

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CASE NO. 2023-CF-002935

STATE OF FLORIDA

vs.

TOMASZ ROMAN KOSOWSKI

_____ /

**MOTION TO COMPEL SEARCH WARRANT RETURN AND
INVENTORY**

Defendant Tomasz Roman Kosowski, by and through his undersigned counsel, pursuant to Florida Rule of Criminal Procedure 3.220, respectfully requests this Honorable Court to enter an Order compelling the State, the Miami-Dade Police Department and/or the Miami-Dade Clerk of the Court to produce copies of search warrant returns from the execution of two search warrants issued in connection with the instant case. As grounds therefore, Dr. Kosowski states as follows:

1. Defendant Tomasz Roman Kosowski is a surgeon who practiced in Miami, in addition to practicing in the local area. He, consequently, has residences in both Pinellas County and Dade County.
2. In the course of the investigation underlying this case, Largo Police Department detectives contacted the Miami-Dade Police Department to assist in the investigation, particularly as it related to obtaining and executing a search warrant for Dr. Kosowski's Dade County residence.

3. On March 27, 2023, Sergeant Michael Scott of the Miami-Dade Police Department authored a search warrant affidavit for Dr. Kosowski's residence located at 12380 SW 95th Terrace, Miami, Florida. A search warrant was issued later that day. It was executed that evening.

4. The following day, March 28, 2023, Largo Police Sergeant Michael Vegenski sent an email to Miami-Dade Sergeant Scott, stating that a friend of Dr. Kosowski's had reported that Dr. Kosowski had informed him that he was moving back home. On March 21, 2023, the friend was allegedly provided with some property to be stored temporarily, to include a plastic tote and gun cases.

5. On March 29, 2023, Miami-Dade Police Department sought and received a search warrant for the location where that property was believed to be held, 11865 SW 245 Terrace, Miami, Florida.

6. On March 30, 2023, the Miami-Dade Police Department executed that search warrant.

7. Miami-Dade Sergeant Scott's report states that he submitted the return and inventory for the two search warrants on April 4, 2023 at the Richard E. Gerstein Justice Building, which is the location of the Miami-Dade County Clerk of the Court.

8. Dr. Kosowski has not obtained copies of the return and inventory for either of the search warrants. Defense counsel has made requests for those returns from the State and has been informed that the State does not have possession of the returns

either.

9. Counsel has likewise been unable to obtain copies of the returns from the Miami-Dade Clerk of the Court.

10. Review of the search warrant return and inventory for the two respective search warrants will be critical to preparing Dr. Kosowski's defense. To the extent that no purportedly incriminating evidence was recovered during either of the search warrants, as it would so appear, the search warrant return and inventory will be exculpatory evidence that the State is obligated to provide under *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963) and its progeny. The State, in complying with *Brady*, "has a duty to learn of any favorable evidence known to others acting on the government's behalf in the case, including the police." *Way v. State*, 760 So. 2d 903, 910 (Fla. 2000) quoting *Strickler v. Greene*, 527 U.S. 263, 119 S.Ct. 1936, 144 L.Ed.2d 286 (1999). The duty to disclose evidence under *Brady*, thereby, extends even to evidence that is known only to the police and that the prosecutor may be unaware of. *Hurst v. State*, 18 So. 3d 975, 988 (Fla. 2009).

WHEREFORE, based on the foregoing, the Defendant respectfully requests this Honorable Court to enter an Order compelling the Miami-Dade Police Department and/or the Miami-Dade Clerk of the Court to produce copies of search warrant returns from the two search warrants discussed above.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by email to the Office of the State Attorney, Sixth Judicial Circuit of Florida, at SA6eservice@co.pinellas.fl.us on this 10th day of December 2024.

s/Jervis Wise
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