

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA

CASE NO.: 23-02935-CF

STATE OF FLORIDA,

Plaintiff,

vs.

TOMASZ KOSOWSKI,

Defendant.

VIDEOCONFERENCE

DEPOSITION OF: HONORABLE JUDGE SHERMAN COLEMAN

DATE TAKEN: July 10, 2024

TIME: 1:03 p.m. to 1:20 p.m.

PLACE: Via Zoom videoconference

STENOGRAPHICALLY REPORTED BY:

Lori A. Seiden, RPR, FPR-C

Notary Public, State of Florida at Large

Verbatim Court Reporting, Inc.
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Sherwood Coleman

C O N T E N T S

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EXHIBITS	NONE

1 The deposition of HONORABLE JUDGE SHERMAN COLEMAN
2 was taken pursuant to notice by counsel for the
3 Defendant on the 10th day of July, 2024, commencing at
4 1:03 p.m., via Zoom videoconference. Said deposition
5 was stenographically reported by Lori A. Seiden, RPR,
6 FPR-C, Notary Public, State of Florida at Large.

7 - - - - -

8 HONORABLE JUDGE SHERMAN COLEMAN,
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. My name is Bjorn Brunvand. I represent Tom
15 Kosowski. We're here on State of Florida vs. Tom
16 Kosowski.

17 If you can, please state your name.

18 A. Sherwood Coleman.

19 Q. And Judge Coleman, the reason that we have
20 scheduled your deposition is that you are the one who
21 signed off on a presumptive certificate of death as it
22 relates to Steven Cozzi. And we would like to find out
23 if that is, in fact, accurate, that you're the one that
24 signed off on it.

25 A. I believe that's correct. I have not reviewed

1 the case file or anything else, but I believe that to be
2 true.

3 Q. Okay. How does -- how does that come about?
4 What -- how does that work when you are asked to issue a
5 presumptive certificate of death?

6 A. There's a statute and then a related rule. I
7 cannot tell you the exact rule number, but it starts
8 with a five. I believe it's in Chapter 731 under the
9 statute. There are certain people who are authorized to
10 file a petition. That petition is assigned to the
11 probate section. And depending on which part of the
12 county it's from, it would be assigned to my section or
13 Judge Campbell. And that petition is reviewed and
14 transmitted to me for action, typically electronically,
15 by the clerk of court.

16 Q. And is that petition a public document that's
17 filed with the clerk of court?

18 A. I believe it's public. You could check with
19 the clerk about that. I don't usually get involved with
20 making that determination unless somebody has had a --
21 files a petition to have a particular document sealed or
22 confidential or it's confidential by virtue of a statute
23 like most guardianship proceedings are.

24 Q. Okay. So, presumably, the petition would have
25 been filed by a member of the Florida Bar?

1 A. Typically it is. I don't know if that is a
2 requirement or not, and I don't recall specifically in
3 this case, but that is most common.

4 Q. Okay. The -- do you know the -- is there a
5 case number associated with it or assigned to it?

6 A. Yes.

7 Q. Okay. Do you happen to know that case number,
8 or no?

9 A. I don't know that case number for this case.

10 Q. Okay. And your thought is that the clerk of
11 court might be able to assist us in finding that
12 information?

13 A. I would expect they would be able to identify
14 that for you, yes.

15 Q. Okay. Was there some sort of an evidentiary
16 hearing or was the -- was it strictly based on pleadings
17 and attachments to the pleadings that this certificate
18 was issued?

19 A. I didn't go back and review the docket or any
20 of the filings or orders. I wanted to come in and
21 testify without having created some false narrative or
22 recollections in my mind, but I do not recall doing an
23 evidentiary hearing in this case.

24 The process is somewhat laid out by the rule
25 and the statute. And in probate, typically, matters are

1 not adversarial unless they are designated to be
2 automatically adversarial by virtue of a particular rule
3 or statute. And so, if it's not adversarial, not
4 contested, the Court typically does not conduct an
5 evidentiary hearing.

6 Q. Do you recall -- do you recall whether or not
7 law enforcement had any involvement in seeking the
8 presumptive certificate of death in this case?

9 A. I do not recall.

10 Q. Okay. Normally, would law enforcement be
11 involved in that, or is it more of a probate-related
12 matter?

13 A. Every one of them that I've had has been
14 remarkably different from the others. It's not uncommon
15 for materials from government records or something else
16 to be referred to in the supporting documents, but it's
17 not in every case either. So I can't say and I don't
18 recall what the supporting materials were in this case
19 offhand.

20 Q. Okay. When this was presented to you, did you
21 recall when it was presented to you?

22 A. I do not.

23 Q. Okay. This particular case and the arrest of
24 Dr. Kosowski was very much in the news media for an
25 extended time period.

1 So were you familiar when this came before you?

2 Did you recognize the case?

3 A. I believe I recognized the name of the
4 decedent.

5 Q. Okay.

6 A. But I did not and don't typically familiarize
7 myself with most news coverage just because I see enough
8 of it in real life.

9 Q. Okay. Okay. Did you -- did you know the
10 decedent as an attorney who came before you to practice
11 law or through the legal community or just from the news
12 media?

13 A. I did not have any dealings with him in any
14 professional or professional-related settings. I simply
15 recognized the name.

16 Q. Okay. And as far as the name was -- well,
17 presumably, was Dr. Kosowski's name even included as far
18 as you know?

19 A. I do not recall.

20 Q. Okay. Do you recall what was presented to you
21 as far as, you know, whether it was by circumstantial
22 evidence or by affidavits as to the cause of death, and
23 what led you to conclude that it was appropriate to
24 issue a certificate of death?

25 A. I do not recall. I didn't review the

1 supporting materials before coming here, so...

2 Q. But it is your belief that any supporting
3 materials would have been most likely in a proceeding
4 that was not under seal, it would have been a public
5 proceeding?

6 A. As far as I know, those are -- those are public
7 documents and public filings. I rely on the clerk, on
8 Mr. Burke to adequately, you know, discharge his duties.
9 I think it's his responsibility as a matter of law to
10 make those designations and things like that. So it's
11 possible that they might tell you it's confidential if
12 you went to request it, but it wouldn't be by any
13 specific order that I entered.

14 Q. Okay. Is it possible that this was sought and
15 obtained related to a wrongful death civil lawsuit
16 that's pending in Pinellas County?

17 A. I can't speculate. I don't -- I don't recall
18 that.

19 Q. Do you know if it's a matter of --

20 A. I couldn't exclude it either.

21 Q. Okay. Do you know if it's required for
22 purposes of a civil wrongful death lawsuit?

23 A. I don't want to make assumptions, but I have
24 seen it done for those purposes, but I've also seen it
25 done, largely, because you need it in order to open up a

1 formal administration of an estate under the probate
2 rules. You would have to provide a death certificate,
3 so -- and if you don't have a medical examiner signing a
4 death certificate, the other means outlined by statute
5 and rule is for the Court to sign it.

6 Q. Is the -- the certificate that was issued, I
7 believe is referenced as a presumptive certificate of
8 death. Is there such a thing as a nonpresumptive
9 certificate of death? Do you know?

10 A. I don't know that. Vital statistics could
11 probably tell you which forms and -- different forms
12 they have. I know they have short form death --
13 certifications of death. They have a longer form
14 version. I don't know if they have specific
15 nomenclature for presumptive or nonpresumptive.
16 Somebody representing them would probably be better to
17 clarify for that.

18 Q. And do I understand correctly that the petition
19 that's filed, does the clerk of court do their own
20 evaluation of whether or not the documentation and
21 supporting documents is sufficient before it's presented
22 to Your Honor, or how does that work?

23 A. They would have to answer any questions you
24 might have on what process they engage in. There are
25 cases -- case types that they review and make sure that

1 all the requirements are met, typically with
2 administration of the estate and petition for
3 guardianship.

4 However, there are large chunks and types of
5 cases that they just send up and the only note that
6 accompanies is if the clerk doesn't review this type of
7 case, and then it just comes to me to manage and rule on
8 from there. I might give them an instruction as to, you
9 know, whether anything needs to be administratively --
10 or, you know, whether they need to recheck the file in a
11 certain amount of time, but otherwise, there's a
12 substantial number of cases they don't do any review on.
13 They definitely don't do reviews, in my experience, on
14 these cases for sufficiency of evidence.

15 Q. Okay. So not sufficiency, but possibly just to
16 make sure that formalities have all been submitted as
17 they should be.

18 A. Right. But again, they have a lot of
19 checklists down there.

20 Q. Okay.

21 A. And they could probably tell you whether they
22 review this against some sort of rubric or whether they
23 simply pass it along to the Court for action.

24 Q. The presumptive certificate of death, was that
25 a court finding that, in this case that Steven Cozzi is,

1 in fact, dead?

2 A. Well, I guess I would say it's whatever my
3 order says.

4 Q. Yeah.

5 A. I hadn't reviewed my order, so I don't know
6 what's on there. I think I might have to point you back
7 to the statute that outlines what the inquiry is of the
8 Court. I think you also have to understand that -- and
9 I'm not speaking specifically in this case, of course,
10 but there are -- at least the probate grants in this is
11 limited to probate proceedings.

12 I'm not -- it doesn't have -- it's not a
13 universal effect. I think you'd have to go back and
14 read the case law if you wanted to get fully up on that,
15 but there's a few cases that discuss sort of what the
16 import and the legal significance of the ruling that the
17 Court makes is on these types of petitions.

18 Q. Okay. So what we have is basically what
19 appears to be a certificate of death. We don't actually
20 have a copy of any order that you may have signed, but
21 we have a certificate that basically indicates that you
22 are the one that made the finding in support of the
23 certificate of death.

24 So is it your belief that there should be,
25 like, an order related to that that we might be able to

1 find at the clerk's office?

2 A. Again, I didn't go back and look at the docket,
3 but it's common for me also to sign an order granting or
4 denying a petition.

5 Q. Okay.

6 A. That's sort of the -- it amounts to the final
7 judgment in the case. And then the signing of the
8 certificate is sort of a ministerial act on top of that.

9 Q. On this certificate there's a date certified of
10 May 17th, 2023, and a date filed of July 16th, 2023.

11 Do you know what the significance are of those
12 two different dates, the date certified and the date
13 filed?

14 A. I do not. I don't know whether those are, you
15 know, based on the date that I signed it or that some
16 other agency accepted it. I'd be speculating to answer.

17 Q. And just to make sure, you don't have
18 recollection as to the facts that may have been
19 presented to you in this case in support of the ultimate
20 finding of the presumptive artifact of death or
21 certificate of death?

22 A. I'm sorry. Can you give it to me one more
23 time?

24 Q. Yeah. I'm sorry.

25 Am I correct that you don't recall the facts

1 that were presented in support of the presumptive
2 certificate of death in this case?

3 A. I don't recall them as I sit here today. I
4 didn't review the filings or any of my orders in the
5 case.

6 Q. Okay. But whatever it was, it would be part of
7 the pleadings and/or if there was a hearing there should
8 be a -- presumably, a transcript of that hearing, or no?

9 A. Not all proceedings are transcribed. I don't
10 recall conducting a hearing. If you see a notice of
11 hearing on the docket that would be the more accurate
12 record.

13 Q. Okay. If there is no notice of hearing with
14 the clerk's office, can we then assume that there was no
15 hearing and it was strictly based on the documents that
16 were submitted?

17 A. I think that would be a fair assumption. I did
18 not conduct any independent investigation of any of the
19 facts or circumstances beyond what was presented.

20 MR. BRUNVAND: Okay. I don't think I have any
21 other questions. I greatly appreciate your time,
22 Your Honor.

23 THE WITNESS: Good to see you.

24 MR. BRUNVAND: Good to see you as well.

25 MR. VONDERHEIDE: No questions from the State.

1 MR. BRUNVAND: And Your Honor, if we transcribe
2 this, do you want to read or waive?

3 THE WITNESS: Put me down for a read, please.

4 MR. BRUNVAND: Okay. I'm going to stop the
5 recording, and then you can let the court reporter
6 know about contact information for the transcript.

7 (At 1:20 p.m., no further questions were
8 propounded to this witness.)
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ERRATA SHEET

IN RE: STATE OF FLORIDA vs. TOMASZ KOSOWSKI
DEPOSITION OF: JUDGE SHERMAN COLEMAN
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 HONORABLE JUDGE SHERMAN
COLEMAN 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

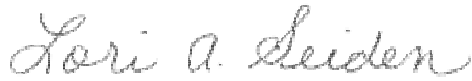
1 CERTIFICATE OF REPORTER

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 HONORABLE JUDGE
9 SHERMAN COLEMAN; that a review of the transcript was
10 requested; and that the foregoing transcript is a true
11 and 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

January 14, 2025

HONORABLE JUDGE SHERMAN COLEMAN
section3@jud6.org

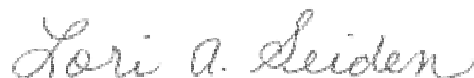
Dear Judge Coleman:

Your deposition taken in the case of State of
Florida vs. Tomasz Kosowski on July 10, 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, until February 14,
2025.

Please call (863) 682-8737 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,



Lori A. Seiden, RPR, FPR-C