

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 SUPPRESS EVIDENCE ILLEGALLY OBTAINED FROM
THE SEARCH OF THE DEFENDANT'S PERSON

Tomasz Roman Kosowski, by and through his undersigned counsel, pursuant to Rules 3.190(g) and 3.190(h) of the Florida Rules of Criminal Procedure, hereby moves this Honorable Court to suppress all evidence seized during and as a result of searches of his person, which began on March 26, 2023. The evidence to be suppressed specifically includes, but is not limited to, swabbings, clothing and shoes, fingernail clippings, photographs, and all observations made by law enforcement during the searches of the Defendant's person. As grounds therefore, the Defendant states as follows:

1. The Defendant's rights under the Amendments IV, V, and XIV of the United States Constitution and Article I, Section 12, of the Florida Constitution were violated when law enforcement unlawfully seized and searched the Defendant's person in the course of the instant case.

2. The affidavit that was later submitted in support of the search warrant for the Defendant's person contained facts that were set out in affidavits seeking search warrants for Dr. Kosowski's residence at 511 Seaview Drive and for a Toyota Corolla that was registered to him. The facts contained in those affidavits are detailed in the corresponding motions to suppress the fruits of those searches.
3. On March 23, 2023, the search warrant referenced above was executed at 511 Seaview Drive.
4. On March 23, 2025, at approximately 3:19 P.M., law enforcement stopped and detained Dr. Kosowski in the area of 34 West Orange Street, Tarpon Springs, Florida. He remained detained in custody from the time of that stop, approximately 3:19 P.M.
5. Law enforcement then sought the search warrant for the Toyota Corolla Dr. Kosowski was driving.
6. A search warrant was issued for the Toyota Corolla later that afternoon. It was executed beginning at approximately 4:59 P.M. that day.
7. After the execution of that search, law enforcement sought a search warrant for the search of Dr. Kosowski's body.
8. A search warrant was not signed until 11:50 P.M. on March 25, 2023.
9. Law enforcement did not thereafter begin to execute the search warrant until March 26, 2023.

10. Throughout the time of the traffic stop at approximately 3:19 P.M. on March 25, 2023 until the execution of the warrant on March 26, 2023, law enforcement detained Dr. Kosowski in custody, handcuffed, in a police vehicle. During that time, law enforcement denied him access to a phone, a lawyer, a restroom, and to the ability to examine the search warrant.

11. Law enforcement has provided no explanation for its delay in seeking, obtaining, and executing the search warrant for Dr. Kosowski's body.

12. The unreasonable delay in seeking, obtaining, and executing the search warrant for Dr. Kosowski violated Dr. Kosowski's rights to be free from unreasonable searches and seizures, as guaranteed under the United States and Florida Constitutions.

13. In addition, the information law enforcement relied on in seeking the search warrant for the search of Dr. Kosowski's person was derived from the searches of Dr. Kosowski's residence and vehicle. As set forth in corresponding motions to suppress, the information contained in the four corners of the search warrant affidavits failed to provide probable cause to believe that a First Degree Murder was committed or that evidence of such a murder would have been found at the locations to be searched. Moreover, both search warrant affidavits omitted material facts and misled the issuing courts as to the purported existence of probable cause. Therefore, because the searches of the residence and the Toyota Corolla violated Dr.

Kosowski's rights to be free from unreasonable searches, any information derived by the police from those searches cannot be used to support the issuance of a subsequent search warrant. *See Wong Sun v. United States*, 371 U.S. 471, 83 S.Ct. 407, 9 L.Ed.2d 441 (1963). But for the evidence obtained from those prior unlawful searches, law enforcement certainly lacked probable cause to support the issuance of the warrant for Dr. Kosowski's body.

WHEREFORE, based on the forgoing, the Defendant moves this Honorable Court to grant this Motion and suppress all evidence obtained during the searches of Dr. Kosowski's person. The evidence to be suppressed specifically includes, but is not limited to, swabbings, clothing and shoes, fingernail clippings, photographs, and all observations made by law enforcement during the searches of the Defendant's person. Dr. Kosowski further moves to suppress the results of any testing performed on any of that evidence

Respectfully Submitted,

s/ J. Jervis Wise
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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 3rd day of February 2025.

s/Jervis Wise
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