

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

STATE OF FLORIDA,

Plaintiff,

vs.

Case No.: 2023-02935-CF

TOMASZ KOSOWSKI,

Defendant.

\_\_\_\_\_/

VIRTUAL DEPOSITION OF PATRICK ATKINSON

DATE TAKEN: AUGUST 1, 2024

TIME: 2:36 p.m. - 2:53 p.m.

Examination of the witness taken virtually before:

Tammy Kelley

Verbatim Court Reporting, Inc.  
728 S. New York Avenue, Lakeland, FL 33815 863-500-3603

APPEARANCES

Counsel for the Plaintiff:

NATHAN VONDERHEIDE, Esquire  
ALEXANDRA SPADARO, Esquire  
Office of State Attorney  
Post Office Box 17500  
Clearwater, Florida 33762-0500

Counsel for the Defendant:

WILLENGY W. RAMOS WICKS, Esquire  
BJORN BRUNVAND, Esquire  
Brunvand & Wise, P.A.  
615 Turner Street  
Clearwater, Florida 33756

I N D E X

AUGUST 1, 2024

WITNESS

Called by the Defendant:

PATRICK ATKINSON

DIRECT EXAMINATION BY MS. RAMOS WICKS..... 4

DIRECT EXAMINATION BY MR. BRUNVAND..... 16

CROSS-EXAMINATION BY MR. VONDERHEIDE..... 18

CERTIFICATE OF OATH..... 20

CERTIFICATE OF REPORTER..... 21

1 THE COURT REPORTER: Would you raise your  
2 right hand, please. Do you swear or affirm the  
3 testimony you shall give in this cause shall be  
4 the truth, the whole truth, and nothing but the  
5 truth?

6 THE WITNESS: I do.

7 PATRICK ATKINSON, called as a witness by  
8 the Defendant, having been virtually duly  
9 sworn, testified as follows telephonically:

10 DIRECT EXAMINATION

11 BY MS. RAMOS WICKS:

12 Q Good afternoon, Mr. Atkinson. Before we get  
13 started, I just wanted to let you know that this  
14 deposition is gonna be recorded on audio and video.

15 Do you consent to being recorded on audio  
16 and video for this deposition?

17 A I do.

18 Q Okay. So I'm gonna go ahead and get started.  
19 Okay?

20 A Okay.

21 Q All right. So, Mr. Atkinson, my name is  
22 Willengy Ramos Wicks. I'm an associate attorney at  
23 Brunvand Wise, P.A. Along with myself is also Bjorn  
24 Brunvand. He's my boss and partner in the firm. He is  
25 the lead attorney on this case. And we're both defense

1 attorneys. We represent Tomasz Kosowski in this case.

2 Okay?

3 A Okay.

4 Q All right. Along with us two defense  
5 attorneys, is also the state attorney. His name is  
6 Nathan Vonderheide. He's the lead attorney on the case  
7 on behalf of the State of Florida.

8 A Okay.

9 Q And finally and, you know, last but not  
10 least, we have Tammy Kelley who is our court reporter  
11 and she's going to be taking a record of this  
12 proceeding this afternoon. Okay?

13 A Okay.

14 Q All right. So the reason why you're here on  
15 Zoom this afternoon is because you are a witness for  
16 the State of Florida. So that means that you have some  
17 involvement in the case, you saw, you heard, or you  
18 know something that you could potentially testify to at  
19 trial.

20 And the point of doing a deposition is to  
21 give defense attorneys an opportunity to ask you  
22 questions in preparation for trial. Okay?

23 A Okay.

24 Q Okay. And so in doing a deposition, it's  
25 going to be a question-answer format. I try to make it

1 very conversational. I'm not here to put you on the  
2 spot, embarrass you, you know, cause you any undue  
3 stress or inconvenience. The only thing I want to know  
4 is what you know. Okay?

5 A Okay.

6 Q And so in answering the questions, I just  
7 ask, you know, witnesses to keep a couple of guidelines  
8 in mind. The first is, you know, you can answer the  
9 questions however you want, but just please answer  
10 verbally.

11 Because any nonverbal behavior like  
12 nodding your head or shaking your head I might not  
13 see, Tammy might not see that, and then we won't be  
14 able to make it part of the record. Okay?

15 A Okay.

16 Q And the second thing I ask you to do is, you  
17 know, there may come a point in this deposition where  
18 you just respond to an answer with a yes or a no -- a  
19 question with a yes or a no answer. So in that case I  
20 would just ask that you say yes or no out loud.

21 I know in our normal speech patterns we  
22 say um-hum, or hm-hmm, but Ms. Kelley may not be  
23 able to distinguish if that's a yes or a no. And I  
24 want to make sure that your answers are very clear  
25 for the record. Okay?

1 A Okay.

2 Q All right. So we're going to go ahead and  
3 get started. Can you please state your name and spell  
4 your last name for the record.

5 A Patrick Atkinson, A-t-k-i-n-s-o-n.

6 Q And, Mr. Atkinson, what city and state do you  
7 live in?

8 A Tampa, Florida.

9 Q All right. How long have you lived in Tampa,  
10 Florida?

11 A 2011. So thirteen years.

12 Q Okay. And are you currently employed?

13 A Yes.

14 Q All right. And what do you do for work?

15 A I'm a server at Cracker Barrel.

16 Q Okay. So how long have you been a server for  
17 Cracker Barrel?

18 A Less than a week.

19 Q Okay. So pretty new to the job?

20 A Yeah.

21 Q Where did you work at before Cracker Barrel?

22 A Sushi Alive, a restaurant in Westchase.

23 Q Okay. And how long did you work at Sushi  
24 Alive?

25 A Fours years.

1           Q     So prior to, you know, working in the  
2 restaurant industry, which is, you know, I see, like,  
3 what your most recent experience is, did you work for a  
4 company called Safer Home Services at some point  
5 through 2019?

6           A     Yes, I did.

7           Q     Okay. And what was your position at Safer  
8 Home Services?

9           A     Sales technician.

10          Q     All right. And what does a sales technician  
11 do?

12          A     Drives to potential clients. I meet with a  
13 client, do a full inspection, propose treatment, and  
14 then do the treatment.

15                 In addition to going to the client's  
16 location, I cloverleaf. Which is go around the  
17 surrounding homes and businesses and invite to do  
18 inspections for them and try to get new clients that  
19 way.

20          Q     Okay. And so, like, what kind of company is  
21 Safer Home Services? Is it like -- because you said  
22 inspections.

23          A     Pest control.

24          Q     Oh, pest control?

25          A     Yeah. So we want to do reactive pest control



1 and we want to do preemptive pest control. Like  
2 termite treatments, attic treatments, stuff before  
3 there's a problem.

4 So you can sell a range of services, both  
5 services you'll need for future, like, safety and solve  
6 existing problems right away.

7 Q Okay. And so, like, in connection with your  
8 duties, you know, did you visit businesses as well and  
9 offer pest control services?

10 A All the time.

11 Q Okay. And so how were those interactions  
12 with the businesses pretty much the same as the private  
13 residences?

14 A More or less, yeah. The same process. You  
15 meet with the representative. You offer to do a full  
16 inspection where you go through every area in the  
17 place. You're checking everything in there from attics  
18 to crawl spaces to electrical boxes, everywhere in the  
19 whole location.

20 And sometimes they take you up on services,  
21 they employ us. Other times they just say we're not  
22 interested now. Sometimes you do an inspection and  
23 leave. Other times you'll do an inspection and they'll  
24 hire you.

25 Q Okay. And you indicated that you held this

1 position with Safer Home Services like through 2019.

2 So like two-and-a-half to three years?

3 A Yeah. The dates here I put from August 2018  
4 to May 2021.

5 Q Okay. To May of 2021?

6 A Yeah.

7 Q Okay. And so were you working, like, in the  
8 Tampa Bay area? Was that, like, the area that you  
9 were --

10 A Greater Tampa Bay. So all --

11 Q Greater Tampa Bay.

12 A -- all of Tampa. Sometimes outside of it,  
13 sometimes St. Pete, sometimes Spring Hill, sometimes  
14 Pasco. Wherever I thought I could solve a problem that  
15 I could drive to and come back in a day.

16 So basically Hillsborough primarily, but we  
17 venture out to Pasco, Pinellas, whatever's around if  
18 you got a problem.

19 Q Okay. And so, like, in your travels, you  
20 know, in connection with your job duties, like, did you  
21 have -- you said St. Pete. You know, you've been to  
22 St. Pete. Like have you been to Largo before in  
23 visiting clients?

24 A Hundred percent, yeah.

25 Q Okay. And I'm gonna list an address

1 specifically. 1501 South Belcher Road in Largo. Do  
2 you recall going to this particular address?

3 A I mean I went to 40 houses a day for -- and  
4 businesses for over four years. So I would be very  
5 hard pressed to give you an exact yes or no.

6 But I believe I had spoke with a police  
7 officer about this before. So I told them that it's  
8 definitely in the range of possibility that I did an  
9 inspection there.

10 I know they said they contacted my employer  
11 and he said they didn't hire, that location didn't hire  
12 us for services. But doesn't negate the fact that I  
13 may have done an inspection there at some point and  
14 been in the residence or whatever and left a  
15 fingerprint somewhere in the area. If that's what  
16 you're --

17 Q Well, yeah, that's what I'm kind of honing in  
18 on. I'm sorry. I appreciate you kind just nailing it  
19 right there.

20 But I wanted to know like generally, like,  
21 when you do an inspection at a business, right,  
22 like, what areas are you having access to in  
23 connection with that inspection?

24 A The whole building.

25 Q The whole building. Okay. So --

1           A     The attic, the crawl spaces. I'm looking in  
2 every single room. I'm opening every closet, every  
3 electrical box, everything. Because I want to see if  
4 there's any pests or issues in there. And anywhere  
5 wires run through a building, ants or bugs could crawl  
6 through there. Termites could use that as a conduit to  
7 get in.

8                     So there's really nowhere that's off limits  
9 or out of bounds unless it's somewhere with restricted  
10 areas they don't want me to enter.

11          Q     Okay. And so does that include, like,  
12 electrical rooms or, you know, like rooms that --

13          A     Yeah. It sure would. I would want to look  
14 in every single room within your business. Because if  
15 you got a pest, problem how do I know they're not  
16 coming in through the electrical lines or something in  
17 that room.

18          Q     Right. And you said that you left Safer Home  
19 Services in 2021. So, like, sometime between 2018 and  
20 2021 you may have visited this location at 1501 South  
21 Belcher Road in Largo?

22          A     I don't remember specifically, but it's  
23 100-percent possible.

24          Q     Okay. And you said that you spoke with law  
25 enforcement. Like, can you tell me about that. Like,

1    how did the police contact you in relation to their  
2    investigation?

3           A     I was told that my fingerprint showed up at a  
4    crime scene. And they didn't give me much information  
5    at first. Eventually they told me there was a murder  
6    at that location and they're trying to identify every  
7    person whose fingerprints were at that location.

8           So I gave him -- I told him the same thing I  
9    told you. Six months later he was like would you go in  
10   to testify about that. I was like, well, if I have to,  
11   yeah, I don't care. I was like it's definitely a  
12   possibility that I was there because my fingerprint's  
13   there and I did a job that required me entering lots of  
14   different locations within the area within the  
15   timeframe.

16           So he contacted me once more and I told him  
17   the same thing. And then I got a letter in the mail  
18   maybe a week-and-a-half ago getting subpoenaed over the  
19   same thing.

20           Q     Yes, sir. Okay. In telling you that, you  
21   know, a murder had occurred in that office building,  
22   did, you know, the police officer or detective give you  
23   any details about that alleged murder?

24           A     No. No, they said it was -- they didn't even  
25   tell me it was a murder at first. I think I eventually

1 learned that. But they told me there was a crime that  
2 was committed and my fingerprints were at the crime  
3 scene. And I think at some point they told me there  
4 was a murder there.

5 But they didn't tell me names. They didn't  
6 give me any details or anything at all.

7 Q All right.

8 A I asked if I was a suspect and he said you're  
9 not a suspect at this time. I was like, okay, good.  
10 Because I didn't kill anybody, so.

11 Q Understood. And so, like, did you have,  
12 like, an in-person interview with law enforcement or  
13 was this by phone?

14 A In person.

15 Q In person. Okay. And --

16 A He met me at the Starbucks near my house. I  
17 believe it was a Largo police officer. But I don't  
18 100-percent know that. I think he was.

19 Q Okay. And so in having that conversation  
20 with that Largo police officer, like, did you provide a  
21 written statement about, you know, what your potential  
22 involvement was?

23 A I think he recorded it, but I'm not  
24 100-percent sure. He asked me a bunch of questions, I  
25 answered them, he wrote stuff down, and then he said if

1 I need anything more I'll contact you again is how I  
2 think it played out.

3 I possibly could have wrote something down on  
4 the same lines I told you, but I don't specifically  
5 remember. This wasn't recent. This was like a year,  
6 year-and-a-half ago if I recall too.

7 Q Understood. Did you have any follow-up  
8 contact, like did they follow up with you and tell you  
9 that they needed something else?

10 A He called me once more and asked me to recap  
11 what I told him and I basically told him the same thing  
12 again and he said if I need you I'll contact you again.  
13 Which I thought was odd, but whatever. I get police  
14 work, you know. You want to call and verify the story,  
15 make sure no details change, whatever.

16 I don't know what's going on on their end.  
17 Maybe they're still looking for who did it. I don't  
18 know. I'm not able to speculate on that.

19 Q Okay. So, you know, to your knowledge, as we  
20 sit here, you don't know anything that might -- may  
21 have happened, like may have occurred in the  
22 investigation from your point of contact with law  
23 enforcement?

24 A No, not at all.

25 Q Okay.

1           A     I didn't get any updates, any details. As  
2 far as I know, someone was killed and my fingerprint  
3 showed up on scene during a time when I was working in  
4 pest control and I could have easily touched something  
5 in that area.

6           Q     Okay. Let me just ask. Like you typically  
7 don't -- do you typically, like, don't wear gloves when  
8 you're conducting inspections, right?

9           A     No. I usually only wore gloves when I was  
10 dealing with, like, chemicals and stuff that would be  
11 hazardous to me. I normally don't wear gloves, no.

12           MS. RAMOS WICKS: Okay, I don't have further  
13 questions. I'll check in with Mr. Brunvand to  
14 see if he has any questions.

15           THE WITNESS: Okay. I'll wait here.

16           MR. BRUNVAND: Just a couple.

17                     DIRECT EXAMINATION

18 BY MR. BRUNVAND:

19           Q     In March of 2023, where were you working?

20           A     March 2023, I was working at Sushi Alive in  
21 West Chase.

22           Q     Okay. And specifically do you know whether  
23 or not you were working on March 21st, 2023?

24           A     No, I don't know. What day of the week would  
25 that be?



1 Q I can't recall.

2 A I mean if you give me the day, I kind of know  
3 my schedule.

4 Q What were your -- the days that you were  
5 working in March of 2023?

6 A It would probably be -- I usually worked  
7 doubles when I worked there. So it would be from 11:00  
8 in the morning until maybe 2:00 in the afternoon. I'd  
9 go on break until 4:00, run across the street to my  
10 house to eat lunch. And then I'd work from 4:30 until  
11 about 11:00, maybe 12:00.

12 Q And would it be the same days each week or  
13 would it be different days?

14 A I worked usually the same days each week.  
15 That's why I was asking what day of the week it was. I  
16 had Sundays off. So if it was a Sunday, I had it off.  
17 If it was another day of the week, I was probably  
18 working.

19 Q Okay. Were you in Largo in Pinellas County  
20 during that time period?

21 A No. I was -- I usually don't go down that  
22 way. The only time I know I would be down there is  
23 when I was working at Safer Home Services up until  
24 about May of 2021.

25 Q Okay. Did you ever have any type of facial

1 hair?

2 A No. I've always been clean-shaven.

3 MR. BRUNVAND: Okay, those are all the  
4 questions I have. Thank you so much.

5 CROSS-EXAMINATION

6 BY MR. VONDERHEIDE:

7 Q If March 21st was a Tuesday, would you likely  
8 be at work that day?

9 A Yes. And more than likely I would have -- I  
10 worked Tuesdays. My days off are traditionally Sunday,  
11 Monday. That's why I was asking.

12 Q How often do you think you were going to  
13 Pinellas County at the time of last year, like  
14 March 2023?

15 A Never really. Almost never. I mean I have a  
16 family. So I mean maybe there is a birthday party at  
17 some point. But I don't really have any reason to be  
18 down in Pinellas County for stuff. I live out here in  
19 West Tampa.

20 MR. VONDERHEIDE: I don't have any further  
21 questions. Thank you, Mr. Atkinson.

22 THE WITNESS: Thank you.

23 MS. RAMOS WICKS: All right, Mr. Atkinson,  
24 I'm going to stop the recorded.

25 THE WITNESS: Okay.

1 MS. RAMOS WICKS: Mr. Atkinson, you do have  
2 an opportunity as a witness to take a sneak peek  
3 of your deposition. So what that means is you  
4 have the right to read a copy of your deposition,  
5 see if there's any errors in the transcription.

6 Any mistakes that are noted will be made  
7 part of what's called an errata sheet. And  
8 that's not gonna change the deposition, but it  
9 will be recorded on the errata sheet.

10 So you have an opportunity to read or you  
11 can waive a reading of that deposition.

12 THE WITNESS: I'll waive that. I feel  
13 confident in everything we've spoken about. I  
14 haven't -- like I had told you, the only time  
15 that I knew I was down there, when I was working  
16 at that job. Other than that, I can't imagine  
17 anything not being accurate.

18 MS. RAMOS WICKS: Okay. All right, thank  
19 you, Mr. Atkinson. I don't have anything  
20 further. I appreciate you attending this  
21 deposition this afternoon.

22 (The deposition was concluded at 2:53  
23 p.m.)  
24  
25

CERTIFICATE OF OATH

STATE OF FLORIDA     )  
COUNTY OF POLK       )

I, the undersigned authority, certify that  
PATRICK ATKINSON, virtually appeared before me and was duly  
sworn.

WITNESS my hand and official seal this 17th  
day of December 2024.

TAMMY KELLEY  
NOTARY PUBLIC - STATE OF FLORIDA  
MY COMMISSION NO. HH 216644  
EXPIRES: 02/07/26



## 1 REPORTER'S DEPOSITION CERTIFICATE

2  
3 STATE OF FLORIDA )4 COUNTY OF POLK )  
5

6 I, TAMMY KELLEY, certify that I was authorized to  
7 and did stenographically report the virtual deposition of  
8 PATRICK ATKINSON, that a view of the transcript was not  
9 requested and that the transcript is a true and complete  
10 record of my stenographic notes.

11 I further certify that I am not a relative,  
12 employee, attorney or counsel of any of the parties,  
13 nor am I a relative or employee of any of the  
14 parties, nor am I a relative of any of the parties'  
15 attorney or counsel connected with the action, nor  
16 am I financially interested in the action.

17 DATED this 17th day of December 2024.

18   
19

20 TAMMY KELLEY  
21  
22  
23  
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