

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR PINELLAS COUNTY
CASE NUMBER CRC2302935CFANO

STATE OF FLORIDA,

Plaintiff,

vs.

TOMASZ ROMAN KOSOWSKI,

Defendant.

_____ /

PROCEEDINGS: MOTION

BEFORE THE HONORABLE JOSEPH BULONE
CIRCUIT JUDGE

DATE: April 23, 2024

PLACE: Courtroom 9
Criminal Justice Center
14250 49th Street North
Clearwater, FL 33762

REPORTER: MICHAEL MCDANIEL,
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(Pages 1 to 12)

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**APPEARING ON BEHALF OF
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* * *

P R O C E E D I N G S

1 THE COURT: Good morning, Mr. Brunvand.

2 MR. BRUNVAND: Good morning.

3 THE COURT: All right. Mr. Brunvand is here.

4 Mr. Kosowski refused to be here. Are you
5 waiving his appearance?

6 MR. BRUNVAND: I'm waiving his presence, yes,
7 your Honor.

8 THE COURT: All right. So we're set for a
9 pretrial. The trial is set when, May 19th?

10 MR. VONDERHEIDE: Of '25, yes.

11 THE COURT: Right.

12 MR. VONDERHEIDE: Right around the corner.

13 THE COURT: So you guys aren't -- you guys
14 aren't ready for May 19th of 2024 then?

15 MR. VONDERHEIDE: We could be ready. We would
16 have to make a lot of phone calls today.

17 THE COURT: All right. So anything from
18 Mr. Brunvand?

19 MR. BRUNVAND: Your Honor, I think that -- I
20 guess there's a couple of issues. Last time we
21 were here you had ruled on a motion to allow my
22 client access to -- supervised access to the
23 internet at the jail unopposed by the State.

24 I had made that request because the jail had
25

1 indicated to me that they could only do it with a
2 Court order. Sheriff counsel was not noticed and
3 was not present for that hearing, and I believe
4 they have filed a motion to vacate that order.

5 I would acknowledge that they were not present
6 for that hearing, and while I did what was
7 suggested to me from the jail, and we got the order
8 evidently, they have decided that they want to
9 vacate the order, and I have also been informed
10 that they are not going to afford my client that
11 opportunity. So --

12 THE COURT: All right. Well, was it anyone
13 with any authority over at the jail that asked you
14 to do that?

15 MR. BRUNVAND: Well, yes, your Honor. It was
16 -- but -- but -- but -- it was, but I don't want to
17 throw that person under the bus. I mean, it's --
18 it's the -- it's the person that -- it's the people
19 that -- it's not just the person sitting at the
20 front desk in the lobby, I could tell you that. So
21 --

22 THE COURT: All right. Well, I signed it
23 because the motion seemed to indicate that the
24 Sheriff's Office was in agreement, they just wanted
25 a Court order in order to authorize it, which is

1 not something that's all that uncommon around here
2 where the State and the Defense agree to something,
3 like records from CPI or whatever, and they just
4 want a Court order. So that's obviously what I
5 thought was going on, but, obviously, that's not
6 true; is that correct, Sheriff's Office?

7 MS. VANOOSTING: That's correct.

8 THE COURT: All right. So I do agree there's
9 no doubt -- there's a whole lot of case law that
10 says that the Court really doesn't have authority
11 or the jurisdiction to tell the Sheriff how to run
12 things over at the jail.

13 So does the Sheriff's Office have an objection
14 at this point?

15 MS. VANOOSTING: To the internet access, yes.

16 THE COURT: Yes.

17 MS. VANOOSTING: We would ask the order be
18 vacated.

19 THE COURT: All right. Any particular reason?

20 MS. VANOOSTING: The Sheriff says, no, I don't
21 ask why.

22 THE COURT: Okay.

23 MR. BRUNVAND: And, your Honor, I am going to
24 -- I will do a public record request and see what I
25 could find out. So --

1 THE COURT: All right. So any other argument
2 in regard to their motion for rehearing?

3 MR. BRUNVAND: No, other than my assumption
4 was the same as yours. When I was told we could do
5 it with an order, I thought it was okay, and,
6 evidently, it was not.

7 THE COURT: All right. So the Sheriff's
8 motion for a rehearing on the defendant's motion to
9 allow supervised access to the internet is granted.
10 And I will vacate the order that I signed on
11 February 22. So that is vacated.

12 All right. So --

13 MS. VANOOSTING: Thank you very much. That's
14 all I had.

15 THE COURT: All right. So anything else that
16 we need to talk about?

17 MR. BRUNVAND: Your Honor. I have --

18 THE COURT: How are things going with
19 depositions and everything?

20 MR. BRUNVAND: We --

21 MS. VANOOSTING: Have a good day.

22 THE COURT: Thank you.

23 MR. BRUNVAND: We're moving at I would say a
24 very incredible speed.

25 MR. VONDERHEIDE: I think we're making

1 excellent progress in our depositions.

2 MR. BRUNVAND: Right.

3 MR. VONDERHEIDE: And we have major witnesses
4 coming up as well in two weeks, I think.

5 MR. BRUNVAND: We do. So I think we're moving
6 along very efficiently and without cutting any
7 corners.

8 THE COURT: All right.

9 MR. BRUNVAND: There are a few outstanding
10 motions to compel, and I believe all of them have
11 been complied with except for one, maybe --

12 MR. VONDERHEIDE: There is --

13 MR. BRUNVAND: -- two.

14 MR. VONDERHEIDE: I would suggest there's two
15 issues in that. The first is there was a request
16 for emails as it related, from the Blanchard Law
17 Firm, related to Dr. Kosowski's case, Jack
18 Blanchard. It took him awhile to assemble all
19 those emails. It was obviously very emotional and
20 tough for him to do so. He has submitted them to
21 his attorney for a confidentiality review. They
22 got into that process --

23 MR. BRUNVAND: Two weeks ago.

24 MR. VONDERHEIDE: -- two weeks ago, something
25 like that. So I don't have access to those. So I

1 don't know how I could be compelled to hand those
2 over. I don't have access to those.

3 And, additionally, I think another issue --
4 matter that's still open is there was a request for
5 a subsequent conference call record of who called
6 into a conference call for the civil case that was
7 parallel to this case. One of those I was able to
8 comply with, because it was still in-house to a
9 certain extent. It wasn't the Sixth Judicial
10 Circuit that still had access to it. It was a
11 state agency. So they provided it to me. I
12 disclosed it to the Defense in an extensive
13 spreadsheet.

14 The other one is handled by some company that
15 handles it, I guess, for the Sixth Judicial
16 Circuit. I do not have access to that. I have to
17 issue them a subpoena to get them to comply with
18 that. I will certainly issue them a subpoena, but
19 I don't know how I can -- the Court could grant an
20 order compelling me to give something that I don't
21 have, and it's a private company that's dealing
22 with it.

23 So those are the only two outstanding issues.
24 I would ask that if we are going to come back for
25 another pretrial, that we hold those motions off

1 until that time, and I will see what I can collect
2 from that outside agency, and then the email review
3 should be done, and I should have turned it over to
4 Mr. Brunvand by then.

5 THE COURT: Okay. What says the Defense about
6 that?

7 MR. BRUNVAND: Right. I mean, I just don't
8 want to be here at the next pretrial and the
9 subpoena hasn't gone out.

10 MR. VONDERHEIDE: I'll do it today.

11 MR. BRUNVAND: But assuming the subpoena is
12 going to go out this week or next week -- and maybe
13 a word of encouragement to Mr. Blanchard's
14 attorney, that it would be very nice to have
15 everything reviewed and disclosed by the next
16 pretrial, because this is -- this is something that
17 we have been asking for -- for a very long time.
18 So we didn't just file a motion to compel. I mean,
19 we made multiple requests before that.

20 MR. VONDERHEIDE: It was the end of February.

21 MR. BRUNVAND: Right.

22 THE COURT: All right. Well --

23 MR. VONDERHEIDE: So they're working on it.

24 THE COURT: -- it sounds like progress is
25 being made.

1 MR. BRUNVAND: Right.

2 THE COURT: So when would you like me to set
3 the next pretrial?

4 MR. BRUNVAND: Six to eight weeks, maybe.

5 THE COURT: Okay.

6 MR. BRUNVAND: And, your Honor, my client has
7 indicated that unless we have something of
8 substance -- and the motion that was filed by the
9 Sheriff, we weren't too concerned about that. So
10 unless we have something of substance, he prefers
11 to waive his presence at the pretrial hearings.

12 THE COURT: All right. Well, if you would
13 like him here, let us know.

14 MR. BRUNVAND: I will.

15 THE COURT: And we'll order him sooner rather
16 than later, so we're not just waiting around for
17 him.

18 MR. BRUNVAND: Yes.

19 THE COURT: How about the week of June the
20 10th, is that good?

21 MR. VONDERHEIDE: That works for me, your
22 Honor.

23 MS. SPADARO: Can I just double-check with the
24 family?

25 THE COURT: Yes.

1 MS. SPADARO: That works for the family as
2 well.

3 THE COURT: All right.

4 MR. BRUNVAND: Any particular day that week,
5 your Honor?

6 THE COURT: You tell me.

7 MR. BRUNVAND: I could do June 13th, Thursday.

8 MR. VONDERHEIDE: That works.

9 THE COURT: Okay. That's fine.

10 MR. BRUNVAND: Is that good?

11 THE COURT: That's fine.

12 All right. So we'll have a pretrial
13 June 13th. Obviously, the trial is still on for
14 May 19, 2025.

15 All right. Anything else from anybody?

16 MR. VONDERHEIDE: That's it, your Honor.

17 THE COURT: Thank you.

18 MR. BRUNVAND: Thank you, your Honor.

19 THE COURT: See you next time.

20 MR. BRUNVAND: Have a good day.

21 THE COURT: You, too.

22 (HEARING CONCLUDED)

23

24

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)

COUNTY OF PINELLAS)

I, ROBIN FRALEY, REGISTERED PROFESSIONAL REPORTER,
certify that I was authorized to and did prepare the
foregoing transcription of MICHAEL MCDANIEL'S to the best
of my ability.

DATED this 17th day of October, 2024.

ROBIN FRALEY
REGISTERED PROFESSIONAL REPORTER