

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 SHAWN CHENEY

DATE TAKEN: MARCH 7, 2024

TIME: 3:43 p.m. - 3:58 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:

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

I N D E X

MARCH 7, 2024

WITNESS

Called by the Defendant:

SHAWN CHENEY

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ERRATA SHEET..... 15

CERTIFICATE OF OATH..... 16

CERTIFICATE OF REPORTER..... 17

SIGNATURE LETTER..... 18

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: Yes, I do.

7 SHAWN CHENEY, called as a witness by the
8 Defendant, having been virtually duly sworn,
9 testified as follows:

10 DIRECT EXAMINATION

11 BY MR. BRUNVAND:

12 Q All right. My name is Bjorn Brunvand.
13 Along with Willengy Ramos Wicks, we represent Tomasz
14 Kosowski. Also present is Mr. Vonderheide and
15 Ms. Spadaro from the State Attorney's Office.

16 Officer, if you could -- Sergeant, I
17 should say. If you can please state your full name.

18 A Sergeant Shawn, S-h-a-w-n, Cheney,
19 C-h-e-n-e-y.

20 Q And could you tell us a little bit about
21 your background and how long you've worked with
22 Largo Police Department.

23 A Just a little background. I've been with
24 Largo Police Department for 13 years now. Worked
25 about the first five years in patrol. After that I

1 left and did the street crimes unit for a little
2 bit. I was a property crimes detective for about a
3 year-and-a-half, a crimes against persons detective
4 for about another year-and-a-half, and about a
5 year-and-a-half ago I was promoted to sergeant and
6 currently working on day shift patrol. Also team
7 leader on our SWAT team.

8 Q All right. Did you prepare any reports
9 detailing your involvement in this case?

10 A I did. I did a supplement to the original
11 report.

12 Q Okay. And so I have one-page supplement
13 that says page 75 on it. I realize your page number
14 may be different. And it starts out, On March 23rd,
15 2023, I was informed by Largo Police Department
16 investigative service division was working with the
17 Tarpon Springs Police Department and State
18 Attorney's Office in drafting a residential search
19 warrant for 511 Seaview Drive."

20 Does that sound like your supplemental
21 report?

22 A Yes, sir, that's correct.

23 Q Okay. Is it complete and accurate from
24 what you can tell?

25 A Yes.

1 Q All right. What is the time when you are
2 first informed that the Largo Police Department is
3 involved in this investigation on March 23rd?

4 A On March 23rd. I couldn't tell you the
5 exact time. I know it was dark. It was at least in
6 the evening. But when we got involved the sun had
7 already set. So sometime in the evening.

8 Q Sometime in the evening hours. Is there
9 anything, CAD notes or anything, that you can look
10 at to get a more specific time as to when you got
11 this initial call and this initial information?

12 A As far as CAD notes, no. There wouldn't
13 have been any actual call creator or generator that
14 would have a timestamp as far as when I would have
15 been notified.

16 Q How can, how can we figure out -- and
17 really what I'm particularly interested in is the
18 time when the search warrant was signed. And your
19 report indicates that a short time after you get
20 this initial information you were informed that the
21 warrant had been signed.

22 And so I'm trying to figure --

23 A Yeah. So just to kind of give you a
24 little insight on it. So I basically worked as a
25 part of the SWAT team element.

1 Q Right.

2 A I didn't really have any first-hand
3 knowledge or information about as to who was doing
4 the warrant, how it was being done, you know, judge,
5 any of that typical information. I wasn't privy to
6 any of that. It was basically a phone call of, hey,
7 the warrant has been signed.

8 And I was to the extent that we weren't
9 even the primary agency obviously conducting the
10 warrant. It was, you know, Tarpon Springs. We were
11 there just as a auxillary basically to help out.

12 Q So, understood. I'm still -- just because
13 of the language in your report, I'm still curious as
14 to whether or not there's any way that we can get
15 some more detail about when you're getting this
16 initial information.

17 Is there any other way that --

18 A So --

19 Q -- that you can?

20 A -- I can search on that date and see if I
21 have a call that was actually on that day --

22 Q Okay.

23 A -- to see if I can give you an actual --

24 Q Are you able to do that from where you're
25 sitting now?

1 A I'm doing it right now.

2 Q Beautiful.

3 A Just trying to see if we have a call that
4 was pulled. I don't know if we were working off of
5 Tarpon Springs actual channel. It could have
6 been -- let me see. So March 23rd. Let me do my
7 address real quick.

8 Q Okay.

9 A Yeah, so I don't see any calls at that
10 address from that evening through Largo's. And I
11 don't, I don't have access through Tarpon's. I'm
12 assuming a call was pulled through Tarpon and we
13 were just working off their channel and their CAD.
14 But I wouldn't have access to their exact dates and
15 times at this point.

16 Q So on your report there are -- there's
17 some times. It says date and time 3/29 1456 hour.
18 That's obviously not -- that must be when you
19 prepared the report. Right?

20 A As far as you see -- okay, yeah. So at
21 the very top you're talking?

22 Q Yeah, that's obviously not the right --

23 A Yes. That's the time the report is
24 actually submitted.

25 Q Okay.

1 A And then the supervisor reviewed.
2 Obviously that's when the supervisor reviewed the
3 actual physical report.

4 Q Okay, all right. So tell us, tell us what
5 your involvement was in this case.

6 A So I was basically contacted just to help
7 out Tarpon Springs SWAT team. They're a relatively
8 smaller team given the agency size.

9 And we were basically informed that the
10 residence was rather large, they didn't have enough
11 operators basically to have a perimeter on the
12 residence as well as serving the actual warrant
13 inside.

14 So they asked if we could assist. So I
15 basically assisted as a perimeter unit just for
16 containment, just kind of, you know, provide some
17 safety around the residence.

18 When we responded to the scene, I
19 essentially walked up the south side of the
20 residence in the back yard, so the west side, near
21 the pool and basically just stood in the back yard
22 while they served the physical warrant.

23 Q Okay. So prior, prior to that are you
24 part of a debriefing?

25 A Yep. So they basically provided a short

1 briefing of kind of the plan, little information
2 about the structure, the layout, obviously location.
3 Just kind of briefly what the operational plan was.

4 And, yeah, so that was a little bit before
5 actually serving the warrant.

6 Q During, during that debriefing, do you
7 recall who was providing the information to you?

8 A That I do not know. I don't know where
9 the information came. I don't know if it was
10 directly from Tarpon or if it was from our
11 investigative services division. I'm not sure
12 exactly where it came from.

13 Q Okay. Do you recall whether or not any
14 photographs were shared of the property that you
15 were going to?

16 A I do recall photographs but I -- of the
17 residence, but I couldn't give you specifics as to
18 what the photographs were.

19 Q Okay. Were you wearing any type of
20 recording device during the briefing?

21 A No. This was just prior. We had just
22 gotten kind of -- the body camera program had just
23 begun and they were kind of in the phase of issuing
24 them and we -- at the time I did not have them with
25 me.

Q Okay. Were you a team leader for, for the SWAT team or the tach team?

A Yes, I was. On this day, yes.

Q Okay. What does that mean?

A Just basically what it sounds like. There's twenty-two guys. We have two team leaders, two assistant team leaders, and then eighteen operators. We also have two commanders which are above the team leaders.

But essentially we make the calls for, you know, onsite as things transpire. We basically handle all those calls.

Q Okay.

A Kind of create the teams, and.

Q Do you recall seeing any maps of floor plans of 511 Seaview during the debriefing?

A I don't recall any floor plans or maps, no.

Q Do you recall seeing any photos of the back yard of 511 Seaview?

A I can't remember if there's a back. I remember a photograph of the front of the house. And I don't remember if there was an -- I want to say there was an aerial photograph just of like kind of where it was located. But I don't recall a back,

1 a back yard photograph.

2 Q Do you recall whether or not Detective
3 Bolton had any photos that he had taken with his
4 iPhone?

5 A That I don't know.

6 Q And so you take the perimeter on the
7 south -- that would be the southwest corner of the
8 property?

9 A Correct.

10 Q Okay. And how long are you there on that
11 perimeter location?

12 A I would say maybe five-ish minutes.

13 Q Okay. Just five minutes?

14 A Yeah. It wasn't, wasn't too long. It was
15 just enough time for them basically to search the
16 residence. Once they deemed it was safe and clear
17 we basically went back to the front and cleared.

18 Q Okay. So during a short time period when
19 the others are clearing the residence basically?

20 A Yes. Right.

21 Q Do you know who decided that -- to use the
22 SWAT team to enter 511 Seaview?

23 A That I do not.

24 Q Do you know whose decision that would be?

25 A I do not.

1 Q Was it reported during the debriefing that
2 Tom Kosowski was not expected to be at the
3 residence?

4 A That I do not recall.

5 Q Okay. Do you recall the name Tom
6 Kosowski?

7 A I do, yes.

8 Q And do you recall the time that the
9 debriefing was -- took place?

10 A It was in the evening time. I know it was
11 dark. But I do not know the exact -- I remember it
12 being pretty late. But I couldn't give you an exact
13 hour.

14 Q Okay. Do you recall whether or not any
15 BOLOs, printed-out BOLOs, were circulated during the
16 debriefing?

17 A That I do not recall seeing a BOLO.

18 Q Okay. Do you recall at any time seeing a
19 BOLO?

20 A I don't remember seeing a specific BOLO,
21 no.

22 Q Okay.

23 A Trying to think. Off the top of my head,
24 I don't remember -- recall seeing, you know.

25 Q Do you recall whether or not Detective

1 Bolton and Detective Hunt were present for the
2 debriefing?

3 A When you say debrief, do you mean prior to
4 executing the warrant?

5 Q Correct.

6 A I do not remember them being there. But I
7 couldn't give you 100 percent on that. But I don't
8 recall.

9 Q Do you remember them being in any
10 debriefing that you attended?

11 A No.

12 Q Okay. Anything else that you did in this
13 case?

14 A Nope. That was it.

15 MR. BRUNVAND: All righty. I don't have
16 other questions.

17 Does anyone else have any questions?

18 MR. VONDERHEIDE: No questions.

19 MS. SPADARO: No questions.

20 MR. BRUNVAND: Okay, very good.

21 If this is transcribed, would you like to
22 read or waive reading of the transcript?

23 THE WITNESS: I'll read.

24 (The deposition was concluded at 3:58

25 p.m.)

ERRATA SHEET

DO NOT WRITE ON TRANSCRIPT -- ENTER CHANGES HERE

IN RE: STATE OF FLORIDA VERSUS TOMASZ KOSOWSKI

DATE TAKEN: MARCH 7, 2024

REPORTER: TAMMY KELLEY

PAGE NO.	LINE NO.	CHANGE	REASON
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Under penalties 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.

SHAWN CHENEY

CERTIFICATE OF OATH

STATE OF FLORIDA)
COUNTY OF POLK)

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

WITNESS my hand and official seal this 30th
day of December 2024.

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



REPORTER'S DEPOSITION CERTIFICATE

STATE OF FLORIDA)

COUNTY OF POLK)

I, TAMMY KELLEY, certify that I was authorized to and did stenographically report the virtual deposition of SHAWN CHENEY, that a view of the transcript was requested and that the transcript is a true and complete record of my stenographic notes.

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

DATED this 30th day of December 2024.



TAMMY KELLEY

December 30, 2024

Mr. Shawn Cheney
scheney@largo.com

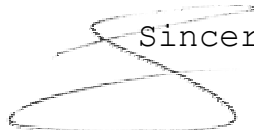
Dear Mr. Cheney:

Your deposition taken in State of Florida versus Tomasz Kosowski on March 7, 2024, has been transcribed. Per your request to review the transcript, it is being held at our office at 728 South New York Avenue, Lakeland, Florida.

Please call (863)500-3603 to make arrangements to do this during our regular business hours of 8:30 a.m. to 5:00 p.m.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Tammy Kelley', written over the word 'Sincerely,'.

Tammy Kelley