

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

CASE NO.: 23-02935-CF

STATE OF FLORIDA,

Plaintiff,

vs.

TOMASZ KOSOWSKI,

Defendant.

VOLUME II

VIDEOCONFERENCE

DEPOSITION OF:

DETECTIVE COLIN BOLTON

DATE TAKEN:

July 10, 2024

TIME:

9:32 a.m. to 3:13 p.m.

PLACE:

Via Zoom videoconference

STENOGRAPHICALLY REPORTED BY:

Lori A. Seiden, RPR, FPR-C

Notary Public, State of Florida at Large

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EXHIBITS	NONE

1 The deposition of DETECTIVE COLIN BOLTON was taken
2 pursuant to notice by counsel for the Defendant on the
3 10th day of July, 2024, commencing at 9:32 a.m., via
4 Zoom videoconference. Said deposition was
5 stenographically reported by Lori A. Seiden, RPR,
6 FPR-C, Notary Public, State of Florida at Large.

7 - - - - -

8 DETECTIVE COLIN BOLTON,
9 a witness, having been duly sworn to tell the truth,
10 was examined and testified upon his oath as follows:

11 THE WITNESS: I do.

12 DIRECT EXAMINATION

13 BY MR. BRUNVAND:

14 Q. Good morning, Detective Bolton. This is Bjorn
15 Brunvand. We're back on July 10th, I believe it is
16 today --

17 A. Yes.

18 Q. -- on State of Florida vs. Tomasz Kosowski. We
19 were last in a deposition on July 12th, I believe so.

20 A. I believe that was the date.

21 Q. And I believe --

22 A. You mean June.

23 Q. June 12th, yeah. Did I just say July?

24 A. I think so, yeah.

25 Q. Okay. All right. Sorry about that.

1 A. No worries.

2 Q. I believe we left off talking about Chris
3 Reynolds. And I think the next sequence of events is
4 March 25th, 2023; is that correct?

5 A. That sounds right.

6 Q. All right. And that's when you were -- well,
7 tell me about March 25th, 2023.

8 A. So I was notified that alerts from a license
9 plate reader had indicated that Kosowski's Corolla was
10 traveling west or appeared to be traveling back in the
11 direction of -- towards Tarpon Springs from Miami.

12 Q. Okay. And what time are you advised that
13 that's taking place?

14 A. I don't recall exactly what time, but I know
15 that the vehicle was stopped in Tarpon Springs at
16 approximately 3:19 in the afternoon.

17 Q. Okay. And generally, driving from Miami to
18 Tarpon Springs is going to take how long, generally?

19 A. Four to five hours.

20 Q. Okay. All right. So, presumably, four or five
21 hours prior to 3:19 is when you received the
22 information, or not necessarily?

23 A. Yeah. Yeah.

24 Q. Okay. And do you --

25 A. Sometime within that.

1 Q. Okay. Do you receive any information, like,
2 that keeps getting updated as far as the location of the
3 vehicle?

4 A. I don't recall getting specific locations until
5 about Keystone Road and East Lake Road and westbound
6 traveling on Keystone Road.

7 Q. Okay. And presumably, that's in the afternoon.
8 Maybe close to 3:00 in the afternoon?

9 A. Correct.

10 Q. All right. So what happens next? You get
11 notified that the vehicle has been stopped?

12 A. So I was notified that the vehicle was stopped,
13 and I traveled to that location.

14 Q. Okay. And so, was the vehicle stopped based on
15 a BOLO that you had issued, or what were the
16 circumstances of the stop as far as that?

17 A. It was stopped based on the BOLOs and us
18 communicating to Tarpon Springs that we had probable
19 cause to stop and search that vehicle and that we
20 intended to seek a warrant.

21 Q. So you had probable cause to stop and search
22 the vehicle. Did you have probable cause to arrest
23 anyone within the vehicle?

24 A. At that time, no.

25 Q. Okay. All right. And what was it that gave

1 you probable cause to stop and search the vehicle?

2 A. So it was kind of a culmination of the facts
3 that we knew up to that point; right? We had observed
4 that truck both coming and going from Kosowski's
5 residence. The time frame at which it left the office
6 and arrived back at his house was consistent with it,
7 making those stops and traveling. It was one individual
8 coming and going from that truck. The only thing that
9 left the -- the only thing that left the building large
10 enough to -- you know, large enough to us to carry a
11 human body went into that truck, returned to Kosowski's
12 residence.

13 We searched the residence. We don't find that
14 wagon. We don't find, you know, that red bag or that
15 covering, but we find blood within the house or within
16 the truck. And the only thing that we see leaving is
17 that red Corolla. So my thought process was that, you
18 know, anything that left 1501 Belcher went in that
19 truck, went back to the house, was not found in the
20 house, and that car was the only thing seen leaving, you
21 know.

22 So that, I thought there was probable cause
23 that anything that went from the building to the truck
24 to the house also went in the car. If it just wasn't
25 there it wasn't able to be found.

1 Q. So the -- I've seen the video surveillance of
2 the Corolla heading southbound, I guess, from the area
3 where that Kosowski home was.

4 A. Correct.

5 Q. You don't actually see his home, right, in the
6 surveillance video?

7 A. You can see the edge. I believe you can see
8 the driveway and, like, yeah, the south side of the
9 house, somewhere on the south side of the house.

10 Q. Okay. Traveling in a car, is there any other
11 way to exit or leave the area other than driving south
12 on the road in front of the house?

13 A. The street turns -- I know that neighborhood
14 street turns to the -- turns east, but it appears
15 there's a dead end. There's no passable road right
16 there.

17 Q. Okay. When you say it appears that there's no
18 passable road, there's a dead end, could you elaborate
19 on that?

20 A. Yeah. There's, like, bushes and flowers. I
21 haven't seen it in a long time, but it's not a
22 connecting road. It doesn't circle completely around.
23 I think it ends with a driveway, and then there's some
24 bushes and a tree along that south side of Howard Park.

25 Q. Okay. All right. And so, would you say it

1 appears that you couldn't travel that way or you could
2 not travel that way?

3 A. To me it looked like it -- I mean, I suppose
4 you could plow some kind of vehicle through there --

5 Q. Okay.

6 A. -- but it didn't look to me like -- it didn't
7 look to me like a normal roadway. It didn't look to me
8 like an ingress or egress point that was actively used.

9 Q. Okay. Okay. And did you look to see if there
10 was any evidence of any vehicles having traveled on the
11 part that was not a road but potentially could have been
12 traveled on?

13 A. I recall walking up in that direction and
14 looking around those houses. I don't recall
15 specifically looking for anything, but I didn't see
16 anything indicative of anybody using that as a -- like a
17 pass-through for a vehicle.

18 Q. Okay. On the west side of Dr. Kosowski's
19 home -- and do you recall the address of that
20 Dr. Kosowski's home?

21 A. Yes, it's 511 Seaview Drive.

22 Q. Okay. And on the west side is open water;
23 correct?

24 A. Correct.

25 Q. And he has a dock?

1 A. Yes.

2 Q. Was there an any type of boat on the dock? Do
3 you recall?

4 A. Not that I recall.

5 Q. Was the dock accessible by water?

6 A. Yes.

7 Q. Okay. So you indicate no other way if, in
8 fact, there was a body in the truck that it could have
9 left.

10 Could we agree that one way it could have left
11 was in a car; another way it could have left could have
12 been by water?

13 A. Yeah, those are possible.

14 Q. Okay. Two reasonable scenarios on how the --

15 A. Sure.

16 Q. -- if there was a body, how it could have left?

17 A. Sure.

18 Q. Okay. All right. Do you know if there was
19 surveillance video at the house that would show
20 activities before or after the arrival of the truck and
21 the departure of the truck and arrival and departure of
22 the Corolla and anything else?

23 A. Which house?

24 Q. The 511 Seaview.

25 A. I'm not aware of there being cameras.

1 Q. Okay. All right. Presumably, you looked to
2 see if there were cameras?

3 A. Yes.

4 Q. You didn't see any?

5 A. No.

6 Q. All right. What about surveillance video from
7 any other vantage point of that general area?

8 A. I think we looked. I did not specifically --
9 you'd have to check other officers' supplements to see
10 specifics, but I don't recall there being other -- other
11 cameras that actually captured the residence.

12 Q. Okay. Fred Howard Park is just to the north of
13 511 Seaview?

14 A. Correct.

15 Q. And if a boat was leaving the dock of that
16 property, it appears that it would have to travel
17 alongside Fred Howard Park to get out into open water?

18 A. It could. Yeah, it could travel south.

19 Q. Do you know if there's any type of video
20 surveillance or video monitoring in Fred Howard Park
21 that may have captured any activity?

22 A. I'm not aware of any.

23 Q. The person that is seen driving the truck, I
24 think we discussed this briefly last time, but there's
25 no video surveillance where you can positively identify

1 that driver. Is that a fair statement?

2 A. That's fair.

3 Q. Okay. And also video surveillance of the
4 Corolla, you can tell that there's someone driving the
5 Corolla, but you can't positively identify the driver
6 from any other video surveillance?

7 A. Correct.

8 Q. Okay. Let's talk about when you first had
9 contact. You received warrant that the Corolla has been
10 stopped in Tarpon Springs, and you respond to that
11 location.

12 What time do you arrive at that location?

13 A. I don't recall exactly.

14 Q. Okay.

15 A. But I have noted that I first made contact with
16 Kosowski at 3:55 p.m.

17 Q. Okay. So the location is near 34 West Orange
18 Street in Tarpon Springs; is that accurate?

19 A. Yes.

20 Q. Okay. And so, do you arrive at that scene and
21 are you there for a period of time prior to having
22 initial contact with Kosowski?

23 A. Yes.

24 Q. Okay. But you're not sure how long a time
25 period that was?

1 A. No. Given -- no. No, I'm not.

2 Q. Okay. Do you have anything that could assist
3 you in gathering more specific information about that?

4 A. No, I don't.

5 Q. Okay. When you arrive at the scene, do you --
6 do you have a search warrant for the Corolla?

7 A. We didn't at the time, no.

8 Q. All right. Who drafted the affidavit for a
9 search warrant?

10 A. That was Detective Jerry Hunt.

11 Q. All right. And where was he when he was
12 drafting that affidavit?

13 A. He was on scene.

14 Q. Okay. Who was at the scene when you arrived?

15 A. When I arrived, at the very least it was
16 Corporal Gibson and Officer Rose from Tarpon Springs,
17 and I don't recall what other officers were there prior
18 to my arrival.

19 Q. What about Detective Hunt? Where is he at?

20 A. I was with Detective Hunt. We arrived at the
21 same time.

22 Q. Traveled together?

23 A. Yes.

24 Q. Okay. What's the first thing you do when you
25 arrive?

1 A. I don't recall exactly what the first thing I
2 arrived -- exactly the first thing I did was, but I
3 spoke to Corporal Gibson, I made observations of the
4 Corolla as it was in the street.

5 Q. Okay. Where was Tom Kosowski at the time?

6 A. He was in the -- he was in one of the Tarpon
7 Springs cruisers. I don't recall whose.

8 Q. Okay. Was he free to leave?

9 A. At that time he was detained. No, he was not
10 free to leave.

11 Q. He was detained. Not arrested, but detained
12 and not free to leave?

13 A. Correct.

14 Q. Was he handcuffed?

15 A. Yes.

16 Q. Okay. And he was sitting in the back of a
17 patrol vehicle?

18 A. Correct.

19 Q. And belonging to Tarpon Springs?

20 A. Correct.

21 Q. Okay. Do you recall whether or not Tarpon
22 Springs gave you sort of a briefing on the stop and what
23 had happened up until your arrival?

24 A. As best I can call -- as best I recall, they
25 were aware of the license plate reader notifications and

1 followed the car to that area, initiated a traffic stop,
2 and then they conducted what's referred to as a felony
3 traffic stop where they stayed back at their cruisers
4 and ordered occupants out of the vehicle.

5 Q. Sure.

6 They do that with their firearms pulled. And
7 then I'm assuming you probably seen the video of that?

8 A. I haven't seen that video.

9 Q. Okay. All right. Was it reported to you? I
10 mean, this is how we did it, you know?

11 A. I believe so, yeah.

12 Q. Okay. And then did they report that they had
13 firearms drawn and he was ordered out at gunpoint and
14 all that?

15 A. Yeah, that's typically how felony traffic stops
16 are conducted.

17 Q. Okay. And then once he is out of the vehicle
18 and secure, was it reported to you then that they also
19 checked the vehicle to make sure no one else was in the
20 car?

21 A. Yes.

22 Q. Okay. And no one else was in the car; right?

23 A. Correct.

24 Q. All right. If I recall correctly, shortly
25 after you and Detective Hunt arrived, despite not having

1 a search warrant at the time, a search commenced, to
2 some degree, of the Corolla. Do you recall that?

3 A. I remember making observations of the vehicle
4 just seeing what I could see from it being parked in the
5 street.

6 Q. How about -- how about, do you remember
7 someone, either yourself or someone else, opening the
8 trunk of the vehicle?

9 A. I don't recall opening the trunk.

10 Q. Okay. Do you recall anyone indicating
11 shouldn't we wait for a search warrant while the car was
12 being -- the trunk was being opened and the doors were
13 being opened?

14 A. I don't specifically remember that, no.

15 Q. Okay. Presumably, if you watched the video and
16 you hear the fellow officer make a statement about
17 having -- getting -- needing a search warrant, would you
18 be able to identify who that was?

19 A. I would.

20 Q. Okay. Unless it was someone with Tarpon?

21 A. Correct.

22 Q. How long does it take before you obtain a
23 search warrant?

24 A. Detective Hunt had drafted it and obtained the
25 warrant, and we provided that to Tarpon Springs Officer

1 Rose, who read the warrant to the vehicle at -- it says
2 459 hours, so approximately 5:00 p.m.

3 Q. Okay. And when you say Officer Rose read the
4 warrant to the vehicle --

5 A. Correct.

6 Q. -- where is Dr. Kosowski at that time?

7 A. He was in the Tarpon Springs cruiser.

8 Q. Okay. So he's not able to hear the warrant
9 being read to the vehicle; right?

10 A. Correct.

11 Q. Okay. Is there -- is there -- from your
12 perspective, what's the purpose of reading the warrant?

13 A. The purpose of reading the warrant?

14 Q. Sure. Sure.

15 A. To make a notification of having a warrant
16 itself.

17 Q. To the owner of the property or to someone
18 else?

19 A. It can be read to the unoccupied property.

20 Q. Okay. I'm assuming that the unoccupied
21 property probably would not understand the meaning of
22 the reading of the warrant?

23 A. Yeah.

24 Q. Right?

25 A. Yeah.

1 Q. And had you already had contact with
2 Dr. Kosowski prior to the reading of the warrant?

3 A. I had.

4 Q. Okay. Let's talk about your initial contact
5 with Kosowski at that location.

6 A. Okay.

7 Q. What's the first thing that you do when you
8 have contact with him?

9 A. I believe I requested his name and date of
10 birth just to verify exactly who I was talking to. I
11 told him that I would like to talk to him about why he
12 was stopped, and because he was handcuffed and seated in
13 the back of the police cruiser I read his Miranda rights
14 to him.

15 Q. Okay. And do you have, like, a standard
16 Miranda warning card that you read from?

17 A. I do.

18 Q. Do you happen to have that with you?

19 A. I do.

20 Q. Could you read to us the same warning that you
21 read to Kosowski?

22 A. Okay. All right. "You have the right to
23 remain silent. Anything you say can and will be used
24 against you in a court of law. You have the right to
25 talk to a lawyer, have him or her present with you while

1 you are being questioned. If you cannot afford to hire
2 a lawyer, one will be appointed to represent you before
3 any questioning if you wish. You can decide at any time
4 to exercise these rights and not answer any questions or
5 make any statements."

6 Q. Okay.

7 A. And then after that I would ask, "Do you
8 understand each of the rights I've explained to you?
9 And having these rights in mind, do you wish to talk to
10 us now?"

11 Q. All right. And Dr. Kosowski's response to the
12 question about whether or not he understood what was
13 read to him, did he respond to that?

14 A. He stated that he understood his rights.

15 Q. And as it relates to his desire to speak with
16 you or not speak with you?

17 A. He replied that, "I guess I'd like to speak to
18 a lawyer."

19 Q. Okay. All right. And the warning says that
20 you have a right to a lawyer and the lawyer can be
21 provided for you.

22 Did you make any efforts to give him access to
23 a lawyer at that time?

24 A. At that time, no, we did not.

25 Q. Okay. And the time that you -- that you read

1 the Miranda rights to him, he was not arrested; right?

2 A. Correct.

3 Q. But he was detained?

4 A. He was.

5 Q. Okay. Not free to leave?

6 A. Correct.

7 Q. And was there any further discussion about the
8 ability to have a lawyer present or consulting with a
9 lawyer at that time other than his statement to you that
10 he would like a lawyer, or "I guess I would like a
11 lawyer"?

12 A. No, there wasn't.

13 Q. Okay. What happens next?

14 A. Detective Hunt drafted and obtained the search
15 warrant for the Corolla. And after we got the warrant
16 for the Corolla, we requested PCSO forensics to assist
17 in processing the vehicle.

18 Q. Okay. So we know your contact with
19 Dr. Kosowski and reading the Miranda rights occurred
20 prior to the warrant being obtained; right?

21 A. Correct.

22 Q. Do you know whether or not you give -- reading
23 him the Miranda rights, do you know whether or not
24 that's video and audio recorded?

25 A. That is.

1 Q. Okay. And do you know whether or not that
2 recording reflects the times that everything is taking
3 place?

4 A. It should.

5 Q. Okay. Do you know whether or not that time was
6 properly calibrated on the camera?

7 A. No, I don't.

8 Q. Okay. So from your perspective, the recording
9 may help us identify the time that Miranda was read?

10 A. Sure.

11 Q. Okay. But if for some reason that doesn't
12 work, we know at least prior to 5:00 p.m., so sometime
13 between 3:00 the 3:19. 3:19 is when you were advised
14 that the stop took place; right?

15 A. That's when the stop took place, yeah.

16 Q. Yeah.

17 So where were you when you were advised that
18 the stop had taken place?

19 A. I was either at home or with Detective Hunt.

20 Q. You don't know? You don't remember where you
21 were?

22 A. I don't recall exactly.

23 Q. If you were with Detective Hunt, is it -- when
24 you say "at home," you're talking about your home?

25 A. Correct.

1 Q. Okay. Would you have been with Detective Hunt
2 at your house?

3 A. I believe I went to Detective Hunt's house a
4 little prior to this. I think as we were being
5 notified, we met just so we could be ready to go in the
6 event the car was actually located and stopped.

7 Q. Were you off duty that day otherwise?

8 A. Yeah.

9 Q. Okay.

10 A. Yeah, it's a Saturday.

11 Q. All right. So -- and your home, how far is it
12 from 34 West Orange Street in Tarpon Springs time-wise?

13 A. Time-wise? 15, maybe 20 minutes --

14 Q. Okay.

15 A. -- depending.

16 Q. So probably the earliest you would have arrived
17 would probably be, like, 1540 or something like that?

18 A. It could be, yeah.

19 Q. If the call comes in at 5 -- at 1519?

20 A. Yeah, that could be.

21 Q. Okay. And it could be later, probably not
22 earlier than that, though, right, if it's a 15-,
23 20-minute drive? You get the call, you've got to pick
24 up Hunt and what have you.

25 A. Right. That's fair.

1 Q. Okay. So initially when you arrive at the
2 scene you do some other stuff. So sometime between 4:00
3 and 5:00 p.m. is probably when you have the initial
4 contact with Kosowski --

5 A. Correct.

6 Q. -- where you actually read him the Miranda
7 rights?

8 A. Correct.

9 Q. And he invoked; correct?

10 A. Correct.

11 Q. Okay. Did Dr. Kosowski make additional
12 requests for counsel during the time that he was
13 detained at the scene?

14 A. I think he asked when he could speak to an
15 attorney.

16 Q. Okay. On one occasion, two occasions, three
17 occasions?

18 A. I don't recall how many occasions. I know of
19 at least one, but all my interactions with him were
20 recorded on a body camera.

21 Q. Okay. Were you wearing a body camera?

22 A. I was.

23 Q. Okay. And was the audio portion activated at
24 all times?

25 A. Yeah, during my contact with him, it was.

1 Q. Okay. So in the standard Miranda warning that
2 you read, and probably similar to what law enforcement
3 throughout the country reads, when it says that you can
4 be provided with an attorney, does that actually ever
5 happen?

6 A. My understanding is that -- that invoking that
7 right, it requires us to make a determination of
8 probable cause. And then an attorney is either provided
9 or retained by one prior -- or prior to any questioning.
10 If there's probable cause to make an arrest, we make an
11 arrest, and then an attorney is contacted later. We'll
12 try to -- we'll try to conduct an interview. Typically
13 that doesn't happen, but on scene, we're not calling
14 attorneys. If somebody is detained on scene we're not
15 calling attorneys.

16 Q. So law enforcement generally would not -- even
17 though you say a lawyer can be provided for you, law
18 enforcement generally would not provide an attorney for
19 someone who's been detained?

20 A. Correct.

21 Q. Okay. Are there times, though, where you might
22 allow someone who's been arrested to call an attorney to
23 consult with an attorney during this phase of the
24 investigation?

25 A. I have not. I don't know that that is typical

1 practice.

2 Q. Okay. So you've never done that?

3 A. No.

4 Q. All right. And this type or any type of
5 investigation where the accused is requesting counsel?

6 A. I've had -- I've had a case where there wasn't
7 probable cause at the time and all the facts couldn't be
8 known at the moment or within a reasonable block of time
9 and afforded people the opportunity to seek an attorney,
10 but that -- it doesn't -- it hadn't turned out that
11 way.

12 Q. But that's after they've been released and are
13 no longer detained; right?

14 A. Correct.

15 Q. Okay. But that didn't happen in this case?

16 A. Correct.

17 Q. Okay. Did he have -- did Dr. Kosowski, while
18 he was detained at the scene, did he have access to his
19 telephone?

20 A. His phone was there, but being detained he
21 wasn't given access to his phone.

22 Q. Okay. Where was his phone?

23 A. I don't know exactly where his phone was.

24 Q. What -- what's the purpose of him being
25 detained?

1 A. So we have a -- I believe there was a
2 reasonable suspicion that he was involved now in the
3 homicide when he returns to Tarpon Springs in that
4 Corolla alone. We see it leaving his house with only
5 one person. We've only seen one person coming and
6 going, and he returns in the Corolla. I have a
7 reasonable suspicion that he's involved in a homicide.

8 Q. Okay.

9 A. For that purpose, he's detained while we --
10 while we were trying to learn more about the
11 circumstances of the investigation as a whole.

12 Q. Okay. Now, Dr. Kosowski was detained for a
13 significant time period before he was arrested.

14 A. You could say that.

15 Q. Well, so, he's initially stopped at 3:19 hours;
16 right?

17 A. Correct.

18 Q. And when is he actually arrested?

19 A. So he's arrested -- I began drafting a probable
20 cause affidavit prior to obtaining the body warrant, but
21 we notified him after -- we notified him of his arrest
22 after the service of the body warrant, and the body
23 warrant was obtained at, looks like, 11:50.

24 Q. 11:50?

25 A. Correct.

1 Q. So just ten minutes before midnight?

2 A. Yes.

3 Q. And when he was actually advised that he was
4 placed under arrest?

5 A. So after that warrant was executed and PCSO had
6 taken photos, collected swabs, and collected items on
7 his person, he was notified after that. And then that
8 was -- I don't recall exactly how long that took, but
9 that would have been -- I believe that took about an
10 hour or so.

11 Q. So maybe shortly before or around 1:00 a.m.?

12 A. That sounds about right.

13 Q. Okay. And if we -- you said the body warrant
14 was executed around 11:50?

15 A. That's when it was obtained and communicated to
16 us.

17 Q. Okay. Where were you when it was communicated
18 to you that you had the body warrant?

19 A. I believe we were still on scene. We were
20 still at 34 Orange Street.

21 Q. Okay. So where does -- where is the body
22 warrant actually executed?

23 A. At the Tarpon Springs Police Department.

24 Q. Which is about what, ten minutes away from the
25 scene?

1 A. About five, ten minutes, yeah.

2 Q. So, roughly, it appears to me that Dr. Kosowski
3 is detained for about nine hours at least before the
4 body warrant is executed?

5 A. Correct.

6 Q. Okay.

7 MR. BRUNVAND: Looks like Amanda Sellers is
8 joining us.

9 (Amanda Powers Sellers entered the virtual
10 deposition room.)

11 BY MR. BRUNVAND:

12 Q. During that nine-hour time period he is
13 primarily handcuffed and sitting in the back of a patrol
14 car?

15 A. Correct.

16 Q. He was given an opportunity for a bathroom
17 break how many times?

18 A. Once.

19 Q. One time. Okay.

20 He was provided with food or water during that
21 nine-hour time period?

22 A. I believe he was given some water.

23 Q. Okay. Food?

24 A. Not that I recall.

25 Q. Okay. And throughout that entire time period,

1 even though he was advised that he had a right to an
2 attorney, he did not have access to a phone to call an
3 attorney; right?

4 A. Correct.

5 Q. Okay. Do you -- from your perspective, what is
6 the purpose of reading the Miranda rights to
7 Dr. Kosowski?

8 A. So although technically he was detained, he was
9 in cuffs, he was seated in the back of a car, he had
10 been stopped by law enforcement, you know. So a
11 reasonable person would not feel that they were free to
12 leave, nor was he free to leave at that time.

13 Q. Okay. All right. What about specifically the
14 part of the Miranda rights? It says he had a right to
15 an counsel -- an attorney, an attorney can be provided
16 if you can't afford one.

17 A. Again, that's a procedural thing. We don't
18 call attorneys on scene. I'm not aware of a time that
19 that's been done under circumstances like this.

20 Q. Okay. As it relates to the bathroom break, I
21 think you said there was one bathroom break or two?

22 A. There was.

23 Q. Okay. Do you know how long it took from when
24 he first asked to have a bathroom break until he was
25 allowed his first bathroom break?

1 A. It was a while.

2 Q. Does several hours sound accurate?

3 A. Yeah. If you have the times, yeah.

4 Q. Okay. And it would all be on video; right?

5 A. It would.

6 Q. Okay. Do you know anything as far as the
7 travel from Dr. Kosowski from Miami to 511 Seaview -- or
8 he didn't make it to 511 Seaview, but the idea was that
9 that's the travel he was taking, do you have information
10 about whether he stopped along the way or anything like
11 that?

12 A. I don't.

13 Q. Okay. Were you receiving instructions from
14 anyone else from the State Attorney's Office or from law
15 enforcement about Dr. Kosowski being detained in the
16 back of the patrol car and as it relates to the duration
17 of how long he was detained?

18 A. I know we discussed that amongst ourselves, at
19 least the Largo detectives. We were discussing with --
20 we discussed amongst ourselves the details of the case
21 and the search of the vehicle on what items would be in
22 the vehicle or what -- you know, like, there was an
23 ongoing discussion.

24 Q. Would you agree that the detention of nine
25 hours prior to making a probable cause determination and

1 then an arrest is rather long compared to the normal
2 scenario where you might detain and arrest someone?

3 A. I would say it's long, but, you know, this is
4 quite an abnormal case with abnormal circumstances.

5 Q. Understood.

6 Have you -- in your history as a detective or
7 as a law enforcement officer, have you ever previously
8 detained anyone for nine hours prior to making an
9 arrest?

10 A. I have not.

11 Q. Okay. Do you know the longest period of time
12 that you've detained someone else previously without
13 making an arrest?

14 A. No, I don't.

15 Q. Was it anywhere near nine hours?

16 A. Not that I recall, no.

17 Q. Okay. Did you -- so you indicated that you
18 spoke among yourselves about the search and what have
19 you.

20 Did you speak among yourselves about the
21 duration of the detention and the reasonableness of it
22 or when it might become unreasonable?

23 A. I believe we did, but we couldn't -- we figured
24 that that night, and while we were in the process of
25 obtaining a body warrant, that a decision would have to

1 be made while we were in process of the body warrant.

2 Q. And the body warrant, you're hoping to find
3 what with the body warrant?

4 A. The body warrant was to collect DNA, to collect
5 clothing, to examine for injuries and any items that
6 Kosowski might have on his person relevant to the
7 investigation.

8 Q. Okay. And was there concern that if he was
9 released, the DNA is certainly not going to change;
10 right? If he's released, and the body warrant is served
11 at a later time, DNA is going to remain the same?

12 A. Correct.

13 Q. Was there a concern that you were going to lose
14 evidence if he was not detained and until the body
15 warrant was served?

16 A. Yeah, the concern was -- the concern was
17 flight.

18 Q. Flight?

19 A. Yeah.

20 Q. Okay. All right. Was that the primary
21 concern; flight?

22 A. Yeah.

23 Q. Okay. Was the State Attorney's Office
24 consulted as it relates to the reasonableness of the
25 duration of the detention?

1 A. I recall discussing with the State the warrants
2 for the vehicle, a warrant not necessarily being
3 necessary for the vehicle, discussing a body warrant. I
4 recall discussing the detention, but no -- again, no
5 real definitive answers.

6 Q. When you say you recall discussing detention,
7 are you talking about just saying we have him detained,
8 or do you recall having -- raising questions about the
9 reasonableness of the length of the detention?

10 A. I remember it being reasonable to detain him
11 while we were actively seeking the body warrant. And so
12 long as that was in process, although it was -- although
13 it was a long time, procedurally it took a long time,
14 that we were able to detain him to seek the body
15 warrant.

16 Q. Okay. And who advised you that that was
17 reasonable?

18 A. That was a discussion we had amongst ourselves
19 as detectives. I know it was Mr. Vonderheide that I was
20 discussing facts of the case with the State. Again, I
21 don't remember the specifics of which discussion with
22 who.

23 Q. Okay. So as far as the reasonableness of the
24 duration, you spoke with the detectives about it amongst
25 yourselves?

1 A. Correct.

2 Q. But you're not sure if you spoke with
3 Mr. Vonderheide about it?

4 A. I know I discussed this with Mr. Vonderheide.

5 Q. The duration of the detention and its
6 reasonableness?

7 A. I believe so. Yeah, I don't remember the
8 specifics of our conversations.

9 Q. Okay. All right. So you don't remember
10 specifically if he told you specifically that it was
11 reasonable or not?

12 A. No, I don't.

13 Q. Okay. Were you instructed by Mr. Vonderheide
14 or anyone else from the State Attorney not to release
15 Dr. Kosowski from detention?

16 A. No.

17 Q. Okay. Who made the decision to continue to
18 detain Dr. Kosowski?

19 A. Ultimately, it's mine as the case agent. As an
20 investigative unit, we were detaining him as the body
21 warrant was being sought.

22 Q. Okay. As far as the total duration that he's
23 handcuffed in the back of the cruiser before he's
24 transferred to Tarpon Springs for the body warrant, I
25 think we talked that possibly that was a nine-hour time

1 period.

2 Might it have been a total of ten hours if the
3 video surveillance suggests that?

4 A. It could be.

5 Q. Okay. And at no time during that nine- or
6 ten-hour time period was he given access to call law
7 enforcement? I mean, to call counsel; right?

8 A. Correct.

9 Q. And you said that at least one additional time
10 he asked, but there may have been more times than the
11 one additional time?

12 A. I don't recall. I don't recall there ever
13 being more than one.

14 Q. Okay.

15 A. But that would -- I'm sorry.

16 Q. You do recall at least one additional time
17 beyond initially asking for counsel?

18 A. At least one, yeah.

19 Q. Yeah. Okay.

20 And then, again, if the audio-video recording
21 suggests that additional times took place, it is what it
22 is; right?

23 A. Correct.

24 Q. Okay. What's the difference, in your opinion,
25 between an arrest and being detained?

1 A. Being detained is law enforcement is still
2 actively trying to ascertain the circumstances of an
3 investigation while we have a person involved that we
4 potentially could develop probable cause for. An arrest
5 is after we've made the determination as to whether or
6 not probable cause exists.

7 Q. Okay. What about the concept of a citizen
8 arrest? Are you familiar with that?

9 A. I am. I've heard of it.

10 Q. How does that compare, for example, to
11 detention, or do you know?

12 A. A citizen's arrest?

13 Q. Right.

14 A. I don't know.

15 Q. Okay. You agree that at your initial contact
16 with Dr. Kosowski, you did not believe that you had
17 probable cause yet at that time to arrest him. Is that
18 a fair statement?

19 A. That's fair.

20 Q. Okay. Did -- do you recall if Dr. Kosowski
21 asked you for a copy of the search warrant for the
22 Toyota Corolla or asked if he could have it read to him?

23 A. I don't recall.

24 Q. Okay. If he did ask that, would it surprise
25 you that he was not given a copy of the search warrant?

1 A. I'm looking to see if I have anything about him
2 asking that.

3 Q. Okay.

4 A. I don't have -- I'm not seeing anything about
5 that.

6 Q. Okay. Are you suggesting that he did not ask
7 for it, or you don't recall?

8 A. No, I don't recall.

9 Q. Okay. Is it possible that he may have asked
10 for the search warrant to be -- needed to be read to him
11 or provided to him on multiple occasions while he was
12 detained?

13 A. That's possible.

14 Q. Okay. Is there a reason why he would not have
15 been provided with a copy of the search warrant?

16 A. To my knowledge, no, I don't know why.

17 Q. When we talk about the search warrant,
18 generally a search warrant has two components, right, or
19 maybe it three components? It has the search warrant
20 affidavit, it has the search warrant, and then they have
21 the search warrant return; right?

22 A. Correct.

23 Q. When you read the search warrant, does that
24 include the affidavit in support of it?

25 A. We -- I know at the time the affidavit was read

1 there was some confusion at the time as to whether the
2 warrant or the -- the warrant and the affidavit had to
3 be read.

4 Q. Okay.

5 A. As far as I know, it's the warrant that needs
6 to be read.

7 Q. Okay. But your recollection is, when the
8 search warrant was read to the car that it included the
9 reading of the affidavit?

10 A. I believe so.

11 Q. Okay. But generally that's not required;
12 right? Generally it's just the search warrant itself?

13 A. I believe so.

14 Q. Okay. And would it be fair to say there may be
15 times when you don't initially want to provide the
16 search warrant affidavit to someone who is being
17 detained because you don't want them to have the
18 information in the affidavit?

19 A. That could be.

20 Q. Okay. But the actual search warrant, I mean,
21 is generally very generic; right?

22 A. Yes.

23 Q. Okay. So there generally wouldn't be any harm
24 in someone who is accused or detained to be able to have
25 access to and read and see the search warrant itself?

1 A. None that I could see.

2 Q. Okay. Do you know whether the law requires
3 you, when requested, to provide a copy of the search
4 warrant to the owner of the vehicle?

5 A. Off the top of my head, I do not.

6 Q. Okay. Did you tell Dr. Kosowski that he would
7 be able to return to his home after the Corolla search
8 warrant was completed?

9 A. I don't recall telling him that.

10 Q. Might you have told him that?

11 A. I don't -- again, I don't recall telling him
12 that.

13 Q. Right. Understand.

14 But is it possible that you told him that?

15 A. I'd have to review the body camera footage.

16 Q. Okay. So you don't recall that you did
17 it; right? And as far as whether or not it's possible,
18 your answer is you'd have to review the footage in order
19 to answer that question? I'm not asking you if you did.
20 I'm asking you if it's possible that you may have said
21 that to him.

22 A. Is it possible? Yeah. I don't recall every
23 statement I made to him.

24 Q. Sure. I understand.

25 Do you recall either yourself or someone else

1 with law enforcement telling Dr. Kosowski that once the
2 search of the vehicle is done he can return to his home?

3 A. No, I don't recall.

4 Q. Okay. And is it possible that that statement
5 may have been made to him by you or someone else with
6 law enforcement on that particular night?

7 A. I suppose it's possible.

8 Q. Okay. And the surveillance video would
9 hopefully tell us, assuming that the audio portion is
10 accurate; right?

11 A. Correct.

12 Q. Okay. Why did it take so long to obtain the
13 search warrant of the vehicle and the body search
14 warrant?

15 A. So there's an automated -- there's an automated
16 warrant system -- it was new at the time -- that
17 expedited the vehicle warrant, but then as far as the
18 body warrant, as far as I know, Detective Moore was not
19 able to submit his warrant through that system and he
20 had to physically walk the warrant through the
21 courthouse or to the judge. And it was on a Saturday,
22 so outside of normal business hours. He both had to
23 draft the affidavit, review it, get it to the courthouse
24 or get it to the judge, and that greatly increased the
25 amount of time it took.

1 Q. Okay. The drafting and the affidavit,
2 presumably you guys all share and have access to earlier
3 affidavits that are then being used to copy and paste
4 for the next affidavit. Is that a fair statement?

5 A. Yeah, that's fair.

6 Q. Okay. All right. I think we already discussed
7 the fact that when you arrived at 34 Orange Street you
8 did not have an actual search warrant for the Corolla.

9 Is there a way to find out when that search
10 warrant affidavit was submitted through the cloud?
11 Remember the last time you were able to look at some
12 emails or something that assisted us in that?

13 A. Yeah. That I wouldn't have. You'd have to
14 talk to Detective Hunt about that.

15 Q. Detective Hunt would be able to give us that
16 information?

17 A. I would imagine.

18 Q. Okay. I'm trying to remember how you did --
19 when we spoke the last time, I think it was about the
20 search warrant for the home. You were able to look at,
21 was it emails? What were you looking at to narrow down
22 the window?

23 A. In the CloudGavel system itself, I believe,
24 they're timestamped.

25 Q. Okay. Okay. Very good.

1 So that's what Detective Hunt would have to
2 look into, his entries into the CloudGavel? You would
3 not have access to that?

4 A. Correct.

5 Q. Okay. Do you know -- do you know what judge
6 the Corolla search warrant was submitted to?

7 A. I do not.

8 Q. Okay. And as far as -- is it electronically
9 signed when it goes through the cloud?

10 A. Yes.

11 Q. Okay. Again, as far as the evidence and the
12 signature of whatever judge reviewed it, is that
13 information Detective Hunt would have and you don't
14 have?

15 A. Yes.

16 Q. Okay. And I think you indicated Tarpon Springs
17 read the search warrant, but you couldn't remember which
18 member of the Tarpon Springs Police Department that
19 actually read it?

20 A. I believe that was Officer Rose.

21 Q. Officer Rose. Okay.
22 And the time that it was read?

23 A. Oh. Let's see. About 4:59, so approximately
24 5:00.

25 Q. Okay. Do you recall during the nine to ten

1 hours that Dr. Kosowski was detained if he asked you to
2 loosen his handcuffs?

3 A. I don't recall that specifically.

4 Q. Do you recall during that same time period if
5 he asked anyone else in your presence to loosen his
6 handcuffs?

7 A. It's possible, but I don't specifically recall
8 it.

9 Q. Do you recall whether or not he was handcuffed
10 behind his back?

11 A. When I saw him he was handcuffed behind his
12 back.

13 Q. Okay. And that would be for the entire nine or
14 ten hours?

15 A. I know the cuffs were removed for his bathroom
16 break and once we got to Tarpon Springs Police
17 Department, but, yeah, I would presume while he was in
18 the car it was behind his back.

19 Q. Okay. Does that come into play as far as the
20 reasonableness of the period of detention, the fact that
21 he's handcuffed behind his back the whole time?

22 A. That is -- that is how we handcuff people.

23 Q. You never handcuff people in the front?

24 A. It's been done, but that's -- at least for --
25 at least for our policies and procedures, that's outside

1 of our procedures.

2 Q. Do you know why that is?

3 A. That's a safety thing. That's -- that's -- you
4 know, hands are still usable even if they are handcuffed
5 in front of you.

6 Q. When he's in the back of a patrol car he can't
7 open the door; right?

8 A. Correct.

9 Q. And the seat in the back of the patrol car does
10 not have any cushion type of material?

11 A. Not that I know of. I'm not familiar.

12 Q. It's hard plastic?

13 A. Usually.

14 Q. Okay. Not comfortable?

15 A. No.

16 Q. Okay. Did you observe any injuries or did
17 Dr. Kosowski complain about any injuries to his wrists
18 as a result of the handcuffs?

19 A. Not to me, not that I recall.

20 Q. Are you -- based on your experience, are you
21 aware of the fact that sometimes people who are being
22 detained or arrested and handcuffed in the manner
23 similar to Dr. Kosowski will end up having injuries to
24 their wrists or elsewhere because of the handcuffs?

25 A. I'm aware that it can cause bruising.

1 Q. Okay. Bruising would be considered an injury?

2 A. Sure.

3 Q. Okay. Dr. Kosowski, was he cooperative at the
4 scene?

5 A. He wasn't uncooperative.

6 Q. Okay. I mean, if he was not uncooperative, can
7 we say that that means he was cooperative, other than he
8 invoked his right?

9 A. Sure.

10 Q. I mean, you probably prefer that he not invoke
11 his right?

12 A. It would have helped in learning some of the
13 details, but otherwise he was cordial. I mean, there
14 wasn't much throughout, yeah.

15 Q. He wasn't acting up?

16 A. No.

17 Q. Presumably, you've had many encounters with
18 people you detained or arrested who were acting up?

19 A. True.

20 Q. Screaming, resisting, crying, doing all kind of
21 different things, bouncing around in the back of the
22 car?

23 A. I have.

24 Q. He didn't do any of that?

25 A. No.

1 Q. Sat quietly in the car?

2 A. Yes.

3 Q. Asked questions from time to time --

4 A. Yes.

5 Q. -- about bathroom breaks and water, et cetera?

6 A. Yes.

7 Q. Okay. Was there any consideration given at any
8 point, maybe after two hours or five hours or eight
9 hours of him being in the back of the patrol car,
10 detained, handcuffed, without acting up at all, maybe
11 removing the handcuffs or putting him in the front?

12 A. Not that I recall, no.

13 Q. Okay. Why would that be?

14 A. He's detained. I mean, we're on the side of
15 the road, dedicating somebody -- I believe everybody was
16 tasked with something. But, I mean, typically when
17 people are detained we can leave them in that state.

18 Q. Is there a policy that that's what you do?

19 A. Typically, yeah.

20 Q. Okay. Do you have the discretion as a
21 detective to sometimes remove people's handcuffs?

22 A. We can.

23 Q. Okay. Have you done that in the past when
24 people have been detained?

25 A. In the past.

1 Q. Okay. How about after this case, have you done
2 it?

3 A. I have.

4 Q. Okay. So it's not something that's completely
5 out of the ordinary?

6 A. Not completely, no.

7 Q. Okay. When you arrived at the scene of the
8 stop and you first observed the Corolla, was the trunk
9 closed?

10 A. I believe it was.

11 Q. Okay. Were there car doors closed?
12 Specifically, the driver's side door, was it closed?

13 A. I don't recall.

14 Q. All right. And we may have addressed this
15 briefly earlier, but make sure I don't miss anything.
16 Do you recall the time that you opened the trunk to the
17 Corolla?

18 A. I don't recall opening the trunk.

19 Q. Okay. If you don't recall opening the trunk
20 you wouldn't recall the time; right?

21 A. Correct.

22 Q. Okay. Do you recall opening the driver's side
23 door of the Corolla?

24 A. I don't recall opening the doors.

25 Q. Okay. Does that mean you did not or you just

1 don't recall it?

2 A. I didn't. Yeah, I don't -- I didn't open the
3 doors. I don't recall opening the doors.

4 Q. Okay. So I just want to make sure. And I'm
5 not trying to be difficult, but "I don't recall" and "I
6 did not" are two very different things.

7 So are you saying, "I did not open the driver's
8 side door"?

9 A. Yeah. And I don't recall, so I couldn't fairly
10 state that I did not.

11 Q. Okay. So you don't recall. That's fine.

12 A. Right.

13 Q. And that's the same with the trunk, or no?

14 A. Correct.

15 Q. Okay. Again, could we agree that assuming the
16 time on the video is available and it's properly
17 calibrated, if, in fact, it depicts you opening the door
18 and the trunk, that would give us the time?

19 A. That would.

20 Q. Okay. Did you at any time during the time from
21 when you arrived at the scene where Dr. Kosowski was
22 stopped and then you had initial contact with him, did
23 you at any time ask him for permission to search the
24 Toyota Corolla?

25 A. I don't recall asking him permission.

1 Q. Don't recall asking permission?

2 A. Correct.

3 Q. Okay. Do you know if anyone else did?

4 A. No.

5 Q. If that question had been asked of him, would
6 that likely be reflected in your reports?

7 A. If it had been asked, I would imagine that
8 whoever asked him would have written it in their report.

9 Q. Okay. Do you recall seeing anything about
10 anyone asking him for permission to search the car?

11 A. No.

12 Q. Is that an alternative method that you can
13 search a car with owner's permission?

14 A. With consent, yes.

15 Q. Okay. But as far as you know, that was never
16 attempted, as far as you know?

17 A. As far as I know.

18 Q. Okay. Do you know why?

19 A. No.

20 Q. Okay. The -- I believe the video surveillance
21 actually shows you opening the trunk of the Corolla
22 prior to having a search warrant for the Corolla. And I
23 believe you're indicating you don't recall that?

24 A. Correct.

25 Q. Okay. And nor do you recall whether anyone

1 else with Largo Police Department opened the trunk of
2 the Corolla prior to the search warrant being obtained?

3 A. Correct. Yeah, I don't recall who exactly did
4 what.

5 Q. If, in fact, the video shows that the trunk of
6 the Corolla was opened prior to having a search warrant,
7 what would be the justification of the purpose of
8 opening the trunk prior to having the search warrant?

9 A. So with felony traffic stops, I know the trunk
10 will be opened so to clear the vehicle of any persons,
11 because a person can typically fit in the trunk, but
12 also under the Carroll doctrine, the warrant is not
13 required.

14 Q. Under what doctrine?

15 A. The Carroll doctrine.

16 Q. Okay. And tell me more about the Carroll
17 doctrine.

18 A. It's the movable vehicle exception to the
19 search warrant requirement.

20 Q. Okay. And as far as the felony stop, that took
21 place prior to your arrival; right?

22 A. It did.

23 Q. You had been advised that the vehicle had
24 already been secured; right?

25 A. At least the passenger compartment. I don't

1 recall anybody specifically saying anything about the
2 trunk.

3 Q. Okay. Do you recall asking, hey, has the trunk
4 been secured prior to opening the trunk?

5 A. I don't recall.

6 Q. Okay. Do you recall searching any part of the
7 interior of the Corolla prior to having a search
8 warrant?

9 A. I recall looking at it from the outside of the
10 vehicle --

11 Q. Okay.

12 A. -- but not manipulating things inside or
13 removing items.

14 Q. Okay. How about reaching inside the vehicle?

15 A. No. I don't recall reaching into the vehicle.

16 Q. Okay. You say "I don't recall," so it's
17 possible, but you don't recall; right?

18 A. Yeah. I don't recall reaching into the vehicle
19 to touch anything or to manipulate anything.

20 Q. Can we agree for purposes of these questions if
21 I ask if you did something and you say, "I don't recall
22 doing that," that that does not exclude the possibility
23 that you may have done it?

24 A. That's fair.

25 Q. Okay. Do you recall using a flashlight to

1 illuminate the trunk prior to the search warrant being
2 executed?

3 A. I don't specifically recall doing that.

4 Q. Okay. Did you see any blood or anything
5 suspicious in the cabin of the Corolla prior to the
6 search warrant being executed?

7 A. So in the -- well, prior to it being opened?

8 Q. Prior to the search warrant being executed.

9 A. Within the cabin of the Corolla, no.

10 Q. Okay. Okay. Did you at any point see
11 anything, blood or anything suspicious in the cabin of
12 the Corolla?

13 A. No, not at that time.

14 Q. What about in the trunk of the Corolla prior to
15 the execution of the search warrant?

16 A. I believe I could see at the time that the
17 trunk was opened, I could see a can of gas and a folding
18 bike, the ballistic vest.

19 Q. This is prior to the search warrant being
20 executed?

21 A. I believe so, yes.

22 Q. Okay. So I guess going back to the question of
23 whether or not the search -- the trunk was inspected or
24 searched, at least visually prior to the search warrant
25 being executed, would it be fair to say yes, it was in

1 light of that?

2 A. Can you rephrase that question?

3 Q. Yeah.

4 You just indicated that you saw a variety of
5 items in the trunk of the Corolla prior to the search
6 warrant being executed.

7 A. Correct.

8 Q. So would it be fair to say that if that's the
9 case the trunk would have had to have been opened and
10 you would have had to have looked into the trunk prior
11 to the to the search warrant being executed?

12 A. Yeah, the trunk would have had to have been
13 opened.

14 Q. Okay. You just don't recall whether it was you
15 or someone else who opened it?

16 A. Correct.

17 Q. Okay. And you don't recall whether or not you
18 used a flashlight? You may have used one but you don't
19 recall?

20 A. Correct.

21 Q. Okay. Did you take any photos of the trunk
22 area prior to the execution of the search warrant?

23 A. No, I did not.

24 Q. Do you recall, after the trunk is opened and
25 you're viewing the interior of the trunk of the Corolla,

1 and prior to the search warrant being executed, do you
2 recall the trunk lid being closed?

3 A. I do. I believe it was closed when we got
4 there.

5 Q. All right. Let me make -- I think you already
6 testified earlier that was closed when you arrived;
7 right ?

8 A. Oh, the -- yeah. Yeah.

9 Q. Okay. There's a time that you did -- between
10 the time of your arrival you agreed it was closed and
11 when the search warrant is executed that it's
12 opened; right?

13 A. Oh. And it being closed a second time?

14 Q. Correct. Do you recall that?

15 A. I don't.

16 Q. Okay. If, in fact, it was opened and then
17 closed, we'll see on the video who closed it; right?

18 A. Correct.

19 Q. Okay. Do you know why it would have been
20 closed prior to the execution of the search warrant if
21 it was initially opened?

22 A. To keep anything out, to keep -- I think it was
23 just for an initial examination, so it would have been
24 to just secure it, secure any items inside.

25 Q. Okay. And you don't recall who may have opened

1 it or who may have closed it; is that accurate?

2 A. That's accurate.

3 Q. Okay. And as far as the driver's side door
4 being opened and closed, you don't recall doing that or
5 having any involvement in that?

6 A. I don't.

7 Q. Okay. Do you know whether or not in order to
8 open the trunk that someone would have had to access the
9 driver's side of the car to unlock or pop the trunk lid?

10 A. I know -- I know there's at least the trunk
11 latch in the driver's compartment. It can be opened
12 with a key. And I don't know if the key fob on scene
13 was capable of remotely unlocking it, so I don't know
14 exactly how it was opened.

15 Q. Okay. Again, that should be on the
16 video; correct?

17 A. Correct.

18 Q. Do you recall at some point while at the scene
19 reaching into the trunk of the Corolla and touching
20 items within the trunk?

21 A. I do not.

22 Q. Do you recall whether or not you were wearing
23 gloves while the search of the Corolla took place?

24 A. I don't recall wearing gloves.

25 Q. Okay. What about during that time period prior

1 to the execution of the search warrant when the trunk is
2 being accessed?

3 A. Yeah. I don't remember wearing gloves.

4 Q. Okay. Do you recall yourself and Detective
5 Hunt being present for Largo Police Department prior to
6 the execution of the search warrant; right?

7 A. Correct.

8 Q. Who else was present from Largo Police
9 Department?

10 A. I believe Detective Allred, Detective Wedin,
11 Sergeant Caravella was the -- Lieutenant Lomonaco, and I
12 believe several others, but I can't say for certain.
13 There's several others, but I can't say for certain if
14 they were there.

15 Q. Do you know how many of those examined the
16 cabin of the Corolla and/or the trunk of the Corolla
17 prior to Pinellas County Sheriff's Office arriving on
18 the scene?

19 A. I do not.

20 Q. Again, whatever is on video would be the best
21 evidence of that?

22 A. It would.

23 Q. The search warrant, was it read shortly before
24 the Pinellas County Sheriff's Office processed the car?

25 A. It was.

1 Q. Again, it was read to the car, not to
2 Dr. Kosowski?

3 A. Correct.

4 Q. Do you know if Pinellas County Sheriff's Office
5 forensic people found any blood in the car presumptively
6 on scene?

7 A. On scene?

8 Q. Yes.

9 A. On scene, I don't believe they did.

10 Q. Okay. Do you know how many different areas
11 they tested presumptively for blood?

12 A. I do not.

13 Q. Might 13 areas be accurate?

14 A. It could be, but that would be in their
15 reports.

16 Q. You'll rely on what they tell us about that?

17 A. I would.

18 Q. Okay. Were you advised by either Specialists
19 Klein or Briggs about negative blood test results while
20 you were at the scene of 34 Orange Street?

21 A. I don't recall specifically being notified of
22 that.

23 Q. Okay. You seemed to recall, and please correct
24 me if I'm wrong, but you seemed to recall that the
25 initial testing at the scene was negative; right?

1 A. I believe they had tested some on scene.

2 Q. Right.

3 A. And they were --

4 Q. Negative.

5 A. Correct.

6 Q. And is it that you don't recall whether or not
7 you had that information while you were at the scene or
8 whether you obtained it later?

9 A. Oh. No. While they were doing some
10 presumptives on scene, yeah, I was notified right then.

11 Q. Right then at the scene?

12 A. Correct.

13 Q. The presumptives were negative?

14 A. Yes.

15 Q. All right. That's a fairly significant item, I
16 would imagine; right?

17 A. It is.

18 Q. Right.

19 When you're thought -- if you are correct about
20 your theory of what happened, you know, you would expect
21 that there would be blood there, or potentially anyways.
22 That's potentially?

23 A. Potentially, yeah.

24 Q. Because the presumptive test for blood on the
25 Corolla was negative, was there -- at the scene, was any

1 consideration given to not seizing the Corolla for
2 additional testing?

3 A. To just leaving it there?

4 Q. To release it back to Dr. Kosowski.

5 A. No. I mean, we were pretty aware that there
6 were numerous other items in the vehicle that required
7 further forensic examination.

8 Q. And is that the reason why the vehicle was
9 seized?

10 A. Correct.

11 Q. Remind me who drafted the body warrant. Was it
12 Detective Moore?

13 A. That was Detective Moore.

14 Q. Was Detective Moore made aware of the fact that
15 the initial presumptive test of the Corolla at the scene
16 were all negative?

17 A. I don't know.

18 Q. And as far as the time that the body warrant
19 was submitted for the Court's signature, do you have
20 that information?

21 A. I do not.

22 Q. And as far as who the judge was that it was
23 submitted to?

24 A. I do not.

25 Q. When the search of the Corolla was completed

1 and the Corolla was seized, was any consideration given
2 at the time to releasing Dr. Kosowski?

3 A. No, because still at the time we were awaiting
4 the -- we were awaiting the body warrant, and the search
5 of the vehicle on scene was not the finished search.
6 They did what they could on scene but then transported
7 it to their vehicle processing lab.

8 Q. Okay. Did you overhear Detective Hunt ask
9 Dr. Kosowski how he would get home after being released?

10 A. I don't recall him specifically asking that.

11 Q. But he may have asked -- he may have asked it?

12 A. He may have.

13 Q. Okay. I believe that the Corolla was towed
14 from the scene around 6:00 p.m.; is that correct. Can
15 you confirm that?

16 A. I don't have the exact time, but that sounds
17 about right.

18 Q. Okay. Why would he, Dr. Kosowski, remain
19 detained at that scene for an additional six hours
20 almost?

21 A. Again, we were waiting on the body warrant.
22 We were waiting on the body warrant to be signed and
23 executed.

24 Q. And I'm assuming at that point in time, at
25 6:00 p.m. nothing had changed as far as the probable

1 cause for Dr. Kosowski's arrest; is that accurate?

2 A. At that time -- at that time, no.

3 Q. Okay. Do you recall whether or not
4 Dr. Kosowski offered to self-report the next day for
5 purposes of the body warrant?

6 A. He did.

7 Q. Okay. And who did he say that to?

8 A. I believe he said it to me.

9 Q. Okay. And what was your response?

10 A. Oh, I don't recall exactly what I said. Again,
11 that recording was I'll -- yeah, it was explained that
12 we could detain him while we sought the warrant and that
13 we weren't going to allow him to go home.

14 Q. This was your decision or a community decision
15 among law enforcement?

16 A. Ultimately mine, but that was the -- that was
17 the consensus between all of us.

18 Q. And all of us would be you, Detective Hunt, who
19 else?

20 A. Detective Wedin, any of the other detectives on
21 scene. I mean, we were all of -- we were all on the
22 same page that he was being detained while we were
23 seeking the body warrant.

24 Q. Okay. You just named the others that were
25 there?

1 A. That I recall for sure being there, it was
2 Detective Hunt, me. I know Sergeant Caravella was
3 there. I know Lieutenant Lomonaco was there. And I
4 don't recall exactly who else was there.

5 Q. Was the State Attorney's Office consulted at
6 that point -- at that point?

7 A. Particularly at that time, about --

8 Q. About detaining.

9 A. I don't specifically remember consulting them
10 about it.

11 Q. Okay. As far as not giving him access to a
12 telephone, was that discussed at all with the State
13 Attorney's Office, or was that a decision that was made
14 by you and Largo Police Department?

15 A. I believe that was a decision we made amongst
16 ourselves.

17 Q. Excluding the State Attorney's Office?

18 A. Yeah. I don't recall specifically consulting
19 them on that.

20 Q. Okay. Did you ever, during the time that he
21 was detained, consider allowing him access to a phone?

22 A. Did I personally consider it? No.

23 Q. Right.

24 What about allowing him an opportunity to reach
25 out to an attorney?

1 A. No. Again, that's not -- that's a procedural
2 thing and outside the norms of what we'll do.

3 Q. Do you believe that when someone is being
4 detained that at some point they have the right to reach
5 out to an attorney, or is it they -- is it like -- is
6 there no limit as to how long someone can be detained
7 before they can reach out to an attorney?

8 A. It's -- the length of detention is
9 what's reasonable concerning the circumstances. Like I
10 said before, you know, once we have completed our
11 purpose there and made a probable cause determination,
12 you know, like, he's invoked. So, you know, had
13 probable cause not been found, you know, if that were
14 the case, I'd talk to him about who his attorney was and
15 then go through and -- but it didn't turn out that way.

16 Q. Right.

17 I guess my question is: In this case, nine or
18 ten hours detention, fairly early on he's advised of his
19 rights, his rights to counsel and his rights to remain
20 silent and what have you, takes nine to ten hours before
21 he is -- probable cause is developed and he's arrested,
22 and so my question is: Is this reasonable analysis, you
23 know, is there a time period where it ends, where -- I
24 mean, is it ten hours? Is it 20 hours? Where does it
25 end?

1 A. Again, there no -- there's no bright-line rule.
2 Once we make a determination as to whether or not
3 probable cause exists, but, I mean, again, we're
4 still -- we're still awaiting the body warrant. We were
5 waiting for the body warrant, and once that -- you know,
6 like, once that is finished or once that's able to be
7 executed, you know, we would have considered the
8 circumstances, but in the meantime, probable cause was
9 developed.

10 Q. Did you have concerns or discussions with your
11 fellow detectives about whether or not the extended
12 delay as far as the detention is concerned and him not
13 having access to a lawyer potentially was a violation of
14 some of his civil rights?

15 A. Not of his civil rights. Again, we could
16 detain him while a warrant was being sought.

17 Q. Did you, prior to seizing -- I believe you
18 seized an iPhone and a Tracfone during the Corolla
19 search associated with Dr. Kosowski?

20 A. I did not personally.

21 Q. Okay. But it was seized as evidence by
22 somebody?

23 A. Correct.

24 Q. Okay. Prior to the search, did you, through
25 court orders or any other means, have access to data

1 related to either the iPhone or the Tracfone prior to
2 the search?

3 A. None that I'm aware of. Data as far as?

4 Q. Any data. Cell phone tower data. Any kind of
5 data.

6 A. Not that I'm aware of, no.

7 Q. Okay. The annual report you indicated that
8 you -- that there was a holstered gun attached to the
9 driver's side center console?

10 A. Correct.

11 Q. And then another holstered gun in the trunk?

12 A. Correct.

13 Q. And then you also talk about a duffel bag with
14 a black mask and Ziploc bag with various documents in
15 the front seat, I believe?

16 A. Correct.

17 Q. Did you observe any of these items prior to the
18 search? Prior to the execution of the official search
19 warrant, so during the earlier search that appeared to
20 happen on the video surveillance.

21 A. I recall when the -- I recall the -- being able
22 to see the gun in the center console. I don't recall
23 when I first saw the gun in the trunk. And then I
24 wasn't -- I wasn't aware of the contents of the bag in
25 the front seat until later.

1 Q. Okay. But do you recall seeing the gun in the
2 center console prior to the official search of the
3 vehicle, right, pursuant to the search warrant?

4 A. I believe so, yes.

5 Q. Okay. And that would be as part of what you
6 said was possible because it was a felony stop, secure
7 the vehicle, that type of thing; right?

8 A. Correct.

9 Q. Okay. Did you remove that firearm because you
10 were securing the vehicle?

11 A. I did not.

12 Q. And is that because Kosowski was detained and
13 handcuffed sitting in the back of a patrol car and
14 wouldn't have access to the vehicle anyways?

15 A. Correct.

16 Q. Okay. On March 25th, is it your belief at that
17 time that Steven Cozzi is deceased?

18 A. It is.

19 Q. And what was the basis for that?

20 A. So his arrival at work, from what we can tell,
21 no circumstances that would kind of -- no circumstances
22 that indicated any kind of distress on his part in
23 really any way, his sudden disappearance that could be
24 narrowed down to a brief time frame, everything
25 indicating that he had just kind of up and gone to the

1 bathroom, the blood that we observed in the bathroom,
2 the only thing that we could see leaving the building
3 came and -- or that potentially could be a human body
4 came and went in a truck, and we have some surveillance
5 footage looking down at that item from a bus.

6 There's some movement we can see in that wagon
7 that moves as if there's -- moves as if there's a body,
8 you know. Kind of sways. It has some rigidity, but
9 movement like a human body moving in the back of the
10 truck as the truck -- but the truck is -- it only
11 happens, like, as the truck moves. And that truck, that
12 wagon, all of that is able to be followed to
13 Dr. Kosowski's house.

14 We search his house. He's not able to be
15 found. And there's more blood in the truck where we saw
16 that wagon. There's presumptive positive tests for
17 blood on the garage floor, and then no other indication
18 of his house -- of Cozzi's presence. His -- you know,
19 his vehicle keys, his wallet, his cell phone, everything
20 is left behind at his desk where he's working. The desk
21 is left as if with what seems all intents to return to
22 it fairly soon.

23 Again, what we saw in the bathroom looked -- or
24 appeared to be a significant bloodletting event. It
25 appeared that that bloodletting continued into the bed

1 of the truck and potentially onto the garage floor. We
2 don't find that body. And what we could see in the
3 surveillance didn't indicate any real signs of life.

4 Yeah, I was considering all those facts that we
5 learned over those several days, and it was my belief
6 that he was deceased.

7 Q. Did you have a -- develop a theory or any
8 evidence as to how Steven Cozzi had died?

9 A. I mean, like I said, there were numerous --
10 there were numerous things that could cause that kind of
11 bloodletting event from what we saw. It was hard to say
12 one way or the other, but, you know, like, a number of
13 tools, instruments, all kinds of things could have
14 caused that, and from any particular part of the body.
15 So it's hard to say exactly or specifically what caused
16 it or what specific tool or implement might have caused
17 it.

18 But, again, the extent and the amount of blood
19 appeared to me and, you know, through consensus with the
20 rest of the detectives that, you know, like, blood loss
21 is really all it could potentially take to cause a
22 death.

23 Q. Did you consult with the pathologist or medical
24 examiner?

25 A. Up to that -- up to that point, we had not.

1 Q. Okay. Did you develop any evidence or any
2 theories as to how specifically Dr. Kosowski potentially
3 may have caused the death of Steven Cozzi?

4 A. So the bag that was in the front seat contained
5 a -- contained a medication or a chemical,
6 succinylcholine chloride, which is labeled as a
7 paralyzing agent. How it was -- I believe there were
8 some syringes of that. Without being an expert on it,
9 with a quick read, learning that doses -- doses of that
10 could be fatal. But beyond how it was delivered or what
11 specific tool or implement could have caused the
12 bloodletting, we didn't -- we didn't -- we didn't narrow
13 it down.

14 I know there were -- there were different
15 knives in the -- there were different knives in the bag.
16 There -- fire -- suppressed firearms, you know, like
17 gunshots to the right artery, to the right part of the
18 body, could cause significant rapid blood loss, sharp
19 edges of any kind, you know.

20 Q. Any evidence -- any evidence suggesting that
21 there was a shotgun or a gun fired inside the bathroom
22 at the office?

23 A. No evidence I saw of a gunshot.

24 Q. Any evidence of a gunshot anywhere?

25 A. No, none that I saw.

1 Q. Okay. And any connection between the various
2 knives that were located and --

3 A. To date, we haven't found one.

4 Q. Okay. Would it be fair to say that it -- that
5 a call from Detective Allred regarding the processing of
6 the Corolla was a significant part of your decision that
7 you now had developed probable cause for the arrest of
8 Dr. Kosowski?

9 A. It was.

10 Q. Okay. Could you elaborate on that a little
11 bit?

12 A. So the items in that bag. So firstly, there
13 had been two ballistic vests in the trunk that had been
14 presumptive tested for blood. Both had what appeared to
15 be visible dry blood on them, and it was presumptive
16 tested positive for blood. Fibers found in the vehicle,
17 those are just of note, but not a -- we knew Kosowski
18 was -- we knew Cozzi was wearing a red sweater.

19 There were areas of the interior of the trunk
20 of the vehicle that had presumptive tested positive for
21 blood. The black bag that was in the front passenger
22 compartment contained items that, you know, maybe on
23 their own didn't warrant any kind of particular concern,
24 you know, had you just encountered them on somebody in
25 passing, but collected in a bag and considering all the

1 other circumstances up till now, you know, the brass
2 knuckles, duct tape, law enforcement patches, crowbars,
3 ski mask -- or crowbars, ski masks, the Tracfone,
4 calling cards, various, you know, like, costume masks, a
5 taser, knives, medical tools, butane torch and, you
6 know, a standalone vial of succinylcholine chloride, you
7 know, those things in a bag together, you know, all
8 implements that potentially could have been used or
9 could have been brought along, their use considered, you
10 know, all of those things together were indicative of
11 some kind of planning some kind of, I guess,
12 surreptitious, you know, like, entry or hiding or -- I
13 mean, the various uses of all those items and seeing
14 them together in one place in one bag suggested --
15 suggested, you know, a preparation for this type of
16 crime, for this type of incident.

17 Q. Do you have any circumstantial evidence that
18 this black bag had been used or was in the possession of
19 Kosowski during the time period that Steven Cozzi goes
20 missing?

21 A. So seeing the -- seeing whoever leaves that
22 gray truck enter the building carrying a large bag,
23 carrying a black backpack and a box on their shoulder,
24 you know, it's hard to know exactly what was in there.
25 And, again, it had been multiple days. So could any of

1 those items been moved from different bags? All of
2 those items are easily concealable and transferable from
3 different containers and compartments.

4 Q. Do you agree that there was a negative
5 presumptive test for blood on the cargo mat in the trunk
6 of the Corolla at the scene and then a positive result
7 at the processing center in that same area?

8 A. I don't know specifically of what area.

9 Q. What do you do to reconcile those -- those?
10 They're obviously inconsistent results.

11 A. We'll send if -- we'll send the positive
12 samples to the Pinellas County forensics lab, and
13 they'll do -- they'll analyze it for blood.

14 Q. Okay. What about the negative? I mean, if
15 it's a negative presumptive. Can you have a negative
16 presumptive for blood that is, in fact, positive? Do
17 you know?

18 A. I do not know.

19 MR. BRUNVAND: Go off the record for one
20 moment.

21 (Discussion off the record.)

22 BY MR. BRUNVAND:

23 Q. Is the -- I believe Deputy -- is it Spicer or
24 Spier?

25 A. Spicer.

1 Q. Spicer is the one that read the body warrant at
2 Tarpon Springs Police Department; is that correct?

3 A. Correct. Correct.

4 Q. Why wouldn't that have been the jurisdiction of
5 Tarpon Springs and be read by a member of the Tarpon
6 Springs Police Department?

7 A. I don't know.

8 Q. Okay. Were the instructions -- I know
9 instructions were provided about the search at the home
10 that had it had to be Tarpon Springs; right?

11 A. Correct.

12 Q. Were any instructions given as it relates to
13 the body warrant?

14 A. Not that I recall.

15 Q. Okay. Do you have the exact time that
16 Dr. Kosowski was arrested?

17 A. That the affidavit was submitted?

18 Q. Right. When you actually -- yeah, the
19 affidavit submitted and you actually did the arrest.

20 A. Let's see. It says the affidavit was submitted
21 the 26th at 12:53 a.m.

22 Q. When you say "submitted," what does that mean?

23 A. That's just when the affidavit is completed and
24 submitted through the program for -- or the database for
25 probable cause affidavits.

1 Q. Okay. What was the time again?

2 A. The 26th at 12:53 a.m.

3 Q. Okay. Is that immediately after the search
4 warrant was done, the body search warrant?

5 A. I believe so. If not immediately, then only
6 shortly.

7 Q. It wouldn't have been beforehand, though;
8 right?

9 A. Before the -- before the forensics processing?

10 Q. Right.

11 A. Well, I honestly don't know if they had
12 finished that. I don't know if they had finished the --
13 finished the processing or not.

14 Q. So you may have submitted this arrest affidavit
15 prior to actually advising Tom Kosowski that you're now
16 under arrest?

17 A. I could have, yeah.

18 Q. So when you're submitting it, he still may be
19 processed by forensics?

20 A. He could be.

21 Q. Okay. Is there a video of you when you
22 actually do the arrest, when you tell him that he's
23 under arrest?

24 A. There is.

25 Q. Okay. And does that reflect the time that --

1 the exact time when you tell him?

2 A. It would.

3 Q. Yeah.

4 Once he's been arrested, do you monitor his
5 jail calls?

6 A. I had not.

7 Q. Well, but do other officers within your
8 department monitor his jail calls?

9 A. Yes.

10 Q. Do you need a search warrant to monitor those
11 jail calls?

12 A. No.

13 Q. Why is that?

14 A. They're in custody. Those communications
15 aren't protected.

16 Q. Okay.

17 A. They're using -- they're using jail facility
18 communications equipment.

19 Q. Okay. All right. And so, based on your
20 understanding of the law, those are not protected and do
21 not require search warrants; is that --

22 A. Correct. And there's a warning that's given.
23 There's an automated warning that's given prior to
24 calls -- prior to outgoing calls being made.

25 Q. Okay. Is it -- do you have an understanding as

1 to Dr. Kosowski's expectation of privacy in making
2 outgoing phone calls, particularly in light of the fact
3 that the only option he is given at the jail is
4 monitored calls? Does he -- do you have any opinion on
5 that?

6 A. I don't believe there's the expectation of
7 privacy in those phone calls.

8 Q. Okay. What about if those calls are made to an
9 attorney?

10 A. The attorney -- there is an attorney/client
11 privilege.

12 Q. Okay. So you, yourself, did not review the
13 calls?

14 A. I did not.

15 Q. Who reviewed the calls?

16 A. I believe Detective Allred and Detective
17 Compton.

18 Q. Okay. Did you expect that Dr. Kosowski would
19 have been able to be released after he was arrested for
20 this murder charge?

21 A. Did I expect he'd be able to?

22 Q. Did you anticipate that he would have a bond?

23 A. No, I didn't.

24 Q. Okay. And the reason for that is what?

25 A. That's a capital offense.

1 Q. Okay. And generally, those offenses do not get
2 bond; is that --

3 A. Correct.

4 Q. Okay. Did you have any -- understanding that
5 and knowing that, why was the decision made to seize
6 firearms from the home of Dr. Kosowski if he wasn't
7 going to get out anyways?

8 A. Certain firearms, kind of like we talked about
9 in June, potential we at least have some connection.
10 Are you referring to the RPO?

11 Q. The RPO we talked about.

12 A. I didn't have any -- I didn't have any part of
13 that decision-making process.

14 Q. Okay. So the RPO is independent of you?

15 A. Correct. That's a -- yeah, it's a civil -- a
16 civil -- it's a civil process.

17 Q. Okay. And does that go for the ammunition as
18 well?

19 A. Yes, that's correct.

20 Q. Did you -- did your investigation uncover any
21 communication of Dr. Kosowski having any type of mental
22 illness?

23 A. As far as a diagnosis, or...

24 Q. Yeah. Any indication that he suffered from a
25 mental illness?

1 A. No, nothing that -- nothing that I saw.

2 Q. Serious or otherwise?

3 A. Correct.

4 Q. And as far as drafting the RPO petition, did
5 you have any involvement in that whatsoever?

6 A. No.

7 Q. Did your investigation indicate that there was
8 human blood located on the truck bed?

9 A. It did.

10 Q. And what can you tell us about that as far as
11 any additional testing that was done?

12 A. Sure. Sorry. Give me one second to pull it
13 up.

14 Q. Yeah, that's fine.

15 A. So there was a swab sent to -- there was a swab
16 labeled Item 005 from the tailgate where the serological
17 analysis -- the results are just labeled as blood was
18 indicated.

19 Q. What does that mean?

20 A. That the swab of what appeared to be blood was
21 lab tested and was blood. So testing beyond the
22 on-scene presumptives.

23 Q. And does it indicate that it's human blood or
24 just blood?

25 A. The results are just blood was indicated.

1 Q. So we don't -- from that, we can't tell if it's
2 human or some other type of blood, animal blood?

3 A. I don't know that they -- I don't know if they
4 differentiate in the reports.

5 Q. Okay.

6 A. Well, the report doesn't differentiate. It
7 just says blood was indicated.

8 Q. Okay. So that would be a question for the
9 analyst, then, I assume?

10 A. Yes.

11 Q. From based on what you're seeing, you can't
12 differentiate between the two?

13 A. Correct.

14 Q. Okay. What about on the driver's side
15 headrest? Was there an indication of human blood from
16 the driver's side headrest?

17 A. So I believe that was presumptive tested --

18 Q. Okay.

19 A. -- and it was positive. I don't believe that
20 that went to the lab.

21 Q. Okay. So we don't have a confirmation on that?

22 A. Correct.

23 Q. Okay. So we certainly wouldn't know if there
24 was human blood on the headrest if that's the case?

25 A. Correct.

1 Q. All right. What about on the driver's side
2 floorboard?

3 A. I don't believe those went to the lab either.

4 Q. Okay. So, again, that would be presumptive?

5 A. Presumptive, correct.

6 Q. All right. And what about on the garage floor?

7 A. The garage floor, there's a swab labeled
8 "middle garage Number 2" that states blood was
9 indicated. And then there is a middle garage 1, north
10 end garage 1, and north end garage 2, that state blood
11 was not indicated.

12 Q. Okay. And on the one that said blood
13 indicated, was there any additional testing on that
14 to -- confirmation test?

15 A. So there was. For all the samples that were
16 sent to the PCSO for serology, when the blood was
17 indicated, they were further sent for DNA analysis. And
18 I can give you the corresponding --

19 Q. What's the date that the DNA analysis comes
20 back?

21 A. They come back on different days. It depends.
22 Like, if you want, I can give you --

23 Q. What's the earliest date of the DNA analysis
24 coming back?

25 A. The earliest on the DNA analysis?

1 Q. Yes.

2 A. I have a report date of April 3rd. And then
3 when it's made available to me, it's -- I believe it
4 would have been on or about the 3rd.

5 Q. Of April.

6 A. Of April, correct.

7 Q. So on March 23rd, 2023, we would not have any
8 type of DNA results?

9 A. No.

10 Q. Okay.

11 A. Yeah. So it was the 3rd that I got -- it was
12 April 3rd that I got the first DNA analysis.

13 Q. Okay. And that DNA analysis was from what?

14 A. A DNA analysis was? That included buccal swabs
15 from Michael Montgomery, toothbrush. With some of the
16 items they have listed, the toothbrush represented to be
17 from Steven Cozzi, The rim of the mug represented to be
18 from Steven Cozzi, a swab of the Toyota of the tailgate,
19 and a swab from middle garage Number 2.

20 Q. Okay. Did you handle any of the suppressors or
21 silencers that were located at 511 Seaview?

22 A. No, I did not.

23 Q. I believe we talked about this before, but just
24 to make sure, the amount of blood in the bathroom at
25 1501 Belcher -- B Belcher that was actually recovered or

1 collected, very small amount of blood; right?

2 A. So the swabs are taken from various areas.

3 Q. Right.

4 A. But to collect what was left behind, as far as
5 I know it not a practice. It's not a practice to -- are
6 you talking about, like, a method of how it's collected?

7 Q. No. I'm more curious about the total amount of
8 blood that's observed, and excluding the, you know --
9 you know, the walls that there -- where luminol shows up
10 and it might be evidence of blood, it may be evidence of
11 cleaning fluids, it may be evidence of something else,
12 the amount of blood that you see in the bathroom,
13 there's a few drops, if I recall correctly. I mean,
14 there's no big puddles of blood. It's small amounts of
15 blood that were actually seen where we could say this is
16 blood, we can take a sample of it?

17 A. So what I saw in the bathroom was an area of
18 the floor that appeared swiped, you know. Like, kind of
19 alternating circular swipes --

20 Q. Sure.

21 A. -- covered, I mean, what I would estimate,
22 several square feet. It was around the floor of the
23 stall and was on the floor in front of the stall. To
24 quantify it, though, I wouldn't be able to quantify it.

25 Q. Well, but, I think we talked about this last

1 time. You made statements while at that scene to at
2 least one of the other officers, and maybe several
3 different officers, that there didn't appear to be a lot
4 of blood in the bathroom?

5 A. I think what I saw at a first glance was a drop
6 or two.

7 Q. Okay.

8 A. That was at an initial first glance.

9 Q. Sure. Sure.

10 And then when the luminol testing is done, you
11 know, then you decide that it appears to you that maybe
12 there was a lot more blood; right?

13 A. So I think I noted in my report that there was
14 another time when I had notified Detective Hunt and when
15 I took another longer look at the bathroom from the
16 doorway I could see the discoloration and the swiping on
17 the floor.

18 So just to open the door stick my head in and
19 see a drop or two on the stall wall, you know, the dark
20 coloring of the floor, you know, it didn't immediately
21 jump out to me, but standing there and taking a longer
22 look is when I saw what was over the floor.

23 Q. Sure.

24 But presumably you've been to murder scenes
25 where there's a lot of blood, or maybe not?

1 A. I have.

2 Q. You have?

3 A. I have.

4 Q. Okay. This is not one of those scenes?

5 A. So, again, it was the contrast of the dark
6 floor and the dark color of dried or drying blood that
7 didn't immediately jump out. I believe the floor was
8 either very dark gray or almost black, and blood dries
9 at -- you know, to a deep brown color almost.

10 Q. Sure.

11 A. So it didn't immediately jump out, but there's
12 photos of, you know, like, the preluminal testing that
13 kind of show what I saw at a longer glance. At initial
14 glance of just the contrast of the -- sorry. I
15 apologize.

16 Q. Okay.

17 A. The first glance, the stall walls were very
18 light color beige, if I remember. But, again, at a
19 longer glance, you know, I saw the area of the floor was
20 a different color than the flooring material itself, and
21 that had a swiping pattern to it.

22 Q. Okay. I guess when I say to you you've seen
23 other scenes with lots of blood, I'm talking about
24 scenes where there are big puddles of blood, where
25 there's blood on the wall and it's not -- no efforts to

1 clean up, you can test it, you can say yes, this is
2 blood.

3 A. Yeah, I've seen scenes like that.

4 Q. This scene wasn't like that?

5 A. I mean, there was droplets of blood in various
6 areas in the bathroom, but big smears of blood --

7 Q. If you collected those droplets of blood that
8 you see and put it into a container, right, it's not
9 going to be a large amount?

10 A. The drops that I saw, no.

11 Q. Okay.

12 A. The drops -- the drops themselves wouldn't.

13 Q. Right. Right. Right. Okay.

14 You talked about the -- I think it's called
15 succinct -- what's it called? Succinylcholine? Am I
16 pronouncing that -- I don't know if I'm pronouncing that
17 correctly.

18 A. I believe it's succinylcholine chloride.

19 Q. Very good. Very good.

20 You indicated that that could potentially kill
21 someone, is your understanding?

22 A. That's my understanding, yes.

23 Q. What do you base that on?

24 A. I found several web articles. What specific
25 articles, I couldn't tell you.

1 Q. Did you save any of these articles?

2 A. No, I didn't.

3 Q. Okay.

4 A. I mean, it's a -- has a bona fide medical use.

5 Q. Right.

6 And do you know whether or not it had a bona
7 fide medical use in the type of medicine that
8 Dr. Kosowski was practicing?

9 A. I know it's commonly used in surgeries and
10 plastic surgeries.

11 Q. Okay. Do you know whether or not he operated
12 on a patient on March 22nd at the Kendall Surgery
13 Center?

14 A. Give me one second. That was on the 22nd?

15 Q. On the 22nd, correct.

16 A. Yeah. Give me one second.

17 Yes, there was a surgery on the 22nd.

18 Q. What about on the 23rd?

19 A. There were two -- it looks like two on the
20 22nd, one on the 23rd.

21 Q. Okay. And do you know if he was -- if
22 Dr. Kosowski also worked in the office of the Kendall
23 Surgery Center on the 24th?

24 A. I believe I was told he was in the office for a
25 brief period.

1 Q. Okay. Is it your belief that Dr. Kosowski
2 disposed of Steven Cozzi's body at some point?

3 A. It is.

4 Q. How do you believe that that happened, and
5 when?

6 A. So the cell tower records indicate he traveled
7 to an area on U.S. 41. Those records show a brief stop
8 at an area. There were license plate readers on either
9 side that corresponds to the time it takes to travel.
10 And even with a brief stop, it's likely that those
11 license plate readers captured within a time period
12 enough of -- enough of a time frame to stop for several
13 minutes at that area on U.S. 41.

14 Q. What's the date and the time that you think
15 this is taking place?

16 A. So I believe this was on the 21st; the night of
17 the 21st.

18 Q. At what time?

19 A. Give me a second. I'll find it.

20 So at approximately 9:15, the vehicle is in the
21 area of Florida Highway 29 and U.S. 41, and then at 9:33
22 the device appears in the area of U.S. 41 and Loop Road.
23 And that's where it makes that brief stop and continues
24 on.

25 Q. So it's your belief that the body is disposed

1 of at that time?

2 A. At that time, correct.

3 Q. At 9:43 or between --

4 A. Sometime around that 9:33 when that -- the --
5 so the way the records are mapped indicates -- indicates
6 that stop, that kind of jog off of U.S. 41, so yeah.

7 Q. And this is based on what records again?

8 A. Cell tower records.

9 Q. Okay. Cell tower records connected to Tom
10 Kosowski's phone?

11 A. Correct.

12 Q. And when did you obtain those records? When
13 did you get that information?

14 A. So Detective Moore had done the administrative
15 work to request those from, I believe it was T-Mobile.

16 Q. Okay.

17 A. And he was able to analyze them on March 30th.
18 So he analyzed them, processed them, and I reviewed them
19 with him.

20 Q. Do you need some sort of a search warrant to
21 get those records? How do you get those records?

22 A. For cell tower records you need warrants.

23 Q. Search warrant?

24 A. Yeah.

25 Q. Okay. Going back to Dr. Kosowski's employment,

1 did you also learn that on Saturday morning, March 25th,
2 that he also worked at Evolution MD?

3 A. I believe there was a surgery scheduled.

4 Q. Do you know whether or not he was there on
5 Saturday morning?

6 A. Or was there a second facility? Let me check.
7 That, I don't know.

8 Q. On March 29th, is that when the search warrant
9 is taking place at Christian Beltran's home in Miami?

10 A. I believe so, yes.

11 Q. Were you present for that?

12 A. I was not.

13 Q. Who was present for that from Largo?

14 A. I don't believe anybody from Largo was present
15 for that.

16 Q. Do you have a copy of the search warrant return
17 for that search?

18 A. I do not.

19 Q. Is March 29th the day that you also received
20 cell site and call detail records for phone number
21 (321) 663-0128?

22 A. Detective Moore had, yes.

23 Q. And whose number -- whose phone is that?

24 A. The subscriber is listed as Teresa Bolo.

25 Q. And what's her connection to this case?

1 A. As far as I know, she's a friend of
2 Dr. Kosowski and a subscriber to the phone that he was
3 in possession of and had been using.

4 Q. Did you have any of the cell site and call
5 detail records for that number prior to March 29th,
6 2023?

7 A. I did not, no.

8 Q. Did anyone else from law enforcement or Largo
9 have it?

10 A. Not that I'm aware of.

11 Q. There were some trash bags located in the back
12 of Kosowski's Corolla.

13 Do you know the size of those trash bags?

14 A. I do not.

15 Q. You say you have the PDF that we discussed
16 earlier in front of you?

17 A. I do.

18 Q. What's the page number for the 31st report? I
19 think that's the next one.

20 A. March 31st should be 239.

21 Q. Thank you.

22 A. Yep.

23 Q. The trash bag that you described in the report
24 with an elongated shape, is that the one that you see in
25 the video -- the surveillance video at the dumpster?

1 A. Yes.

2 Q. On page 2 of that report?

3 A. Page 240.

4 Q. Correct. Sort of the middle of the page.

5 A. Yes.

6 Q. Is it your belief that this is -- well, do you
7 have any way of determining the size of the bag that you
8 are seeing in the surveillance video?

9 A. Of actually measuring and providing an accurate
10 size?

11 Q. Right.

12 A. No. No.

13 Q. Does it appear to be larger than the type of
14 trash bags that people may use for yard work and that
15 type of stuff?

16 A. The type of the bag with the elongated shape?

17 Q. Correct.

18 A. Yeah. I mean, the amount of -- the amount of
19 material there, yeah, it's also possible that it's more
20 than one bag.

21 Q. Okay. But that was never located; right?

22 A. Correct.

23 Q. When you were -- were you present when the
24 cadaver dogs alerted to the dumpster at Loop Road?

25 A. I was not.

1 Q. Do you know whether or not it was one or more
2 than one cadaver dog that alerted?

3 A. I think there was one dog that was walked
4 around the dumpster itself.

5 Q. That alerted?

6 A. That alerted, correct.

7 Q. Were there multiple dogs in the area?

8 A. There were two.

9 Q. Do you know whether or not the second dog, did
10 they bring that dog over to see if that dog would alert
11 as well?

12 A. I don't know.

13 Q. Okay. And those same cadaver dogs went to the
14 Collier County landfill and did not alert to anything at
15 the landfill?

16 A. Correct.

17 Q. Did you assist at all with the processing of
18 the dumpster on Loop Road?

19 A. With the actual forensic processing?

20 Q. Right.

21 A. No.

22 Q. I believe it was Forensic Specialist Craig and
23 Santiago Hernandez.

24 A. Yes.

25 Q. Did you assist them?

1 A. Just in moving items that they had -- that they
2 were done with or needed out of the way.

3 Q. Were you the first person to examine the
4 dumpster?

5 A. I don't believe so.

6 Q. Who do you think would have examined it before
7 you?

8 A. Examined it as in saw it on scene?

9 Q. Yeah, went up to look at it, you know.

10 A. I believe Detective Moore had arrived prior.
11 He arrived in Collier County the night before and had at
12 least seen it.

13 Q. The night before?

14 A. I believe so.

15 Q. Was it secured overnight, or no?

16 A. I don't believe so.

17 Q. All right. Did you -- while the forensic
18 investigators were examining the dumpster, and I think
19 they turned it on its side, did you actually find a
20 spent casing southeast of the dumpster?

21 A. I believe so.

22 Q. And how far away from the dumpster was that
23 casing?

24 A. I don't recall.

25 Q. It was found on the ground and, like, a sandy

1 ground?

2 A. I believe so, yeah.

3 Q. And what was the condition of the casing?

4 A. I don't recall the exact condition of the
5 casing.

6 Q. Did it appear to be new or did it appear to
7 have been eroded by the elements?

8 A. I don't recall. I'd have to refer to whichever
9 forensic tech I pointed that out to.

10 Q. Okay. Did you take photographs of the casing?

11 A. I did not.

12 Q. Have you viewed photographs of the casing?

13 A. No.

14 Q. Do you know whether or not the forensics would
15 have been Collier County, they photographed it?

16 A. I believe they would have, but I don't know for
17 sure.

18 Q. Okay. Did you, yourself, take any photos on
19 March 21st, 2023?

20 A. On which date?

21 Q. March 31st.

22 A. No. Oh. Let me review it. I'll just see what
23 I have.

24 Q. Okay.

25 A. I don't recall anything of note that

1 day, but -- on March 31st I did. I took several.

2 Q. Okay. Have you provided those in discovery?

3 A. I have.

4 Q. How many did you take?

5 A. Looks like one, two, three, four, five, six,
6 seven, eight. Eight. Eight. And let me just
7 double-check. I submitted everything I took with my
8 work phone, so let me just double-check.

9 Yes, those are included.

10 Q. It doesn't appear that you were -- in your
11 report on March 31st that you make any references to the
12 casing that you located.

13 A. No.

14 Q. What's the reason for that? Is there a later
15 report?

16 A. No, not that I'm aware of.

17 Q. Did you not think it was important, or...

18 A. I -- I didn't have the note of the casing, and
19 I know it was pointed out to forensics and collected,
20 but, yeah, that just didn't get written about.

21 Q. Do you know what was written on the head of the
22 casing?

23 A. I don't.

24 Q. Is that a place where normally it would tell
25 you, like, the -- maybe the manufacturer and the

1 caliber?

2 A. It would.

3 Q. Do you recall maybe it indicated STV 9mm Luger,
4 or you don't recall?

5 A. I don't recall.

6 Q. Did it appear to have been fired recently?

7 A. I wouldn't be able to tell that just from --

8 Q. Well, if it was heavily corroded then it would
9 not appear it had been fired recently; right?

10 A. I don't recall if it was heavily corroded or a
11 shell casing or a freshly-spent casing.

12 Q. Okay. If it appeared that it was an old casing
13 that had been there for a long time, would you probably
14 have indicated as such?

15 A. I would have -- I would imagine so.

16 Q. Okay. Do you know whether or not the two
17 forensic analysts, had they searched the same area where
18 you found the casing prior to you finding it?

19 A. I don't know.

20 Q. Did you have any type of, like, metal detector,
21 or did you just sort of see it on the ground? Do you
22 recall?

23 A. No, I don't recall. I don't recall having to
24 dig for anything. And I don't -- I didn't have a metal
25 detector personally, and I don't -- yeah.

1 Q. Right.

2 Do you -- do you -- did you find the casing to
3 be of any significance at all?

4 A. No. There's no note of it, and I don't have
5 no -- nothing -- there was nothing that came of it other
6 than finding it on the ground.

7 Q. So earlier where we talked about how Steven
8 Cozzi might have been killed, if he was killed, I think
9 one of the scenarios that you described was the use of a
10 firearm.

11 A. It's possible, but I didn't -- again, we --
12 aside from a spent casing, there was no other -- there
13 was no other evidence of it.

14 Q. Do you know whether or not this spent casing
15 was preserved for future testing?

16 A. I don't know.

17 Q. As far as leaving it out of your report, that
18 was just inadvertent?

19 A. It was.

20 Q. Do you know whether or not Dr. Kosowski had any
21 9mm rounds at his house at 511 Seaview?

22 A. Specifically, I don't know. I know there were
23 various calibers. I believe 9mm was one of them.

24 Q. Okay. Specifically, I don't know, I believe
25 9mm was one of them, what's the basis for that?

1 A. I believe some of the firearms seized were 9mm
2 caliber and they had rounds in the magazine.

3 Q. Okay. Do you know anything about any
4 identifying marks on the ammunition that was recovered
5 and taken into evidence?

6 A. I don't recall any specific brands.

7 Q. What about in the Miami house?

8 A. I don't recall any of the specific brands.

9 Q. Is STV a brand?

10 A. I believe different brands will mark their
11 casings differently. It's not always -- it's not always
12 indicative of a manufacturer.

13 Q. Well, does STV mean anything to you if that's
14 branded on the --

15 A. It's not significant to me.

16 Q. Okay. On April 20th, 2023, did you learn from
17 Michael Montgomery that Steven Cozzi had made a Dunkin'
18 Donuts purchase on March 21st, 2023?

19 A. I did.

20 Q. Did you find out the time that this purchase
21 was made?

22 A. No, I did not.

23 Q. Did you find out which Dunkin' Donut it was
24 purchased from?

25 A. No, I did not.

1 Q. Did you do any follow-up investigation on that?

2 A. No.

3 Q. If, in fact, the -- well, never mind.

4 What is -- that was April 20th, 2023.

5 What's the next report?

6 A. Next what I have would be April 21st.

7 Q. Let me see what page that is. Page 262 maybe?

8 A. Let's see.

9 Yes.

10 Q. That details meeting with Mr. Vonderheide and
11 Director Voorheis?

12 A. Correct.

13 Q. And then there's a series of items that are
14 submitted for analysis?

15 A. Correct.

16 Q. Did the three of you meet and discuss which
17 items to submit for analysis, and then those are -- the
18 items listed in the report are the ones that you agree
19 should be analyzed further?

20 A. Correct.

21 Q. Is that accurate?

22 A. Yes.

23 Q. Okay. On April 26th, Michael Montgomery
24 provides you additional information about financial
25 transactions?

1 A. Some, yes.

2 Q. And specifically, it indicates that someone
3 had -- Mr. Montgomery believes someone tried to make a
4 credit application in the name of Steven Cozzi?

5 A. Correct.

6 Q. Did you do any follow-up investigation on that?

7 A. No.

8 Q. So the letter regarding that transaction is
9 dated March 30th?

10 A. Correct.

11 Q. 263 is in your report.

12 A. Yes.

13 Q. Okay.

14 A. Yeah, the letter was dated March 30th.

15 Q. Okay. But as far as when that -- when that
16 application may have taken place, you don't -- you don't
17 know?

18 A. No.

19 Q. Looks like the next report is the May 17th
20 report, or it starts out on April 28th, then it goes to
21 May 2nd?

22 A. Yes.

23 Q. Goes on for several pages detailing fingerprint
24 results and identifications?

25 A. Correct.

1 Q. And location of the same?

2 A. Yes.

3 Q. But it says on some of these, "Inconclusive,
4 does not meet exclusion criteria." What does that mean?

5 A. My understanding is that they wouldn't be able
6 to exclude it based on the quality of the print.

7 Q. Let me -- let me ask you: Are these -- all
8 this information here as it relates to the prints, is
9 this, like, a copy and paste deal where you're basically
10 taking the language from the fingerprint examiner and --

11 A. Yes, it was.

12 Q. Okay. So maybe the fingerprint examiner would
13 be the better person to ask about the meaning of the
14 various terms?

15 A. Correct.

16 Q. Do you know if -- let's see here.

17 Do you know whether or not Largo Police
18 Department has any suppressors that were seized during
19 the search in Miami?

20 A. I don't believe we're in possession of any.

21 Q. Okay. Can you double-check on that and let us
22 know if that's --

23 A. I can.

24 Q. -- if that's correct?

25 A. I can.

1 Q. Okay. Looks like the next report, May 10th,
2 provides DNA results?

3 A. Correct.

4 Q. And also indication on reports from Collier
5 County had been received?

6 A. Correct.

7 Q. Do you know if Alicia Craig, is that someone
8 who worked for the Collier County's Sheriff's Office?

9 A. Yes, she was a forensic tech.

10 Q. Did you actually talk to her or meet her?

11 A. I met her on scene in the area of Loop Road.

12 Q. Okay. What's the next report after that last
13 report?

14 A. I have one dated 5/11. That's the report from
15 Alicia Craig.

16 Q. Right.

17 A. Next one I have is -- let me see here -- May
18 30th.

19 Q. May 30th?

20 A. Yep.

21 Q. I see it. Okay.

22 Okay. And that's the -- what is the video
23 referenced in here?

24 A. The Collier County landfill. So this would
25 have been the truck that picked up the dumpster at 41

1 and Loop Road. And this was that truck arriving at the
2 Collier County landfill for the first time after picking
3 up that dumpster.

4 Q. Okay. I think I asked you the last time we
5 started these depositions if you had reviewed all your reports
6 and that they were complete and accurate?

7 A. I believe you asked that.

8 Q. Okay. Well, just to make sure, did you review
9 all your reports for accuracy and completeness?

10 A. I have.

11 Q. Okay. And in doing so, did you -- did they
12 appear to you to be accurate?

13 A. Yes.

14 Q. And did they appear to be complete? I know
15 we've had some discussion about the casing that wasn't
16 referenced, but other than that, did they appear to be
17 complete?

18 A. Yes.

19 Q. It looks like the next report, which is the
20 June 13th report, details the returns on some subpoenas
21 that you had sent out primarily for financial records?

22 A. Correct.

23 Q. And then some additional information from
24 Mr. Montgomery, bottom of page 287, based on the
25 documentation?

1 A. I'm sorry?

2 Q. The bottom of 287, is that based on your review
3 of the documentation or is that based on Michael
4 Montgomery telling you that it appears that those were
5 auto pays for the transactions after March 21st?

6 A. From my review of the documents, it appears
7 that they were auto payments.

8 Q. Okay. And then there was -- you received a
9 report -- a report -- K-9 report it looks like?

10 A. Yes.

11 Q. And that was uploaded as well to the evidence?

12 A. Either evidence.com or LPD records as report
13 attachments.

14 Q. Okay. Is the next report page 290?

15 A. Yes.

16 Q. Again, detailing, again, additional subpoena
17 returns?

18 A. Correct.

19 Q. July 7, 2023, additional subpoena return?

20 A. Yes.

21 Q. 292?

22 A. Yes.

23 Q. July 24th, same thing, subpoena returns?

24 A. Correct.

25 Q. August 1st details your interviews of Dennis

1 Carrion and Patrick Atkinson --

2 A. Yes.

3 Q. -- whose fingerprints were located?

4 A. Yes.

5 Q. And I think I've asked you before, but is it
6 fair for me to assume that if statements from these
7 witnesses are not in quotation marks it's a summary of
8 what they said, and if it's in quotation marks it's a
9 direct quote?

10 A. Correct.

11 Q. Page 298, August 22nd, "I completed a LIMS
12 request." What is that?

13 A. It's a -- LIMS is the -- LIMS is the request
14 portal we use with the Pinellas County forensics lab.

15 Q. Okay.

16 A. So it's essentially submitting the paperwork to
17 request an analysis.

18 Q. Okay. Is that something you did on your own or
19 in consultation with the State Attorney's Office?

20 A. I believe on my own. I don't recall discussing
21 that with anybody else.

22 Q. Okay. Then on page 299 you reviewed written
23 statements from Michael Montgomery?

24 A. Correct.

25 Q. The car that was believed to be missing

1 initially?

2 A. Correct.

3 Q. Okay. And then on August 23rd, request from
4 the State Attorney's Office?

5 A. Yes.

6 Q. What's the next report, if any? Let me see
7 here.

8 A. The next you have, that was August 22nd and
9 23rd.

10 Q. Right.

11 A. September 12th, page 309.

12 Q. All right. All right. That's when you
13 unloaded the copies of --

14 A. Four BOLOs, it says. Yes.

15 Q. Did we determine that it's four or that it's --
16 or that it was three?

17 A. I recall discussing it and just uploading what
18 I had.

19 Q. Right.

20 A. I think one was just a copy.

21 Q. Okay. I believe that there was three, not
22 four.

23 A. Yes, I believe so.

24 Q. Okay. And then there was the A. Riley
25 recording that was inadvertently unloaded?

1 A. Yes, correct.

2 Q. It was about a completely unrelated matter?

3 A. Correct.

4 Q. Then October 6th, Edward Jarzemboski. He's
5 another one whose fingerprint was located; right?

6 A. Correct.

7 Q. And same day additional review of financial
8 records for Cozzi?

9 A. Yes.

10 Q. Why are you looking at his financial records at
11 that point?

12 A. So it's to determine if there's anything that's
13 happening with his account. That's further
14 investigating of any sign of life.

15 Q. Okay. All right. Then the next one is
16 October 17th, and basically says that blood was not
17 indicated on -- from the ballistic Items 32 and 33?

18 A. Blood was not indicated on Item 32 and blood
19 was indicated on Item 33.

20 Q. Blood was indicated on Item 33. I apologize.

21 MR. BRUNVAND: Nathan, I think we're really
22 close. I can tell you, I have Judge Coleman and his
23 counsel waiting. Shall we pause for a moment and
24 then --

25 MR. VONDERHEIDE: Yeah, we probably should take

1 him because we've got to be done at 1:45. I don't
2 think you're going to get a second crack at him.

3 MR. BRUNVAND: At him.

4 MR. VONDERHEIDE: Yeah, him.

5 Bolton, you want to finish after we're done
6 with that one?

7 THE WITNESS: I'm sorry?

8 MR. BRUNVAND: Are you available when we're
9 done with Coleman to come back and finish up?

10 THE WITNESS: About 1:45?

11 MR. BRUNVAND: Yeah, probably. I don't even
12 know if it's going to take that long, personally.

13 MR. VONDERHEIDE: We got the Lucidi family
14 that's going to be at 2:00.

15 (The deposition was recessed from 1:00 p.m. to
16 3:02 p.m.)

17 BY MR. BRUNVAND:

18 Q. Okay. We're back on.

19 So it looks like the next report is on
20 page 313. It's an October 17th, 2023 report. Again,
21 it's a subpoena response from Macy's financial records?

22 A. Correct.

23 Q. And then the next one on October 18th is a
24 response from Synchrony, Rooms To Go?

25 A. Correct.

1 Q. And then some indications about some other
2 inquiries you made regarding his financial records?

3 A. Correct.

4 Q. Okay. And then the next page, is that part of
5 the same report? Is that a different October 30, 2023
6 and October 31, 2023, and just additional information
7 about financial records; right?

8 A. Correct.

9 Q. And same on November 17th and November 21st?
10 Really nothing to add other than what's in the report;
11 is that fair?

12 A. That's fair.

13 Q. All right. Okay. Then on December 7th, 2023,
14 received a request from ASA Vonderheide regarding the
15 body search warrant and returns, and those were
16 uploaded.

17 Then you meet with Jim Swain. He indicates
18 that the business that Patrick Atkinson worked for had
19 not serviced 1501 South Belcher Road?

20 A. Correct.

21 Q. How is that relevant? Is that relevant to the
22 investigation?

23 A. Atkinson's latent fingerprints had been
24 located.

25 Q. Right.

1 Did Atkinson make any statements about having
2 been to that location?

3 A. He couldn't recall specifically, but he said he
4 would often visit and try to offer, you know, free
5 estimates or, you know, free inspections as part of his
6 routes and business.

7 Q. Okay.

8 A. We just didn't have it listed as a current or
9 past client.

10 Q. Okay. Later you reached out to Construction
11 Contractor Services regarding Edward Jarzembowski?

12 A. Correct.

13 Q. And it's just to corroborate statements that he
14 had made to you; is that accurate?

15 A. That's accurate.

16 Q. What's this thing about the image verification
17 request and metadata?

18 A. Certification from Flock of those -- of the
19 images that had previously been submitted and reviewed
20 by us.

21 Q. Okay. And so, those images would be sent with
22 you with -- in a digital format, I assume?

23 A. Yes.

24 Q. And the next item is March 27th of this year.
25 And that appears to be Mr. Vonderheide is sending you an

1 email with an attachment that includes call detail
2 information for conference calls related to Case
3 Number 19-003057-CI?

4 A. Correct.

5 Q. Mr. Vonderheide is helping out in the
6 investigation in that report?

7 A. It would seem that, if I recall right, he was
8 discussing with the court's recording services.

9 Q. Right. Right.

10 Okay. Is that -- are there any other reports
11 that you have prepared in this case?

12 A. No. No.

13 Q. Anything else that you have done in this case
14 of any potential evidentiary significance that we have
15 not discussed?

16 A. I sent off recently, and it's still in process,
17 just a supplement submitted, but I'll give you that
18 information. I tried to meet with Rene Moreno of --
19 what's the name of the security company?

20 MR. VONDERHEIDE: Ironshield?

21 THE WITNESS: Ironshield, yeah. Thank you. I
22 met with Rene Moreno with Ironshield Security. I'm
23 trying to get documents from him. And we were
24 trying -- we had gone to 1501 Belcher to retrieve
25 the -- to retrieve the security computer system to

1 try and validate or further validate the alarm log
2 times that Blanchard had previously provided us, but
3 he was unsuccessful. He was able to remove the
4 computer hardware, but was unable to get the data
5 from the device itself.

6 Rocket Mortgage has sent documents indicating
7 that they have no documents responsive to the
8 subpoenas that were sent to them. And that account
9 of Cozzi's was listed as closed on his credit
10 report.

11 And then I've sent two other swabs from the
12 bathroom at 1501 Belcher to PCFL. And I've been
13 talking to Vigilant and Motorola trying to get
14 certifications of images from their LPR systems.

15 BY MR. BRUNVAND:

16 Q. Anything else?

17 A. I've located a recording of that second
18 conversation with Michael Montgomery and submitted that.
19 I guess that was an oversight and previously hadn't been
20 submitted, but that was submitted about a month ago.

21 Q. Okay. Does that conclude everything you've
22 done to date?

23 A. To date, yes, sir.

24 Q. Okay. And then if you do additional work as we
25 prepare for trial, we may have to see you one more time

1 for a final deposition.

2 A. Right. Right. I understand.

3 MR. BRUNVAND: I appreciate it. I don't have
4 any other questions. I don't know if Nathan has any
5 questions.

6 MR. VONDERHEIDE: Just one thing with the
7 Detective Bolton, you already got all the stuff from
8 Miami and Collier County, but I'm going to have him
9 come get a zip drive from me to put all that stuff
10 in evidence.com. So that will be an additional
11 report that will probably be created.

12 MR. BRUNVAND: Okay.

13 MR. VONDERHEIDE: It's stuff you already got.
14 It's not in evidence.com.

15 THE WITNESS: I'm going to go get it into
16 evidence.com.

17 MR. BRUNVAND: What about, I don't get updates
18 on evidence.com, so, I mean --

19 MR. VONDERHEIDE: I'll reauthorize -- we'll
20 see.

21 Colin, can you reauthorize the link for -- I
22 think you have to do it every 90 days, 'cause I
23 haven't gotten any updates recently either. Can you
24 see if your records people can give Bjorn
25 authorization?

1 THE WITNESS: Yep. I'll look into that. We'll
2 figure it out.

3 MR. BRUNVAND: Okay. Thank you so much.

4 MR. VONDERHEIDE: If you can make it in
5 perpetuity that would be great, but if it's only
6 90 days, give him 90 days.

7 THE WITNESS: Yeah. I'll see what we can do.

8 MR. VONDERHEIDE: Okay. I have no further
9 questions.

10 BY MR. BRUNVAND:

11 Q. Only thing would I ask him, then, have you been
12 asked to try to assist Mr. Vonderheide in locating the
13 return -- the search warrant return in Miami for -- I
14 think -- are we missing it for both houses in Miami? I
15 can't remember if it's just one of them we were missing.
16 I think both.

17 A. I was asked, and that's not anything I have in
18 my files.

19 Q. Okay. Maybe -- maybe, I mean, do you think
20 contacting your friends in Miami might assist, or...

21 A. I believe we tried. The last I spoke to them,
22 they directed us to Miami's clerk of the Court.

23 MR. BRUNVAND: Okay. All right. You want to
24 read or waive?

25 THE WITNESS: Read, please. I can get a copy

1 of it later.

2 MR. BRUNVAND: Yep. Absolutely. I'm going to
3 stop the recording.

4 (At 3:13 p.m., no further questions were
5 propounded to this witness.)
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ERRATA SHEET

IN RE: STATE OF FLORIDA vs. TOMASZ KOSOWSKI
DEPOSITION OF: DETECTIVE COLIN BOLTON
TAKEN: 07/10/2024

DO NOT WRITE ON TRANSCRIPT - ENTER CHANGES HERE

Please sign, date, and return this sheet to our office.
If additional lines are required for corrections,
attach additional sheets.

At the time of the reading and signing of the
deposition the following changes were noted:

Page	LINE	CORRECTION	REASON
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Under penalty of perjury, I declare that I have read my
deposition and that it is true and correct subject to
any changes in form or substance entered here.

SIGNATURE OF DEPONENT: _____

DATE: _____

CERTIFICATE OF OATH

STATE OF FLORIDA
COUNTY OF PINELLAS

I, Lori A. Seiden, RPR, FPR-C, Notary Public,
State of Florida, certify that DETECTIVE COLIN BOLTON
virtually appeared before me on the 10th day of
July, 2024, and was duly sworn.

WITNESS my hand this 14th day of January, 2025.

Lori A. Seiden



Lori A. Seiden, RPR, FPR-C
Notary Public - State of Florida
My Commission No.: HH 226917
My Commission Expires: June 6, 2026

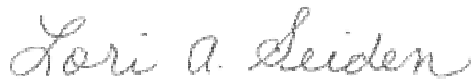
1 CERTIFICATE OF REPORTER

2
3 STATE OF FLORIDA4 COUNTY OF PINELLAS
5

6 I, Lori A. Seiden, RPR, FPR-C, do hereby certify
7 that I was authorized to and did stenographically
8 report the foregoing deposition of DETECTIVE COLIN
9 BOLTON; that a review of the transcript was requested;
10 and that the foregoing transcript is a true and
11 complete record of my stenographic notes.

12 I further certify that I am not a relative,
13 employee, attorney or counsel of any of the parties,
14 nor am I a relative or employee of any of the parties'
15 attorneys or counsel connected with the action, nor am
16 I financially interested in the action.

17
18 Dated this 14th day of January, 2025.

19
20 

21 _____
22 Lori A. Seiden, RPR, FPR-C
23
24
25

1 January 14, 2025

2
3
4 DETECTIVE COLIN BOLTON
5 Largo Police Department
6 201 Highland Avenue
7 Largo, Florida 33770

8 Dear Detective Bolton:

9 Your deposition taken in the case of State of
10 Florida vs. Tomasz Kosowski on July 10, 2024, has been
11 transcribed. Per your request to review the
12 transcript, it is being held at our office at 728 South
13 New York Avenue, Lakeland, Florida, until February 14,
14 2025.

15 Please call (863) 682-8737 to make arrangements to
16 do this during our regular business hours of 8:30 a.m.
17 to 5:00 p.m.

18 Thank you for your prompt attention to this matter.

19 Sincerely,

20 *Lori A. Seiden*
21

22
23 Lori A. Seiden, RPR, FPR-C
24
25