he did it.

10 And then I -- I'm terrified because he's not in
11 custody, and I know he's rich. And so, you know, I don't
12 know if he's hired somebody to do this. I don't know if
13 he's got some, you know, hitman out there that he's
14 planning to send towards me or one of my clients or one of
15 Steve's clients.

16 I'm freaking out. I go and I buy, like, a
17 brand-new security system on my house, you know. I barely
18 left the house. I didn't sleep. I was -- I wouldn't -- I
19 wasn't leaving the house -- after I got the second call
20 when I knew Steve went missing from work, I stopped --
21 like, I wouldn't go anywhere without my gun on me. You
22 know, I didn't sleep until I knew he was in custody. Then
23 I slept.

24 Q. This next question is probably -- the answer is
25 obvious, but, if he were to be released on bond, would

1 that cause fear for you?

2 A. Absolutely. Absolutely. I mean, it's very
3 clear what happened. It's very clear why it happened.
4 And I'm involved in that case. I -- I have no idea why he
5 didn't target me first, or maybe he did, and he couldn't
6 find me, or maybe I was harder to get ahold of, or maybe
7 he just didn't feel like I was as much of a threat to him
8 in the case as Steve.

9 I don't know what his justification is for going
10 after Steve or fixating on Steve is, but there's no reason
11 to believe he wouldn't come after me or my client. You
12 know, my client is freaking out, you know. Of course I
13 would be afraid. I would absolutely be in danger if you
14 let him out. 100 percent. There's no doubt in my mind.

15 I would be putting my hurricane shutters up, and
16 I would not be leaving my house without somebody with me.
17 I still don't go in public bathrooms unless I have to.

18 Q. Do you see him here today?

19 A. Yes, he's right there.

20 Q. Tomasz Kosowski?

21 A. He's right there. He's wearing an orange
22 jumpsuit.

23 MR. VONDERHEIDE: All right. I have nothing
24 further.

25 THE COURT: Any cross-examination?

1 MR. BRUNVAND: Yes, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. BRUNVAND:

4 Q. Good afternoon.

5 Would it be fair to say that being a lawyer can
6 be a difficult job, right?

7 A. Sure.

8 Q. You do civil law and criminal?

9 A. Primarily criminal.

10 Q. Okay.

11 A. I've done -- I've done civil here and there.
12 This is the only civil case I have right now besides
13 family.

14 Q. Okay. Generally, things get more heated in
15 civil than it does in criminal; would you agree?

16 A. I would say family or so.

17 Q. Sure.

18 A. To be honest with you. Civil usually -- in my
19 experience, civil is businesses arguing over a contract or
20 somebody is hurt, and they're suing an insurance company
21 or, you know. I haven't done a ton of business
22 litigation.

23 Q. Okay. The -- you hear the phrase that criminal
24 lawyers and prosecutors tend to be civil, and civil
25 lawyers sometimes not so much.

1 A. I have heard that.

2 Q. All right. Representing yourself is generally
3 not a good idea?

4 A. I -- I would not represent myself.

5 Q. Right. I mean, generally, it's not -- we can
6 agree, generally not a good idea?

7 A. I -- I don't think it's a good idea, in my
8 opinion.

9 Q. Yeah. Even if you're a lawyer, right?

10 A. I wouldn't do it. No.

11 Q. You're an attorney, right?

12 A. Yes. I would not represent myself in any case.

13 Q. Right. Right. And for a variety of reasons,
14 right?

15 A. Yes.

16 Q. The emotional aspect of it?

17 A. Correct.

18 Q. The technical aspects of how to ask questions
19 and what you can and cannot do?

20 A. I think there are limitations that are created
21 when you act as your own attorney that, no matter how good
22 of an attorney you are, you can't get past.

23 Q. Sure. Sure.

24 The -- was Dr. Kosowski representing himself the
25 entire time that you were involved in the case?

1 A. Yes.

2 Q. Okay. Was he making claims -- regardless of
3 whether or not you believed that they were accurate or
4 not, was he making claims that there were outstanding
5 discovery matters that were not being answered properly?

6 A. Yes.

7 Q. Okay. Did that include, for example, tax
8 records that belonged to your client?

9 A. I don't think he was looking for tax records
10 from my client. I think they would have been from Steve's
11 client.

12 Q. Okay.

13 A. I -- I -- maybe he was. Maybe he was.

14 Q. Okay. Do you know whether or not you produced
15 tax records that belonged to your client to Dr. Kosowski?

16 A. I have not produced any documents to
17 Dr. Kosowski myself.

18 Q. Okay.

19 A. My client produced a bunch of documents to
20 Dr. Kosowski before I filed it on the case in July.

21 Q. Okay.

22 A. Because I did a limited appearance first and did
23 not actually get on the case until July of last year.

24 Q. And this is the attorney that is no longer a
25 lawyer, correct?

1 A. Correct.

2 Q. And that person's name? Who is that?

3 A. Andrew Hill.

4 Q. Andrew Hill, okay.

5 So -- and he's no longer a lawyer because he is
6 disbarred, or what happened?

7 A. I -- I know that he -- I'm not sure what
8 happened. He -- he -- he had some sort of Bar violation
9 that -- that resulted in him losing his license.

10 Q. Okay.

11 A. I'm not sure exactly whether it was a disbarment
12 or a suspension or what exactly it was, but he lost his
13 license for an extended amount of time, and he's still not
14 licensed.

15 Q. Okay. Do you know if it had anything to do with
16 not producing discovery the way you're supposed to or
17 anything like that?

18 A. I think it had something to do with a -- I think
19 it had some financial -- it had nothing to do with this
20 case. It had to do with, like, a financial issue he had
21 done in a different case.

22 Q. You indicate on direct examination that
23 Dr. Kosowski, in your opinion, is always very aggressive?

24 A. He was aggressive in the case.

25 Q. Okay.

1 A. I don't -- I don't know Dr. Kosowski in his
2 personal life.

3 Q. Sure.

4 A. He was aggressive at every stage of litigation
5 that I was involved in, including depositions, his
6 discovery requests, his hearings, his dealings with the
7 Court. He was always very intense.

8 Q. Okay. So might another description of
9 Dr. Kosowski be that he was insistent on what he wanted?

10 A. He was -- that's part of it.

11 Q. Sure. Might he have expressed some frustration
12 about delays and how long the case had taken?

13 A. He did -- he did describe delays as a
14 frustrating thing for him for sure.

15 Q. Sure. And, in fact, the deposition that we've
16 spoken about at some length from January 26th, was it?
17 January 26th?

18 A. Yes.

19 Q. Okay. You were present via Zoom?

20 A. Yes.

21 Q. All right. And there's a transcript of that
22 deposition, right?

23 A. There is, yes.

24 Q. And it starts out where he's asking questions
25 about the name and address of the witness?

1 A. That's -- yeah, I believe so.

2 Q. Okay.

3 A. I don't have the depo in front of me, but --

4 Q. But you read it --

5 A. -- I assume he did that.

6 Q. I assume you reviewed it at some point?

7 A. I don't know if I reviewed this depo transcript.

8 Q. But you were present, right?

9 A. Yes.

10 Q. All right. So if I tell you that it starts out
11 by him --

12 A. Sounds correct.

13 Q. -- asking for a name and address, you don't have
14 an issue with that, right?

15 A. I believe that's how it started, yes.

16 Q. Okay. Which is not an unusual way for even a
17 lawyer to start a deposition, right?

18 A. That's primarily how they start, yeah.

19 Q. Okay. Then there's some questioning about the
20 whereabouts of the witness, whether or not the witness is
21 still out of the country?

22 A. Right. He asked her questions about her
23 scheduling, whether she had been out of the country,
24 whether -- I think he asked a lot of questions about why
25 the deposition had been delayed --

1 Q. Sure.

2 A. -- at the beginning of the deposition.

3 Q. Sure. And it appeared, from his questioning, at
4 least, that he had been advised by someone that the
5 witness had been out of the country --

6 A. He had been --

7 Q. -- for an extended time period?

8 A. He had been told that. I know for a fact he was
9 told that.

10 Q. Okay. So these are issues that he is
11 addressing, right?

12 A. Right.

13 Q. Okay. And another issue that he's addressing
14 earlier in the deposition is whether or not the witness is
15 represented by counsel?

16 A. I'm sure he asked that.

17 Q. Sure. And the witness says, No, I'm not. Then
18 he seems to be surprised because he suggested to the
19 witness that Steven Cozzi had suggested that he
20 represented the witness.

21 Do you remember -- remember some of these
22 questions and answers?

23 A. He may have said that, but I don't believe that
24 Steve did that.

25 Q. Understood. Understood. But these are

1 questions that are being asked and explored by Dr.
2 Kosowski in this deposition setting?

3 A. Correct.

4 Q. Okay. Can we agree that in describing what
5 happened and didn't happen in the deposition as far as --
6 with the exception of tone, right, we can't read tone from
7 the transcript, but with the exception from tone, can we
8 agree that the best evidence as to what kind of questions
9 were asked and what was answered would be in the
10 transcript, right?

11 A. Yeah.

12 Q. Okay. Very good.

13 You indicated that you first met Steven Cozzi
14 when?

15 A. It would have been at my client's deposition
16 last year.

17 Q. In Pasco County?

18 A. Yes.

19 Q. All right. And did you start exchanging text
20 messages with Steven Cozzi at that stage, or was it later
21 on in the representation that you started exchanging text
22 messages?

23 A. I don't remember when we started texting. I did
24 text with him, and I had calls with him as well.

25 Q. Okay.

1 A. We worked -- we were not working together, but
2 we were on the same case, so we talked regularly about the
3 case because --

4 Q. Sure.

5 A. -- we had similar -- our clients were in similar
6 positions --

7 Q. Did --

8 A. -- and we, you know, became friendly through
9 that.

10 Q. Would it be fair to say that in these text
11 messages between yourself and Mr. Cozzi that you're both
12 discussing frustration with -- with Dr. Kosowski?

13 A. Yes.

14 Q. Okay. The -- you both believe that his lawsuit
15 had little or no value?

16 A. It did have little or no value.

17 Q. I understand.

18 A. Maybe some, but most of his claims were --

19 Q. Sure.

20 A. -- absurd.

21 Q. Right. That was your perspective of it, right?

22 A. Yes.

23 Q. All right. And Dr. Kosowski believed that these
24 were genuine, legitimate issues that he was trying to
25 litigate, right?

1 A. I honestly don't believe that.

2 Q. Okay. Well, he certainly expresses that.

3 Whether you believe it or not, he certainly seems to
4 express it throughout the representation -- or throughout
5 the pendency of the case?

6 A. I -- I don't know if he expressed that to me. I
7 know that he told Steve in the bathroom when he called him
8 a scumbag that he thought he was going to win or something
9 like that, or maybe he was going to beat him. I don't
10 know exactly what he said, but he said something to Steve
11 in the bathroom to that effect, but, to me, it just looked
12 like he was trying to run up attorney's bills against the
13 defendants. That's what it looked like to me.

14 Q. You had discussions with Mr. Cozzi about the
15 possibility of -- of a settlement?

16 There was a time when you thought --

17 A. Early on.

18 Q. Well, based on communication with
19 Dr. Kosowski --

20 A. Right.

21 Q. -- you said that it was going to be possibly
22 room for settlement, right?

23 A. Correct.

24 Q. And your job is to make sure that your client
25 has as little on the stake as possible, or you were hoping

1 that -- or you had discussions about, you know, do we make
2 an offer, or do we wait for him to make an offer; do you
3 recall that in your text messages?

4 A. Yes. I know early on there was -- I believe
5 there was a case management conference where something
6 was -- or maybe -- no, I think it was in -- I think it was
7 a conference with the arbitrator, I believe, early on
8 where he had indicated that he might be willing to settle
9 the case, but he, you know, he refused to make any demand
10 at any point prior to me being involved or since I got
11 involved until he filed his Proposal for Settlement -- his
12 Joint Proposal for Settlement back in -- I think it was
13 November.

14 So he never made an -- he never made any demand
15 in the case. He never identified what he lost or what he
16 thought he was entitled to. He never asked us to settle.
17 He never gave us an option. He wanted -- he wanted a
18 global offer from all defendants, which we couldn't do. I
19 can't do that. I didn't -- I don't speak for them. They
20 don't speak for my client. They're not the same party.
21 So I couldn't -- I couldn't give him what he wanted.

22 Q. Sure.

23 A. So he never really engaged in any sort of real
24 negotiations after that exchange of text messages with
25 Steve. We tried. I wanted to try and resolve it. I

1 mean, I am stuck in a case where my client is not paying
2 me for a year at this point. I thought it was going to be
3 an arbitration, and I'm done, and instead, I'm here -- I
4 made a mistake. I shouldn't have gotten involved,
5 obviously.

6 But, no, I -- I -- I believed -- I believed him
7 when he said he wanted to settle early on, which I've
8 subsequently learned you can't believe anything that he
9 says.

10 Q. Let's talk about -- well, let me ask you this:
11 In your text messages with Mr. Cozzi, at some point you
12 said, I have terrible hopes to this man's future?

13 A. I did say that to Steve.

14 Q. Okay. Let's talk about March 28th. March 28th.

15 A. Okay.

16 Q. Okay. What happened on March 28th?

17 A. So March 28th was a hearing that -- a date that
18 was given to me and Tom on March 21st at the -- at the
19 status hearing that we had that day, which Steve did not
20 appear for.

21 March 28th was the day that Kosowski's motions
22 were supposed to be heard. So he requested them on the
23 21st, and then he noticed them, I believe, on that
24 Wednesday. He filed a notice of those hearings on that
25 Wednesday. So I showed up for the hearing that day. He

1 was in jail.

2 Q. Okay. Let me --

3 A. And Steve and Jake -- Jake Blanchard was there,
4 too.

5 Q. Okay. Let me ask you this: Do you know whether
6 or not that motion had been scheduled months before rather
7 than just a week before?

8 A. I know that there -- the 21st was scheduled
9 months before.

10 Q. No, I'm talking about the 28th.

11 A. I can't -- it may have been.

12 Q. Do you know whether or not it maybe had been
13 scheduled as early as December of the previous year?

14 A. That date may have been held open, but the
15 hearings that were going to be conducted that day were
16 noticed by Tom on the Wednesday after the case management
17 conference.

18 Q. Okay.

19 A. So that date may have been held open for us for
20 another issue, and then those issues got rearranged at
21 Tom's request during the 21st hearing.

22 Q. The hearings that were scheduled for the 28th
23 were hearings that Mr. Kosowski had motions that he had
24 filed that related to discovery issues, correct?

25 A. Some of them. Some of them were -- one of them

1 was a Motion for Sanctions.

2 Q. Sure.

3 A. One of them was a -- he wanted affirmative
4 defenses stricken. There were a couple of things he
5 wanted.

6 Q. Sure. Sure. And these were -- whether they
7 were important to you or not, they were important motions
8 to Dr. Kosowski?

9 A. I mean, I don't know if they were important to
10 him, but I know that he wanted them heard. I -- I -- they
11 seemed like they were. I don't know.

12 Q. Sure. They were important enough for him to
13 draft the motion and request hearing time, right?

14 A. I think he would draft a motion and request
15 hearing time for anything he can come up with in his head
16 in this case.

17 Q. Understood. Understood.

18 A. Anything. I mean that --

19 Q. And that's -- that's -- I understand that's
20 your -- that's your belief, but the bottom line is, these
21 were his motions, right?

22 A. Yes.

23 Q. And they were scheduled for hearing?

24 A. Yes.

25 Q. And at the time that the hearing was scheduled,

1 you knew that Dr. Kosowski was in jail, right?

2 A. No.

3 Q. You didn't know he had been arrested?

4 A. When it was scheduled?

5 Q. No, no, no. On the 28th, on the 28th when it
6 was set --

7 A. When I appeared?

8 Q. Yes.

9 A. When I appeared on the 28th, I knew he had been
10 arrested.

11 Q. Sure. Sure. And you were a former public
12 defender. I assume, did you do felony cases?

13 A. Yes.

14 Q. Murder cases?

15 A. I have, yes.

16 Q. And you knew that it was not at all uncommon
17 when someone gets arrested on a serious charge such as
18 this, that they're placed in a protective custody cell,
19 sometimes wearing a paper suit, and may be on suicide
20 watch?

21 A. I've seen that, yes.

22 Q. Right? And you knew that under those
23 circumstances, they don't have access to a telephone?

24 A. I have -- I have no idea.

25 Q. You've seen that?

1 A. I have seen that, yes.

2 Q. Sure. Sure. So when you showed up on the 28th
3 for the hearing on Dr. Kosowski's motions, did the judge
4 know that he had been arrested?

5 A. Yes.

6 Q. And --

7 A. I mentioned it to her that he had been arrested
8 for murdering my -- my friend Steve.

9 Q. I understand. I understand.

10 A. Yes.

11 Q. I understand.

12 And was Mr. Blanchard there as well?

13 A. Yes.

14 Q. Did anyone -- anyone make an effort to contact
15 the jail to see if maybe Dr. Kosowski could be allowed to
16 participate in the hearing via telephone?

17 A. I have no idea.

18 Q. But you didn't do it?

19 A. That's not my job.

20 Q. I understand. And no one else did it in your
21 presence, right?

22 A. No.

23 Q. Okay. The motions that were heard, were there
24 anyone else present other than the -- than you, Mr.
25 Blanchard, the judge?

1 Was there a court reporter present?

2 A. I don't believe so.

3 Q. Okay. No court reporter, so we -- there's no
4 transcript of what took place?

5 A. No.

6 Q. Okay. And how long did this hearing take to
7 arrive at the conclusion that the motions that
8 Dr. Kosowski had filed that he wasn't able to present and
9 argue should be dismissed?

10 How long did that hearing take?

11 A. I believe the hearing was 30 minutes.

12 Q. Okay. Do you guys spend the entire 30 minutes
13 talking about the validity of the motions?

14 A. No.

15 Q. Okay. How much time was actually spent talking
16 about the -- the substance and the validity of the
17 motions, if any?

18 A. This -- I mean, I'm not going to argue his
19 motions for him.

20 Q. Sure.

21 A. I don't -- I don't -- nobody argued his motions
22 for him.

23 Q. Okay.

24 A. The judge read his motions, and -- and most of
25 his motions were based on issues that had already been

1 decided by the special master in an order that the Court
2 had issued back in November, but he continued to file
3 excessive discovery requests far after discovery had been
4 closed, and he just -- he kept filing motions. He kept
5 filing motions.

6 Q. So out of the 30 minutes, how much time was
7 spent on the motions?

8 A. I mean, most --

9 Q. Five minutes?

10 A. -- of the time was spent on the motions.

11 Q. You were there for 30 minutes?

12 A. Yes.

13 Q. And primarily talked about the motions?

14 A. I mean, I told the Court that Steve had missed
15 the last hearing because Tom had allegedly murdered him,
16 and that Tom was in jail for murdering the other attorney
17 in the case.

18 And then I asked the Court to deny the
19 outstanding motions because, A, they didn't have any
20 validity to them, which the Court -- the Court gave him so
21 much leeway in the case to file all of these motions just
22 because he was pro se. She gave him tons and tons of
23 leeway that she would have never given an attorney in the
24 same circumstances just because she wanted to protect his
25 right to access the courts.

1 And despite the fact that she did that, he, you
2 know, he continued to kind of abuse the system and kept
3 filing the motions. The Court had read all of his motions
4 and knew what they were based on. Most of them were
5 procedural, and a lot of them had already been decided.

6 Q. So it probably took a lot less than 30 minutes?

7 A. I don't know -- I don't know how to answer your
8 question. I don't know how much of that hearing was spent
9 addressing the specific issues in his motions. He was not
10 there to argue them, and he was not there because he
11 murdered somebody, and he was in jail for that murder.
12 That's why he wasn't there.

13 MR. BRUNVAND: Could I have a moment?

14 No other questions, Your Honor.

15 THE COURT: Okay. Thank you.

16 Any redirect?

17 MR. VONDERHEIDE: Yeah, just briefly.

18 REDIRECT EXAMINATION

19 BY MR. VONDERHEIDE:

20 Q. The subsequent litigation in the civil case, Dr.
21 Kosowski actually appeared, right?

22 A. He did, yeah.

23 Q. From jail?

24 A. He did, yes.

25 Q. And the Judge actually obtained more time for

1 him to conduct the hearing, right, from the phones at the
2 jail?

3 A. Yes. So there was a -- there was a Motion for
4 Sum Judgment that Steven Cozzi had filed, you know, six
5 months earlier. I don't know exactly when it was filed,
6 but it had been sitting there for a very long time, which
7 Tom never filed any response to. And it had been set for
8 hearing, I believe -- I believe it was set in May.

9 We appeared for that. Tom appeared via
10 telephone. His attorney showed up for him via telephone.
11 And the hearing was noticed for an hour, but it went -- I
12 think it almost went two hours. And during -- at the --
13 you know, in the middle of Jake Blanchard arguing Steve's
14 motion, the jail deputy told us that they wouldn't be able
15 to keep Mr. Kosowski in that room for very much longer
16 because they only had a certain amount of time requested.

17 Judge Muscarella said, That's unacceptable. He
18 needs to be here for this entire hearing. So you need to
19 figure out how to keep him here. So the jail deputies
20 bent over backwards to get more time and kept him in the
21 room and kept him there the whole time.

22 And the Judge gave him an opportunity to argue
23 despite the fact that he hadn't complied with any of the
24 procedural rules on answering Summary Judgment motions.
25 He didn't have a good argument. I mean, he wasn't going

1 to have a good argument no matter who his lawyer was, but
2 he didn't have a good argument prepared for that hearing.

3 He complained about the fact that she wouldn't
4 continue it. Then she said she was going to grant the
5 motion. He hung up the phone, and we were disconnected.
6 So we stopped for a second, realizing that he was no
7 longer there.

8 And then the jail deputy called and said that he
9 had not been cut off -- this was so smart that this guy
10 did this -- but he called back and he said he had not been
11 cut off. That they had made the phone available to him
12 for an extended amount of time. That they weren't going
13 to cut him off. That they were going to let him stay on
14 the phone, but that he willingly hung up the phone and
15 stormed out of the room himself before the hearing was
16 over. That's what was said.

17 MR. VONDERHEIDE: I have nothing further.

18 THE COURT: All right. Thank you. Sir, you may
19 step down.

20 Well, let's take a five-minute break here, and
21 then we'll finish up, okay? Unless you want more
22 than five minutes. All right. Let's take a
23 seven-minute, okay?

24 (Break taken.)

25 THE COURT: All right. You may be seated. So

1 everyone is here, including the defendant.

2 State, please call your next witness.

3 MS. SPADARO: Yes, Your Honor. The State calls
4 Michael Montgomery.

5 THE BAILIFF: Sir, right this way. Come over
6 here. Stand next to me. Face the clerk. Take the
7 oath. Raise your right hand. Answer out loud.

8 (The witness was duly sworn oath.)

9 THE BAILIFF: Right this way. Go ahead and have
10 a seat. Speak into the microphone in a loud and
11 clear voice for the Court.

12 THE COURT: Good afternoon, sir.

13 THE WITNESS: Good afternoon.

14 THE COURT: You may inquire.

15 MS. SPADARO: Thank you.

16 DIRECT EXAMINATION

17 BY MS. SPADARO:

18 Q. Good afternoon. Will you please introduce
19 yourself to the Court and spell your last name for the
20 record.

21 A. My name is Michael Montgomery. My last name is
22 M-O-N-T-G-O-M-E-R-Y.

23 Q. Thank you.

24 A. You're welcome.

25 Q. Now, Mr. Montgomery, you know why we're here

1 today. You sat here all morning.

2 A. Uh-huh.

3 Q. And I want to talk about who Steven Cozzi was to
4 you. Who was he to you?

5 A. Oh, we're going to try to get through this. I'm
6 sorry, you all.

7 Q. If you need a moment, you let me know. There's
8 tissues right there, okay?

9 A. So Steven was my husband. He was my best
10 friend. He was my partner. You know, we made every
11 decision together. We built a home together. We adopted
12 the two cutest puppies in the world, Casey Jones and
13 Sprout. You know, he just was my whole world is the best
14 way that I can sum it up.

15 Q. When did you guys meet?

16 A. We met -- we had started talking online in May
17 of 2018. We met for the first time in person on July 13th
18 of 2018. We went to dinner at a sushi-style restaurant at
19 Largo Mall. Then after that, we went back to his house
20 and watched a movie, you know, and the rest was history
21 after that. It was pretty obvious where my heart was
22 going from that first date.

23 Q. He was your person?

24 A. Yes.

25 Q. When did you guys get married?

1 A. We were married October 17th, 2020, in Homosassa
2 in my parents' backyard.

3 Q. All right. Now, you mentioned you have two
4 dogs. What are their names?

5 A. Casey Jones, he is a little Corgi, a Cardigan
6 Corgi. He's a little brat. And Sprout, who is a rescue
7 mutt, who is just energetic and happy and she was Steve's
8 girl for sure.

9 Q. Do you guys have any kids?

10 A. We do not have any kids, no.

11 Q. Fur pups?

12 A. Fur pups, yeah.

13 Q. All right. Tell the Court, what did Steven like
14 to do for fun?

15 A. Oh, it just kind of depended on the mood that he
16 was in, especially the first few years that we were
17 together. He loved to go for a run. He would do some
18 long runs at the park. He could do anywhere from three
19 miles to -- he would do a half marathon on Sunday. He
20 loved to read. He read books that, you know -- I mean,
21 not many people here have seen our house, but we have
22 floor to ceilings of books, and some of them were really
23 long, so he read every morning and every evening.

24 He loved playing video games. And then I think,
25 especially the last few years, most of all, Steve just

1 really loved to come home and sit on the couch with me and
2 the dogs and watch reruns of Grey's Anatomy that we could
3 quote by the end of it.

4 But he just loved a really simple lifestyle. He
5 loved really healthy habits. Doing things that made him
6 feel good that were good for him. He loved telling jokes.
7 He would tell you the same joke that you've heard a
8 thousand times, but it was funny every single time.

9 He loved -- he was a movie buff. He loved the
10 theater. He loved politics. He loved trolling certain
11 political heads on Twitter.

12 Q. So he was social?

13 A. He was very social. Yes, I guess, is the right
14 word to say.

15 Q. Did he have a lot of friends?

16 A. He did, yes. Steven had a ton of friends.

17 Q. All right. What about his family, was he close
18 to his family?

19 A. Absolutely. Yes.

20 Q. Who is his family?

21 A. The main is George and Lois, who are his
22 parents. He has his brother Georgie in New Hampshire, and
23 numerous aunts and uncle -- well, mainly aunts that, you
24 know, he was close with them, too. One of our -- one of
25 his aunts, he was the go-to person when she would go up to

1 New Jersey to come and check her house all the time to
2 make sure that it was safe. So he was very tied to his
3 family.

4 Q. Now, was he also active in the community? Was
5 he involved in anything? Memberships? Stuff like that?

6 A. He was the chair of the St. Pete Bar Diversity
7 and Inclusion, which he had just received an award for the
8 work that he had done there. He was also the vice
9 president of our HOA community, which is, obviously, a
10 non-paid job, but it -- it was a really good way for him
11 to get more acclimated and familiar with the neighbors, as
12 well as use a lot of his level-headed thinking to address
13 community issues. Because sometimes in HOAs, we fly off
14 the handle a bit, and he was very level-headed.

15 Q. Was that a new thing that he was getting
16 involved in?

17 A. Yeah. Yeah.

18 Q. Okay. As of when was he the vice president?

19 A. He started in January.

20 Q. Okay. Go on. Anything else that he was a part
21 of?

22 A. He was -- let's see. He was very active,
23 obviously, with the St. Pete Bar. He was very active -- I
24 mean, it's been discussed so, you know, he was very active
25 with the recovery community. We had a lot of friends that

1 were -- all of our friends were in the recovery community.

2 He was active in FLA, which I don't -- I'm not
3 super familiar with that, but I believe that's an
4 association -- like a group for attorneys who, in the
5 past, have maybe struggled with drinking too much or other
6 substances. And he was -- he was active in that even
7 though he didn't need to be anymore. He wasn't required
8 to be in that, but he volunteered to be in that to
9 continue to help newer attorneys that were going through
10 that to help oversee their progress.

11 Q. All right. Now, how many years sober was he?

12 A. His sobriety date was September 1st, 2013. So
13 if he were alive today, he would have 10 years sober in a
14 few months.

15 Q. Okay. Now, did you ever have any concern for
16 his sobriety?

17 A. Never.

18 Q. Why is that?

19 A. Steve had the strongest recovery of any person
20 that I knew. He had an incredible balance between doing
21 recovery-focus work, as well as just healthy life habits.
22 You know, we're talking about somebody that would wake up
23 at 5:00, 5:30 in the morning and start reading novels and
24 drinking coffee and walking the dogs. You know, you
25 just -- he just was so healthy, you know. I just never

1 once had a concern about it.

2 And I grew up around alcoholism, and I know the
3 signs of somebody who is about to drink, and Steven was
4 not somebody who was about to drink. You can see it
5 coming a mile away when you're familiar with it, and there
6 was no signs of that.

7 Q. Now, it's also been brought up today, and you've
8 been sitting in here, about Steven suffering from some
9 anxiety.

10 A. Uh-huh.

11 Q. Can you tell the Court a little bit about that?

12 A. Yes. So from my perspective, around his 40th
13 birthday -- so in May of 2021 -- Steve was just suffering
14 from some anxiety related to work, and I hon -- I believe
15 a lot of it was just related to him turning 40, you know?
16 And I think a lot of people, once they hit 40, can relate
17 to that.

18 Like, he would wake up some nights, and he would
19 just be really anxious. You know, but over the last year,
20 it ceased to be -- it was no longer an issue, you know.
21 He had got on the medication. He was seeing a therapist.
22 He even was increasing his activity around the recovery
23 community. He was going to an additional meeting on
24 Saturday mornings, and it was no longer, like, an issue
25 really in our life outside of, like, normal human

1 condition stuff.

2 Q. Uh-huh.

3 A. And him and I had an agreement that if he had an
4 issue where he started having an anxiety attack or felt it
5 coming on that he always came and talked to me. And he
6 demonstrated that through our marriage and our
7 relationship where he would wake me up at 2:00 in the
8 morning if he was having an anxiety attack, so he was
9 never afraid to come and talk to me about this stuff, you
10 know. So -- but from my standpoint, that was managed, and
11 it was in the past.

12 Q. So not only was it managed, but was it almost --
13 his stress level or at least how he was managing anxiety,
14 was it improving since he spoke with someone?

15 A. Absolutely. Absolutely.

16 Q. So around this time, I'm talking about March of
17 '23, were you concerned for his well-being that he was a
18 harm to himself or others at this point?

19 A. No.

20 Q. So Steven was a lawyer, right?

21 A. Yes.

22 Q. And that could be a stressful job, right?

23 A. Yes.

24 Q. Did he like being a lawyer?

25 A. He loved it. He pretended like he didn't

1 sometimes, but he just -- it was the talk of our every
2 dining room -- like, every time we ate dinner at the
3 dining table, it was always about it. I could just tell
4 that he loved it.

5 Q. Yeah. Did it sound like there was anything
6 going on around this timeframe at work that was not good,
7 or was work fine at this point for him?

8 A. The majority of it was fine. I -- he started --
9 sort of a theme that had been going on over the last, I
10 would say year, is when I kind of started to pick up on it
11 a little bit more was this case with the -- I didn't know
12 the guy's name, but the term he used was "the crazy
13 doctor."

14 Q. Okay.

15 A. But that was really it. Every -- that was it.

16 Q. Let's talk about that. So you -- what knowledge
17 did you have about that case?

18 A. So in the beginning, it was just like -- almost
19 like any other case, but, you know, because he would come,
20 and we would have dinner, and he would talk about fun
21 things that happened. And occasionally, he would
22 reference this case with, again, the crazy doctor.

23 Q. Uh-huh.

24 A. You know? And he would say things like, I
25 wonder what the doctor is going to try to accuse me of

1 this time when he would have, like, a hearing or something
2 coming, but I just kind of laughed it off.

3 Q. Right. Was there ever -- was there ever a time
4 where you went from laughing it off to being absolutely
5 concerned?

6 A. Yes.

7 Q. Talk -- talk to the Court about that. When was
8 that?

9 A. January 26th.

10 Q. And why was that?

11 A. I was working, and I had received a text from
12 Steve that said -- and I'm going to paraphrase, I'm
13 sorry -- that beeping doctor just called me a scumbag.
14 And my response at the time, all I said was, Oh, that must
15 mean you're doing a good job.

16 So I didn't really think much about it. And
17 then, if memory serves, when he got home from work, he was
18 on the phone with, I believe, Jake Pillsbury, and they
19 were doing it. And I had asked him more about it, because
20 I didn't know what to think about it because he didn't put
21 in the text, you know, he followed me into the bathroom or
22 anything like that.

23 Q. Uh-huh.

24 A. And he told me what happened. And in that
25 moment, from my standpoint, I became terrified because

1 what -- what I -- what I saw was a threat, a direct threat
2 to him, and as his house, I became very afraid.

3 Q. Okay. Did it seem like throughout this
4 litigation, whenever Steve would talk to you about this,
5 that this doctor was making things personal?

6 A. Yeah.

7 Q. Okay. Did you ever encourage Steven to make
8 precautions as a result of what you were experiencing or
9 learning from him about this case?

10 A. Yes. The Sunday before he was murdered, I --
11 when we were talking our dogs, I had the thought -- and I
12 expressed it to him -- that I wanted him and Jake
13 Blanchard to get some kind of on-site security for the
14 next time they meet with this doctor because I just had a
15 bad feeling that this was escalating past anything -- I'm
16 not a lawyer, I don't know how these things get, but as a
17 layman and as somebody who just cares about one of these
18 attorneys, I can see that this was -- this was going bad
19 fast.

20 Q. Did you try to take precautions or at least
21 encourage Steven around the house, or did you guys put
22 cameras up or anything?

23 A. We have -- we have an ADT system at our house.
24 We were discussing taking it down because we didn't want
25 to pay for the cost, and we couldn't figure out how to

1 work the camera out front for a while.

2 After this, we had decided that we were going to
3 keep the ADT system. I actually fixed the camera out
4 front --

5 Q. When you say "after this" -- I'm sorry, I didn't
6 mean to cut you off.

7 When you say "after this," do you mean January
8 26th?

9 A. After January 26th.

10 Q. Okay. Did you also encourage him to start
11 walking around with pepper spray?

12 A. I did, yes.

13 Q. Okay.

14 A. I did. Especially -- because he would walk the
15 dogs at, like, 5:30 in the morning, and I was terrified
16 about that time.

17 Q. Okay. So it's safe to say that this situation
18 really put you in fear for Steven's safety?

19 A. It did, yes.

20 Q. Can you think, or could you think of anyone else
21 who would want to harm Steven?

22 A. No.

23 Q. Did Steven have any enemies?

24 A. No.

25 Q. Was there anyone in his past -- I believe

1 someone was mentioned earlier by opposing counsel, and you
2 may have heard it -- about an ex-boyfriend or something.

3 Q. Do you know what he's referring on?

4 A. I do to an extent. Steven did discuss it a lot
5 with me.

6 Q. Uh-huh.

7 A. He had an ex-boyfriend when he lived up in New
8 York. He wouldn't go into great detail about it.
9 Apparently, there were just a few -- I guess I'll use the
10 term "fights." I didn't really know the context of them.
11 But he had not been in touch with him. It wasn't like an
12 ongoing friendship or anything.

13 Q. Okay. How long ago were they together; do you
14 know?

15 A. It had to have been over 10 years ago.

16 Q. Okay. A long time ago?

17 A. Yes.

18 Q. And did Steven ever mention anything to you
19 about feeling concerned about this person or him reaching
20 out to Steven or anything like that to give you cause for
21 concern?

22 A. That made me concerned?

23 Q. Yeah.

24 A. No.

25 Q. Did they ever make amends or anything?

1 A. Steven told me that he had made amends. That
2 they had made amends through e-mail years ago when Steve
3 first got sober.

4 Q. So it's safe to say you don't think that that
5 person harmed Steven?

6 A. Absolutely not.

7 Q. Okay. Now, after Steven went missing, you spoke
8 with law enforcement, right?

9 A. Uh-huh.

10 Q. And you told law enforcement about his anxiety,
11 his road to recovery. Why?

12 A. There were a few factors into that. First off,
13 you're a panicked husband. You've just gotten a text that
14 your husband is missing from work. You -- you're
15 literally running through -- and I can only speak for
16 myself -- I'm running through 90 different scenarios at
17 the same time. You know, I'm sure alien abduction
18 probably popped into my head at one time.

19 You're just trying to think of anything, and
20 you're also trying to think of the best possible outcome.
21 That was the main reason, especially when I first got
22 there.

23 Q. Is it safe to say it would have been a better
24 outcome if maybe he had at least gone off to go maybe
25 drink, then he would still be here today?

1 A. I was -- I was hoping that he went out to drink
2 because my experience with alcoholics, when they drink
3 again, is they come back because they need money, and they
4 need a place to live. So my hope was that he went out and
5 drank because I know he would have come back.

6 Q. And he didn't take his car, did he?

7 A. No.

8 Q. He left his phone, right?

9 A. Yes, with the music playing.

10 Q. His keys, right?

11 A. He left those, yeah.

12 Q. His wallet?

13 A. His wallet, yeah.

14 Q. Knowing what you know now, do you think that his
15 anxiety or his road to recovery had anything to do with
16 his death?

17 A. Absolutely not.

18 Q. Now, I want to go back to March 21st of this
19 year.

20 Was anything out of the normal that day when you
21 saw Steven?

22 Did you see him in the morning?

23 A. Yeah, it was the same as any other day. He --
24 every morning, Steven would bring me a cup of coffee
25 because he woke up early and I woke up at 8:00 or 8:30,

1 usually, so he would bring me a cup of coffee, put it on
2 my night -- the nightstand next to the bed. He would kiss
3 me on the forehead.

4 That morning he left, I want to say, 9 or 10
5 minutes later than normal because Steven was a bit of a
6 scatterbrain. He certainly couldn't have orchestrated
7 anything as far as disappearing or anything like that. He
8 just would -- he would forget things like his wallet or
9 his keys, so I would always put them together on the table
10 so that -- so that he would have them in the morning.
11 Apparently, the night before, I forgot to do that, so he
12 forgot his wallet. That was the -- or he couldn't find
13 his wallet, so I yelled, Check the kitchen counter. That
14 was really the only other thing.

15 He got to work. I got -- I sat at my desk at
16 work. I texted him --

17 Q. Do you work from home?

18 A. Yes, I do.

19 Q. Okay. I'm sorry. Go ahead.

20 A. That's okay. I texted him the same thing I
21 would text him most mornings, which was the five hearts I
22 would send him. And he responded, and he said he couldn't
23 believe how expensive Costco was, and then that was the
24 last thing he ever said to me.

25 Q. Do you know what he was referring to?

1 A. He went -- he went to Costco to buy us groceries
2 the day before.

3 Q. Did you do the cooking, or did he do the
4 cooking?

5 A. He did the cooking.

6 Q. Did he have any plans for dinner that night that
7 you know of?

8 A. Yeah. He left out Costco chicken breasts. They
9 were frozen, so he put them in the sink.

10 Q. Okay.

11 A. Yeah.

12 Q. Now, he knows that you wouldn't have been able
13 to cook them, right?

14 A. At the time, he would not have trusted me to
15 cook a chicken. I either overdo it or underdo it. So
16 it's a hockey puck or medium rare if I do it. So he would
17 not have let me cook chicken.

18 Q. So is it fair to say, if he put that in the
19 sink, that he had planned on coming back that evening?

20 A. Absolutely.

21 Q. Leading up to March 21st, were you guys
22 fighting?

23 A. No.

24 Q. Was anything out of the normal?

25 A. No.

1 Q. Any financial troubles?

2 A. No.

3 Q. Did you both have joint bank accounts?

4 A. We did.

5 Q. Okay. And did you both have access to those
6 bank accounts?

7 A. We did.

8 Q. Since March 21st, have you had -- have you
9 accessed those bank accounts?

10 A. I haven't.

11 Q. Can you tell the Court a little bit about that?
12 Has there been any transactions from Steven's account or
13 any -- anything like that?

14 A. None.

15 Q. When is the last time you checked?

16 A. I checked Sunday night.

17 Q. All right.

18 A. This past Sunday.

19 Q. And did you check every account that he would
20 have had access to?

21 A. Yes, I did.

22 Q. And did you see any transactions that would make
23 you believe he's still alive?

24 A. No.

25 Q. His car was left at Blanchard Law Firm.

1 Did he ever come get it?

2 A. No.

3 Q. What about his phone?

4 A. No.

5 Q. Wallet?

6 A. No.

7 Q. Keys?

8 A. No.

9 Q. Was it like Steven to just pick up and leave
10 without his phone, wallet, keys, car, not talking to you
11 or anything like that?

12 A. Absolutely not. We talked all day.

13 Q. Was it like Steven to just go for a walk down
14 Belcher Road?

15 A. No. He would not have walked down Belcher Road.

16 Q. I see you kind of smirking. Why is that?

17 A. A couple of weeks prior, Steven had a flat tire
18 at Publix, and he had his -- he had a donut put on his
19 tire. Jake Blanchard actually helped them. And they
20 parked the car at the tire shop that was, like, maybe a
21 quarter of a mile from Blanchard Law off of Belcher.

22 And he didn't -- he was scared to walk down
23 Belcher Road, so he called me. So I came and picked him
24 up while I was working and drove him a quarter of the mile
25 up the road to pick up his car and go home. Then I went

1 back home; he went back to work because he was scared to
2 drive -- or to walk at all down Belcher Road.

3 Q. So although a social butterfly, maybe not an
4 adventure seeker?

5 A. Absolutely not, no.

6 Q. So it wouldn't make sense for him just to leave?

7 A. No.

8 Q. Walk out of the law firm --

9 A. No.

10 Q. -- without a trace?

11 A. No.

12 Q. Have you heard from Steven since March 21st?

13 A. I have not.

14 Q. Has his friends?

15 A. No.

16 Q. Family?

17 A. No.

18 Q. How do you know?

19 A. I've asked.

20 Q. And to your knowledge, no one -- no one he's
21 cared about in his life has heard from him since that day?

22 A. Correct.

23 Q. Mr. Montgomery, you know one of the reasons why
24 you're here today is because Defense is asking for a bond?

25 A. Yes.

1 Q. Tell the Court your concerns about that if he
2 were to get out?

3 A. I'm absolutely terrified. I -- I don't -- I'm
4 not an attorney. I've never met this man. You know,
5 before January 26th, I had never seen his picture. And to
6 me, it sounds like this was incredibly personal, and I was
7 the closest person to Steven. And my -- I am convinced
8 that if he's let out, he's going to come after me, and I
9 don't want to end up in a landfill.

10 MS. SPADARO: Moment to confer?

11 THE COURT: You may.

12 MS. SPADARO: I have nothing further.

13 THE COURT: Any cross-examination?

14 MR. BRUNVAND: No, thank you.

15 THE COURT: All right. Thank you, sir. You may
16 step down.

17 Any further witnesses? The State rests?

18 MR. VONDERHEIDE: Yes.

19 THE COURT: All right.

20 Any witnesses for the Defense?

21 MR. BRUNVAND: Could I have a moment, Your
22 Honor? The Defense does not have any witnesses. I
23 do have two exhibits, one that has already been
24 referenced, which is the handwritten statement of
25 Debra Henrichs, and then by stipulation, I am also

1 admitting Defense Exhibit 2, which is the text
2 messages between Mr. Cozzi and Pillsbury.

3 THE COURT: Okay.

4 MR. VONDERHEIDE: We stip to both.

5 THE COURT: All right. So they're both
6 admitted.

7 (Defense Exhibit Nos. 1 and 2 were admitted into
8 evidence.)

9 MR. BRUNVAND: We would ask to introduce those,
10 and that's it. We would rest.

11 THE COURT: All right. So we do have the
12 Defense Motion to Set Bond, and we also have the
13 State's motion to keep it at no bond. And the State,
14 of course, does have the burden of proof here, so I
15 think we'll let them argue first.

16 MR. VONDERHEIDE: So the two affidavits that
17 were filed, one by Detective Bolton, is 24 pages, one
18 by Detective Moore, that's 18 pages, lay out the case
19 in full, and it lays out the case forensically and
20 with the cellular phone records placing Defendant
21 Kosowski at the scene of the crime and following his
22 path all the way to South Florida.

23 I'm not going to argue those points in the
24 affidavits. Your Honor has had the opportunity to
25 read those. The lay witnesses here today help flesh

1 out the rest of the story.

2 So, in other words, we have that the cell phone
3 records place him at the Blanchard Law Firm during
4 the time of the phone call.

5 We now have Mr. Pillsbury testifying, yes, he
6 was decidedly in that hearing. So we know he was in
7 that hearing. We know he was at Blanchard Law Firm.
8 The cell phone tower literally looms over the parking
9 lot, and he didn't move the entire time. He was
10 there.

11 And I know the affidavit suggest that there's a
12 figure in the surveillance video, and it says a
13 "figure," but I think we're at a point now where we
14 can say definitely it was Dr. Kosowski who was the
15 person moving that wagon that was laden with the
16 weight of Steven Cozzi. It's based on the affidavits
17 and the lay witness testimony today.

18 There's two parts to disjunction, right? So
19 it's proof of guilt is evident, or the presumption is
20 great. It's either or, and it's a higher proof than
21 a proof beyond a reasonable doubt.

22 And I think when you look at the case law, I
23 referenced it earlier, it was *Crain vs. State*; the
24 evidence as presented in the affidavits and the
25 testimony here today is -- is a vastly stronger case

1 than the case that is presented in *Crain vs. State*,
2 which is 894 So.2d 509.

3 To suggest otherwise, to suggest that Mr. Cozzi
4 disappeared himself, to suggest that Mr. Cozzi just
5 left or committed suicide ignores the entirety of the
6 forensic evidence. It ignores -- and why is the
7 civil litigation important in this case? Well, it's
8 important because of Dr. Kosowski's pattern and his
9 obsession with Steven Cozzi.

10 The forensic evidence places Dr. Kosowski's DNA
11 mixed with the DNA of Steven Cozzi at the bathroom of
12 the Blanchard Law Firm. The DNA is mixed -- of the
13 defendant is mixed with Steven Cozzi in
14 Dr. Kosowski's garage. The DNA of Steven Cozzi is in
15 the Toyota truck, which not only was there to use to
16 take his body away to Mr. Kosowski's house, it's on
17 the tailgate of the Tundra. It's on the truck.

18 Where else is it? Well, there's also the DNA of
19 Steven Cozzi in the trunk of his Toyota Corolla, the
20 same Toyota Corolla that he drove using -- bouncing
21 off cell sites all the way down to Miami to a
22 secondary residence to where his job is. Stopping
23 briefly at that area, that crossroads with that
24 dumpster, the video of which we -- law enforcement
25 has viewed other -- and viewed and observed the trash

1 falling into the dumpster, the trash which is most
2 likely Steven Cozzi.

3 And then he goes back the day following to just
4 drive to that crossroads. There's nothing there. He
5 just drove there and then drove right back, a
6 two-hour round trip to Miami.

7 So to suggest anything other than what's been
8 laid out in these affidavits, what's been laid out in
9 the pretrial detention motion, I think, ignores all
10 of the evidence in the case.

11 So when it comes to proof of guilt is evident,
12 or the presumption is great and the standard that's
13 beyond a reasonable doubt, I think that's easily been
14 met here today. Then I will talk about the second
15 phase, if we get there, Your Honor.

16 THE COURT: All right. What says the Defense?

17 MR. BRUNVAND: Your Honor, our position is that
18 the affidavits that have been submitted, and while we
19 recognize that hearsay is allowed, that it is, in
20 fact, insufficient to meet the standard disallowing
21 pretrial release.

22 There has been absolutely no forensic evidence
23 from any type of pathologist or any doctor to give us
24 any insight into the significance, if any, of the
25 limited blood that is located in the bathroom at the

1 law offices of Mr. Blanchard or in the common area
2 outside the law office of Mr. Blanchard.

3 The cell tower information, while it suggests
4 what Mr. Kosowski -- or Dr. Kosowski is in the
5 general area, as in Pinellas County, certainly is
6 accurate, but it does not give rise to what's
7 required, and that is that someone was murdered and
8 that's where it fails.

9 The -- there is still the uncertainty and the --
10 I mean, we heard from Michael Montgomery that he, as
11 recently as this weekend, checked to see if there was
12 any activity on the financial records, and it's
13 because we don't know. We don't know the whereabouts
14 of Mr. Cozzi, and the evidence does not prove that
15 Mr. Cozzi is deceased.

16 So, therefore, the evidence fails, and the Court
17 should set reasonable conditions of release.

18 THE COURT: All right. Thank you. All right.
19 Anything else from the State?

20 MR. VONDERHEIDE: No, Your Honor.

21 THE COURT: All right. Of course, as a general
22 rule, a defendant who is charged with a crime is
23 entitled to pretrial release. There are, of course,
24 exceptions to that.

25 One is promulgated in *State vs. Arthur*, and that

1 ruling was later included in the Florida
2 Constitution. And, basically, the rule is that the
3 defendant is entitled to pretrial release unless the
4 person is charged with a capital offense or an
5 offense punishable by life, and the proof of guilt is
6 evident or the presumption is great.

7 And the case law is that that is a heavier
8 burden than even beyond a reasonable doubt, which, of
9 course, is the burden of proof in a criminal trial.
10 I have -- of course, I've heard the testimony of the
11 lay witnesses today. I did read the affidavits last
12 night of the officers.

13 And I think at this point of the case, it's
14 probably best for all parties involved if I don't go
15 into a whole lot of detail and keep things brief, but
16 I will say this, if you look at the totality of the
17 circumstances, which is all of the facts in the case
18 or everything that's been alleged as facts in the
19 affidavits and in the testimony of the witnesses,
20 that I will find that the proof of guilt is evident,
21 or the presumption is great.

22 So I'm going to rule that the Court does have
23 the authority to hold the defendant without bail.
24 And as we've seen in *Reeves vs. Nocco*, which is a
25 Second DCA case, the defendant can still be entitled

1 to pretrial release. I think that the judge in that
2 case thought that once the judge made that decision
3 that the Court was unable to give bail or pretrial
4 release to the defendant, but the Court still may do
5 that.

6 It's just under the Arthur case, which is now in
7 the State Constitution, the Court has the authority
8 to hold the defendant without bond, but the Court
9 still has to make a determination if the defendant
10 should still get a bond, nonetheless.

11 So we'll have argument on that. And I -- I
12 believe the Defense may want to go first on that one.

13 MR. BRUNVAND: Okay. You Honor, I believe that
14 there are, in fact, conditions that could be
15 fashioned by this Court that would assure that
16 Dr. Kosowski would appear for court appearances as
17 required, and that he would not be a danger to the
18 community.

19 That could be accomplished in many different
20 ways, but I would suggest that it could be
21 accomplished by him posting a very significant
22 monetary bond, which he does have the ability to do,
23 and I would suggest a monetary bond in the range of
24 500,000 to a million dollars would be appropriate.

25 In addition, if the Court feels that that would

1 not be sufficient to protect both the community and
2 to make sure that Dr. Kosowski appears in court as
3 required, the Court could also require him to wear a
4 GPS monitor and could also require him to remain at
5 his home during the period of -- of the litigation of
6 this case.

7 And so we would ask that the Court fashion
8 conditions that the Court would be comfortable with
9 along those fashions. And keeping in mind that
10 Dr. Kosowski has no prior criminal history. He's
11 educated as a physician. He has strong ties to the
12 community. He owns his homestead in Tarpon Springs,
13 which is a home that's valued in excess of \$1.5
14 million, and he owns that free and clear, Your Honor.

15 THE COURT: All right. Thank you.

16 What says the State?

17 MR. VONDERHEIDE: Under the same constitutional
18 provision Article I, Section 14, there are three
19 bases to determine for conditions of release. It's a
20 disjunctive, just like the first part. And in this
21 case, I think you could put an "and" in there and
22 make it a list, and Dr. Kosowski could be a danger
23 under any of these circumstances.

24 So the first is: No conditions of release can
25 reasonably protect the community from risk of

1 physical harm to persons. Now, I know under -- when
2 we talked about reputation evidence, sort of under a
3 hearsay kind of standard is you've got to have
4 community to have a reputation. Communities are
5 typically defined as at least three people that
6 aren't in the same family.

7 Well, what we had here today was the testimony
8 from three people who certainly aren't related in the
9 same family at all that testified to the Court that
10 they were in fear of Dr. Kosowski being released. I
11 think it's not that big of a stretch to just call
12 that community, the community at large, as well that
13 he is a danger if he gets out.

14 We saw on State's Exhibit 3, which is the
15 affidavit that was filed yesterday, Your Honor has a
16 copy of that affidavit. It's approximately 4 pages.
17 It details the amount of cash that Dr. Kosowski was
18 found with. It details what was found in his car.

19 What was found in his car is what I would term
20 as a "murder bag" or a "kidnap bag." That's the only
21 way that I could term it. In that is a mask, and I
22 attached pictures as an exhibit for Your Honor.
23 There's a Guy Fawkes mask, sometimes called the
24 "anonymous mask." There was a black mask, a
25 Halloween-style mask. There's a ski mask. There are

1 brass knuckles in that.

2 There was an agent called succinylcholine, which
3 is a paralyzing agent. He had that in his Corolla.
4 He had multiple firearms in his car as well. He had
5 over \$280,000 worth of cash in his car. He had a
6 Polish passport, and he had his United States
7 passport.

8 So on the danger aspect, I would suggest that
9 the murder bag and the circumstances of this homicide
10 would suggest he's a danger to the community
11 independent of the fear of the people who testified
12 here today.

13 Assuring his presence at trial, that kind of
14 dovetails with what was found in the Corolla as well.
15 What's interesting to note, he was -- I believe the
16 bond motion for the Defense says he grew up in Poland
17 until he was approximately seven. He was found with
18 a Polish passport in his car. Poland is in the
19 European Union. The European Union will not
20 extradite someone if they are facing the death
21 penalty in the United States.

22 So it's not -- if he makes it out of the
23 country, he's not coming back from Poland to assure
24 his presence at trial. So he's got means. He owns a
25 house free and clear. And I think in this real

1 estate market in Tarpon Springs, where he is at on
2 the water, one and a half million dollars is probably
3 a lowball estimate as to what it's worth. He owns it
4 free and clear. He had access to cash. We know he
5 had access to cash because he was stopped with it.

6 Assuring the presence at trial, I think he --
7 it's an "or," right? You can't -- it's got to be one
8 or the other, one, two, or three. So I think we've
9 already said he's a danger to the community, and we
10 cannot assure his presence at trial. I don't think a
11 GPS monitor would stop Dr. Kosowski from whatever his
12 plans would be.

13 And then three is an interesting one. Assure
14 the integrity of the judicial progress. Assure the
15 integrity of the judicial process, which is the very
16 thing that he thwarted, and which is why we're here
17 today.

18 The whole reason we're here is because he did
19 not want to assure the integrity of any judicial
20 process. He wanted to thwart the civil litigation,
21 and he wanted to take out somebody who was standing
22 in his way. For whatever personal reason, he was
23 obsessed with Steven Cozzi. For whatever reason that
24 he tried to remove him from the case personally,
25 which is something that never really happens, for

1 whatever reason, as the affidavits laid out.

2 He stalked his address and took a picture of his
3 husband's car in the carport. He stalked the parking
4 lot at the Blanchard Law Firm when he had no reason
5 to be there, taking a video of all the cars in the
6 parking lot, to include Mr. Cozzi's car, and all of
7 the other cars in the parking lot.

8 His Google searches, which searched out personal
9 information from Steven Cozzi to include old
10 addresses. He is searching on the internet for what
11 the effects are of succinylcholine and the dosage
12 amount that he should give.

13 As the affidavit lays out, he was connecting to
14 the Blanchard Law Firm Wi-Fi on March 17th. The
15 phone records corroborate that he was there. That's
16 part of the stalking.

17 He was there on March 14th, that Tuesday, when
18 he leaves the utility closet. And I put the pictures
19 of the utility closet in evidence. There's no reason
20 for anybody to be in there. No member of the public
21 should be in there. No invitee for a deposition
22 should be in that utility closet. His fingerprint is
23 found in that utility closet.

24 He is chased out, and our witness here today,
25 Debra Henrichs, watched him get into a Toyota Tundra,

1 the same vehicle he used to exit Mr. Cozzi's body
2 from the law firm a week later.

3 And I think on that "assure the integrity of the
4 judicial process," element number three, again, it's
5 a disjunctive, but it could be an "and" is that the
6 evidence in this case demonstrates that Dr. Kosowski
7 conducted a court hearing on March 21st on his cell
8 phone banging off that tower right there in the
9 Blanchard Law Firm while Steven Cozzi was in a cart
10 next to his truck. That's all that I have.

11 THE COURT: Thank you.

12 Any rebuttal by the Defense on anything new?

13 MR. BRUNVAND: The only thing that I would say
14 is that he's in South Florida before he comes up
15 there. He has the cash, and he has the passport. If
16 his intent was to leave the country, it would have
17 been very simple to hire someone and take about a
18 90-mile ride on a boat over to Cuba. That's not his
19 intent, and conditions of release can be fashioned
20 that protects the community, as well as making sure
21 that he appears in court.

22 THE COURT: All right. The main purpose of a
23 bond is to ensure the appearance of a criminal
24 defendant at a subsequent proceeding, and to protect
25 the community from unreasonable danger from the

1 defendant. So if there's a substantial flight risk
2 or if there's a substantial danger to the community,
3 then the Court can hold the defendant without bond
4 under circumstances like this, where he is facing a
5 capital case or a charge that is punishable by life.

6 First of all, obviously, he is looking at the
7 death penalty here. And, obviously, there is plenty
8 of motivation for him not to deal with it.

9 Now, if you stop and think about the alleged
10 obsessiveness of a very simple civil case and the
11 allegations of what happened, and the alleged
12 heightened premeditation that was involved in this
13 incident, which seemed to be thought out and planned
14 over a period of weeks, then you can just imagine
15 what this defendant might do as far as flight is
16 concerned when not only is he looking at life in
17 prison, but he's also looking at the possibility of
18 the death penalty.

19 So I think he is a flight risk. When you look
20 at what was found allegedly here in his vehicle and
21 in his residence, not only is it allegedly, quote, a
22 "murder kit," end quote, but it also has all of the
23 tools that you need to escape if you're out. So I'm
24 going to find that he's a flight risk if he gets out
25 at all.

1 I'm also going to find that, based upon what
2 I've read in the affidavits and what I've heard, that
3 he's a potential danger to the community. He is a
4 special danger to anyone who tries to get in his way
5 here. If he tries to flee the jurisdiction, if he
6 tries to make it over to the EU, and if the
7 allegations here are correct, then anyone involved in
8 that civil case or anyone involved in this case could
9 be in mortal danger. That's based upon the
10 allegations that I've heard.

11 So I'm going to have him held without bond until
12 the case is concluded.

13 Now, as Mr. Brunvand knows, if he wants a trial
14 rather quickly, I will cooperate with that. So,
15 obviously, if he's found not guilty, then he doesn't
16 have to worry about being in custody at all. So if
17 you would like a quick trial, I will accommodate you
18 there.

19 It is somewhat interesting in that Reeves case,
20 where the judge found that the proof is evident or
21 the presumption was great, that case actually came
22 back not guilty to the surprise of many, but I guess
23 not to the surprise of everyone, so we'll see what
24 happens here.

25 All right. So I think we have a pretrial that

1 is set on this coming Monday, so July 17th. So I
2 would think we're not really going to accomplish much
3 that day. So I think you may have already waived
4 speedy trial, too, right?

5 MR. BRUNVAND: Yes, Your Honor. We have -- we
6 have depositions scheduled for at least -- they're
7 not on the books yet, but we've blocked off at least
8 three full days the week of September 11th, and we
9 may do more, but at least three for that week. And I
10 will explore with my cocounsel if we might be able to
11 do the entire week, but at least three days that
12 week. So to me, it would make sense for us to
13 schedule a pretrial hearing, maybe sometime in early
14 October or something like that.

15 THE COURT: Okay. Do you want to do it on a
16 Monday morning, or do you want to do it on some other
17 morning?

18 MR. BRUNVAND: It really doesn't matter.
19 Although, Mondays seem to be busier than others, so
20 maybe it would be better to do it on a day other than
21 a Monday.

22 THE COURT: All right. Maybe Thursday, October
23 5?

24 MR. BRUNVAND: If I could have one moment. That
25 works, Your Honor.

1 THE COURT: Let me see if it's all right with
2 the State.

3 MR. VONDERHEIDE: October 5th is good.

4 THE COURT: Okay. All right. So that's a
5 pretrial at 8:30, and you're reaffirming your waiver
6 of speedy trial; is that right?

7 MR. BRUNVAND: Yes, Your Honor.

8 THE COURT: All right. Very good. Thank you
9 very much. We're adjourned.

10 (Hearing was concluded.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)

COUNTY OF PINELLAS)

I, Charlene M. Eannel, RPR, Stenograph Court Reporter, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript, pages 1 through 215, is a true record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 25th day of July, 2023.

/s/ Charlene M. Eannel, RPR
CHARLENE M. EANNEL, RPR