

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

STATE OF FLORIDA,

Plaintiff,

vs.

CASE NO. 23-02935CF

TOMASZ KOSOWSKI,

Defendant.

_____/

VIRTUAL DEPOSITION OF JOHN DIEBEL, TSPD

DATE: January 9, 2025

TIME: 10:28 a.m.

PLACE: Various Remote Locations
Via Zoom Video Communications

REPORTER: KIMBERLY L. RENFROE, RPR
Stenographic Reporter

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

VIRTUAL
APPEARANCES:

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For the State

AMANDA POWERS SELLERS, ESQUIRE
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and

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JANUARY 9, 2025

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1 DEPOSITION IN DISCOVERY

2 JOHN DIEBEL, TSPD

3 Pursuant to notice duly given, the virtual
4 deposition of JOHN DIEBEL, TSPD, called by the Defendant
5 in the above-styled cause, was taken by me, a Notary
6 Public in and for the State of Florida at Large, at the
7 time and place and in the virtual presence of counsel
8 enumerated on Page 2 hereof.

9 Thereupon, it was stipulated and agreed by and
10 between the attorneys for the respective parties, by and
11 with the consent of the said JOHN DIEBEL, TSPD, that
12 signature to the said deposition be reserved.

13 THE COURT REPORTER: Raise your right hand,
14 please.

15 Do you swear or affirm that the testimony
16 you're about to give in this cause will be the
17 truth, so help you God?

18 THE WITNESS: I do.

19 JOHN DIEBEL, TSPD, having been first duly sworn
20 via Zoom Video Communications, upon interrogation in
21 discovery, testified as follows:

22 DIRECT EXAMINATION

23 BY MS. SELLERS:

24 Q. It's Detective Diebel; right?

25 A. Yes, ma'am.

1 Q. Okay. Can you please state your full name?

2 A. John Diebel.

3 Q. And, Detective, my name is Amanda Sellers. I
4 represent Dr. Kosowski along with Mr. Brunvand, who may
5 be joining us at some point during this deposition.

6 We will just jump right in.

7 Did you write any supplements in this case?

8 A. I did not.

9 Q. Are you aware of any supplements where you
10 were mentioned or you authored or approved?

11 A. I -- I know I was mentioned in at least one
12 that was authored by Major Trill talking about the
13 actions of the SWAT team.

14 Q. Okay. I see one here; it looks like you
15 approved --

16 A. I might have approved a few.

17 Q. Okay. All right. This looks like Officer
18 Melton.

19 And --

20 A. Right.

21 Q. -- how are you employed?

22 A. I am a detective corporal with the Tarpon
23 Springs Police Department.

24 Q. How long have you been a detective corporal?

25 A. For ten years.

1 Q. And how long have you been with Tarpon
2 Springs?

3 A. Almost 14.

4 Q. Prior to working for Tarpon Springs, where
5 were you?

6 A. I retired from Clearwater Police Department
7 with 24 years of service back in 2009.

8 Q. I thought your name sounded familiar with --
9 with a more local agency. Okay.

10 It -- what was your involvement in the State of
11 Florida versus Thomas Kosowski case; how did you first
12 become involved?

13 A. I was at SWAT training on, I believe, it was
14 the 27th of March in 2023, Sergeant -- or I'm sorry,
15 Major Trill received a phone call that -- from Largo PD
16 that there was a search warrant that they needed us to
17 do reference an ongoing investigation they were involved
18 in.

19 Q. And did you take on that duty?

20 A. Yes.

21 Q. All right.

22 A. I helped on the -- the -- the search of the
23 residence.

24 Q. Okay. Let's back up. Who were you personally
25 in charge of supervising when you searched the war --

1 the residence?

2 A. I was not supervising anybody at that moment.

3 Q. So what was your role in the search of the
4 residence?

5 A. Initially, I took a security position on the
6 ground floor until entry was made into the house. Then
7 I kind of followed in on the stack for the search of the
8 house.

9 Q. What was the date of that search?

10 A. The 20 -- the 27th of March, 2023.

11 Q. I have a report here -- I want you to double
12 check that date because I have a report that your
13 involvement was initiated in -- on the 23rd of March.

14 A. All right. I'm just going by the -- the
15 supplement that Major Trill did.

16 Q. Okay.

17 A. That's what was listed on his report so that's
18 what I'm -- I'm going off his report.

19 Q. Okay. When he wrote his report did you have
20 an opportunity to review it and approve it at the time?

21 A. I don't believe so. I don't think I approved
22 this one.

23 Q. Can you look at Officer Melton's report, it's
24 TS237723 and the date of the report is March 23rd.

25 Do you happen to have that report?

1 A. No, I don't. The only thing I printed out was
2 the SWAT team supplement, just a narrative portion of
3 that.

4 Q. Okay.

5 Do you recall being at the residence before
6 March 27th?

7 A. I don't believe so.

8 Q. Do you remember what time or do you have it
9 documented what time you arrived at the residence on the
10 27th?

11 A. I believe it was close to 11:00 o'clock just
12 by the time on my BWC.

13 MS. SELLERS: And, Nate, while I'm proceeding
14 with these questions, can you just double check
15 that date for him?

16 MR. VONDERHEIDE: Yeah, I can probably send
17 Melton's report in the chat, if you want me to do
18 that, that would probably be the best.

19 MS. SELLERS: That -- that would be good.
20 Thank you.

21 Q. (By Ms. Sellers) So you arrived at the address
22 511 Seaview at what time?

23 A. It was close to -- around 11:00 o'clock.

24 Q. A.M?

25 A. P.M. It was at night.

1 Q. P.M.

2 And what time did you leave?

3 A. It was probably around midnight. I was one of
4 the first ones to leave 'cause I had an appointment in
5 the morning so I didn't stick around.

6 Q. Who was there when you arrived?

7 A. There was -- members of the SWAT team were
8 there, so detectives were there, I believe Melton had
9 arrived just ahead of me with Detective Warrick, I
10 believe.

11 Q. I -- how many detectives were there, if you
12 recall?

13 A. I -- I think only -- I can only remember two
14 of them being there because that wasn't really my scope
15 of my -- my role that day so I wasn't really involved in
16 the investigative part of it.

17 Q. What exactly was your role?

18 A. I was -- my role was strictly as a SWAT team
19 member to go in and secure the residence, make sure
20 there was nobody inside.

21 Q. What was your understanding of why the SWAT
22 team was involved?

23 A. I had very limited knowledge. I just know
24 that there was an ongoing homicide investigation or --
25 or missing person, possibly a homicide investigation, in

1 Largo and that they just needed the residence secured so
2 they could do a search warrant for the house.

3 Q. How many SWAT team members were there?

4 A. Roughly, probably -- probably ten.

5 Q. Was there some indication that there was
6 someone on the inside and -- and this was a volatile
7 situation? I mean, I'm just trying to figure out how we
8 go from executing a search warrant to bringing in a SWAT
9 team unless there's someone inside or some urgent
10 situation. Can you explain that?

11 A. It -- the best of my knowledge in this case is
12 that there was a missing person, there was possibly --
13 there was -- it was a homicide involved in it, so to
14 just secure the residence for everybody's safety,
15 they -- they enlisted the help of our SWAT team.

16 Q. Was it your understanding that there was a
17 possible homicide at that residence or just somewhere?

18 A. That -- as far as I knew, the homicide --
19 possibly homicide was in Largo someplace. It's just
20 that a person of interest, this was their residence and
21 that they were going to serve a search warrant and they
22 just needed it safely secured.

23 Q. At that time, was there an indication of where
24 the owner of the home was?

25 A. No. No. They -- they didn't believe that he

1 was home. But they were just being on the safe side,
2 having us do it.

3 Q. At some point did Lago PD arrive?

4 A. I believe so, yes.

5 Q. Did that happen while you were there?

6 A. I don't really know. I think there was some
7 people there prior and then arrived when we did. I
8 think it was both.

9 Q. When you arrived, did you arrive with the SWAT
10 team and you enter the home with the SWAT team?

11 A. Yes.

12 Q. Explain to me that process and how -- how that
13 happened.

14 A. We -- we met at a different location and then
15 we convoyed to that location. I believe there was three
16 vehicles. I was in Vehicle Number 3. And as we arrived
17 on the scene everybody's given a task to do. And we
18 went about performing those tasks.

19 My task was to cover the bottom floor, 'cause we
20 had to navigate some stairs to the front door of the
21 residence. I just took up a perimeter position until
22 they gained entry, then I kind of just followed in on
23 the stack, into the house.

24 Q. Who decided who would have what task; who was
25 leading the SWAT team?

1 A. You had Major Trill, who was our commander,
2 then we had Mark Sapino, who was the team leader.

3 Q. Do you recall seeing the Largo Command Bus
4 there?

5 A. I believe it was there, yes.

6 Q. And do you remember where it was in relation
7 to the home?

8 A. I believe it was northeast of the house.

9 Q. Was it there when you arrived or did it arrive
10 after you arrived?

11 A. I believe it was there when we got there.

12 Q. So if it was there before you got there, are
13 you aware of how long it may have been there --

14 A. No.

15 Q. -- prior to --

16 A. I am not, no.

17 Q. Do you know when -- are you aware of the
18 surveillance of 511 Seaview prior to entering the home?

19 A. I believe so, yeah. I know it was listed in
20 the report that I read.

21 Q. And what was the purpose of the surveillance?

22 A. That's common procedure. Any time we do a
23 search warrant usually we like to have eyes on the --
24 the -- the place we're going to go search just to give
25 us updated intelligence of what's going on or not going

1 on.

2 Q. Is there a standard time for surveillance
3 prior to entry?

4 A. No, unh-unh.

5 Q. Are you aware of how long the home was under
6 surveillance prior to your entry?

7 A. No, I'm not.

8 Q. What intelligence, if any, was gained by the
9 surveillance prior to SWAT team entry?

10 A. The only thing that I heard was that they
11 hadn't seen anybody at the residence.

12 Q. Do you know if Officer Palmer was stationed at
13 511 Seaview?

14 A. I do not.

15 Q. Do you know what officers were assigned to
16 surveillance of the home?

17 A. No, I do not.

18 Q. Were you aware of Dr. Kosowski's location at
19 the time?

20 A. No, I was not.

21 Q. Did you have any indication that he was in
22 south Florida?

23 A. No.

24 Q. You said that there were three vehicles that
25 convoyed to the residence from the original meeting

1 place. Where were -- where was the original meeting
2 place; where did you-all meet?

3 A. I believe it was at -- on Gulf Road near
4 either the high school or the elementary school there.
5 It was somewhere in that area, I believe. If I can
6 remember. I -- I think that's what it was.

7 Q. Who was in your vehicle?

8 A. In my vehicle was Officer Gassen, and
9 Officer Trinidad.

10 Q. And you said you were the third vehicle in
11 line, you think?

12 A. Yes, ma'am.

13 Q. Who was in the second vehicle?

14 A. The second vehicle was a SWAT medic, Gamarra;
15 Corporal Sapino, now Sergeant Sapino; Officer Rondos;
16 Officer Gibson; Sergeant -- now Major Crawford;
17 Corporal Gomez; Officer Reyes; and Officer Patton.

18 Q. And who was leading in the first vehicle?

19 A. In the first vehicle was Detective Warwick;
20 Detective Melton; another SWAT medic, Malvesti; were in
21 the first vehicle.

22 Q. Do you know Detective Bolton from Largo PD?

23 A. No, I do not.

24 Q. Do you know Detective Compton from Largo PD?

25 A. No.

1 Q. Were you involved in the risk protection order
2 that was ultimately entered or sought?

3 A. No.

4 Q. Were you involved in the decision to remove
5 the guns and ammunition from Dr. Kosowski's home?

6 A. I am not.

7 Q. Once you entered the home and you followed
8 SWAT team members to, I -- I believe you said the second
9 floor?

10 A. Yeah. Well, to -- to enter the house you have
11 to navigate stairs and then you enter the house through
12 the front door. It's -- it's kind of like on the second
13 level.

14 Q. What did you do once you entered the home?

15 A. I went into the house. I was kind of looking
16 for -- we're looking for work, looking for somebody who
17 needed any -- any help. People were, you know, flooding
18 the house, going through door to door or doing what they
19 needed to do. I ended up going to the -- the stairs
20 that would -- lead downstairs to the garage where
21 Officer Rondos was, and held that position.

22 Q. When you entered the home was it only SWAT
23 team members or were there detectives that entered with
24 you or before you or after you?

25 A. As far as I know, there was just SWAT team

1 members in the house at that time.

2 Q. And was it all of the SWAT team members that
3 were in the convoy?

4 A. Yes.

5 Q. Do you recall what rooms, if any, that you
6 cleared and searched?

7 A. The only area I searched was the -- was the
8 garage once we opened the door to go in.

9 Q. What did you find in the garage?

10 A. I came into the garage, took a left, cleared
11 that area. Other guys came in the area and kind of
12 cleared the rest. There was a locked door that was
13 actually underneath the -- the -- the -- the stairs. It
14 was locked so we called for an -- a -- a SWAT team guy
15 with the tools and they made entry in that. It was kind
16 of a short room so they cleared that and then I kind of
17 just hung around. I didn't really search anything else.

18 Q. Was there a vehicle in the garage?

19 A. There was a -- I'd say a dark silver or
20 grayish Tundra pickup truck.

21 Q. Did you search that vehicle or did anyone
22 search that vehicle --

23 A. No.

24 Q. -- at that time?

25 A. We were told not to touch it.

1 Q. So no one opened any doors?

2 A. Yeah, no one -- we were told to -- simply not
3 to touch it.

4 Q. Once you-all were in the garage, did you open
5 the garage door?

6 A. The -- you talking about the door that would
7 go to the outside, like the -- the big bay doors?

8 Q. Yeah.

9 A. Yeah. Yeah, I pushed the button to open those
10 up.

11 Q. And after entering and clearing the garage in
12 that small room in the garage, what did you do?

13 A. We just stood around 'til we were relieved.
14 There was also a trailer there, enclosed trailer, that
15 was locked. I -- I saw some keys in the landing in the
16 stairs so I went in there to see if any of those keys
17 fit but I don't remember if they fit or not, I don't
18 think they did. That was -- that's about it.

19 Q. What kind of trailer; can you describe --

20 A. It was --

21 Q. -- further?

22 A. -- probably about a -- I don't know. It's a
23 pull-behind enclosed trailer. I think it was silver or
24 dark gray in color. It was locked, but -- like I said,
25 the doors were locked.

1 Q. Was that stored in the garage?

2 A. Yes.

3 Q. Was that a two-car garage or a three-car
4 garage; could more vehicles fit in there or no?

5 A. It was -- it was a big garage. It was
6 probably about a three-car garage.

7 Q. Were you able to open that case report that
8 Mr. Vonderheide sent in the chat?

9 A. Where would that be?

10 MR. VONDERHEIDE: If you click on chat it
11 should be --

12 THE WITNESS: You have to --

13 MR. VONDERHEIDE: There should be chat -- are
14 you on a computer? It's chat at the bottom.

15 THE WITNESS: Okay. Okay. Yeah. I'm -- I'm
16 sorry. I'm very challenged in this area.

17 MR. BRUNVAND: Can't you guys share it?

18 MS. SELLERS: I -- I can share it -- yeah,
19 it's shared in the chat, Bjorn. I can share it on
20 my screen if that would be helpful.

21 MR. BRUNVAND: I think that would make perfect
22 sense so we can all see it and it shows up on the
23 actual video.

24 MS. SELLERS: Okay. Let me see if I can do
25 that.

1 THE WITNESS: I can get somebody to print it
2 out for me here. I'm at the office.

3 MS. SELLERS: I can probably get it right on
4 your screen, maybe.

5 Now my chat looks different. Oh, there it is.

6 Okay. Are you able to see that?

7 THE WITNESS: Yes.

8 Q. (By Ms. Sellers) Okay. So this is -- there
9 you are.

10 A. Okay.

11 Q. This is Officer Melton's report.

12 A. Okay.

13 Q. And it says the occurrence is from 3/23/23 to
14 3/23/23 at 1700 to 1700. So that's what I'm trying to
15 figure out because I know that -- that you have a report
16 that says that you entered the residence from 7 -- or
17 3/27.

18 A. Uh-huh.

19 Q. And I don't have that report in front of me.

20 A. Okay.

21 Q. But I have this report that states -- I'll
22 scroll down here for you. I'm just going to let you
23 take a minute to -- to review that because it's
24 regarding the search warrant, 511 --

25 A. Uh-huh.

Q. -- Seaview and it states that it was on March 23rd, at 1700 hours.

A. Yeah, I'm -- I'm reading it now. Maybe they just made an error on this report here.

Q. Okay.

A. Yeah. Yeah, it must have been the 23rd.

Q. Would it be helpful if I emailed this report to you so you could print it out or do you want to just take a minute and tell me when you're ready and I can scroll down?

A. Yeah. Is my listed -- is my name listed in this report besides the reviewing?

Q. No, I don't believe so, just -- just the approval here at the top.

A. Yeah, that's part of my duties. I'll -- I'll review and approve reports.

Q. Okay. But this is discussing the same search at 511 Seaview --

A. Yeah. Yeah, it's the same one. They -- they just made an error on this one report.

Q. Okay. And that's Sergeant Trill's report -- or Corporal Trill that you're looking at?

A. Yeah, Major Trill.

Q. Major Trill.

A. I think he was major back then.

1 Q. So I just -- I want to double check the times
2 here because you said that you arrived around 11:00 p.m.
3 on the 27th. Is it now --

4 A. Yeah, I see here --

5 Q. -- safe to --

6 A. -- it says at 2309 hours we approached the
7 residence -- this is Detective Melton speaking -- and we
8 were right behind him, so it had to be right after that
9 at 2309.

10 Q. Okay. So at 2337, -- you -- you would have
11 entered prior to 2337 hours?

12 A. Yes. Yeah, it probably would have been right
13 after the 2309, give it a few -- you know, maybe 2312,
14 once they -- they cleared the stairs and made entry; so
15 it's probably around that time, 2312, when I entered.
16 And when Detective Melton was reading the warrant, I
17 believe I was leaving the residence.

18 Q. Okay.

19 A. At 23 -- he com -- you know, started at 2337
20 so I believe I was leaving the residence at that time.

21 Q. Okay. Let me ask you this: Whenever it
22 states up here occurrence from 1700 to 1700, what are --
23 what are those times indicative of?

24 A. Usually that's when the -- the call for
25 service starts, at the occurrence from, and then when

1 you end it on the sequence to. So he's got 1700 on the
2 23rd and --

3 Q. And that's 5:00 p.m.; correct?

4 A. Yeah. Yeah.

5 I think what he did on this was he just -- when he
6 started the -- to do his investigation he just obtained
7 a -- a -- a case number and just closed out the case and
8 then went about his job. He didn't leave it open, this
9 case report open, he closed it right away, that's why he
10 would have both 1700 hours for both.

11 Q. Okay. And again this is -- why would he close
12 that out? Why would -- why would he close that report?

13 A. That's -- we kind of -- that's kind of like
14 common procedure when we -- when detectives do this. We
15 just open up a case, get a case number, and close it
16 right out at that time. We don't leave it hanging open
17 in the -- in the computer.

18 Q. Okay. So this report is related to the
19 reading of the warrant and then the subsequent search
20 and you did not have any involvement in that portion of
21 the investigation; correct?

22 A. No, I did not.

23 Q. So, going back to the garage where you see the
24 enclosed trailer, you said that you noticed some keys
25 but you're not sure if they opened that trailer?

1 A. I don't think they -- I don't think they did.
2 I don't think they opened it up, from what I can
3 remember.

4 Q. Was there any concern in clearing that
5 trailer?

6 A. No. No. It was -- it was locked.

7 Q. It was locked but was it small enough or -- so
8 there was no immediate concern in finding an indi --
9 individual who may have been dead or alive in there at
10 the time?

11 A. Yeah, we didn't want to just -- we were told
12 not to -- not to touch anything or mess with anything,
13 any containers or anything like that so what we just
14 left it as is and let the detectives worry about that.

15 Q. Okay.

16 So you said approximately midnight is when you
17 wrapped up your part in this investigation. At that
18 time did you leave 511 Seaview?

19 A. Yeah, that's -- that's about what time I left.

20 Q. And were you tasked with writing a report or
21 did you rely on the other individuals in your team to
22 document everything that you-all did?

23 A. What we typically do on any kind of action
24 that's performed by the SWAT team, one person authors
25 the report. Unless you took specific actions, like use

1 of force or something that you had to do a blue team
2 because you point a gun at somebody or something like
3 that, usually, just one person would do a report.

4 Q. And once that one individual does a report, do
5 the other members of the team review the report, is
6 there some sort of meeting of the minds as to what's
7 contained in that report?

8 A. I don't know if we did it in this case,
9 usually what we do -- 'cause I left early 'cause I had
10 to be gone early in the morning. Usually, we have a --
11 a debrief of what we did, what we saw, and those notes
12 from that -- that debrief is usually what's entered into
13 the report. So we all have knowledge what's -- what's
14 going to -- going to go in it.

15 Q. So after March 23rd, did you have any further
16 involvement in this case?

17 A. No, I did not.

18 MS. SELLERS: Bjorn, do you have any
19 questions?

20 MR. BRUNVAND: I do not.

21 MS. SELLERS: Mr. Vonderheide?

22 MR. VONDERHEIDE: Nope, nothing from me.

23 Thank you.

24 Thanks, John.

25 THE WITNESS: Sure thing.

1 MS. SELLERS: That is all I have. Would you
2 like to read or waive?

3 THE WITNESS: I'll read.
4

5 THEREUPON, the virtual deposition concluded at
6 10:58 a.m.
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ERRATA SHEET

IN RE: State of Florida versus Tomasz Kosowski

DATE TAKEN: January 9, 2025

WITNESS: JOHN DIEBEL, TSPD

Page	Line	Correction	Reason
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Under penalties of perjury, I declare that I have read
the foregoing document and that the facts stated in it
are true.

DATE (JOHN DIEBEL, TSPD)

CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF PINELLAS

I, the undersigned authority, certify that
JOHN DIEBEL, TSPD personally appeared before me
January 9, 2025 and was duly sworn via Zoom Video
Communications.

Witness my hand and official seal this 31st
day of January, 2025.



KIMBERLY L. RENFROE, RPR
Notary Public, State of Florida
Commission No.: HH 80650
Expiration date: 1/31/25



REPORTER'S CERTIFICATE


STATE OF FLORIDA

COUNTY OF PINELLAS

I, KIMBERLY L. RENFROE, Registered Professional Reporter, certify that I was authorized to and did stenographically report the virtual deposition of JOHN DIEBEL, TSPD; that a review of the transcript was requested; and that the transcript is a true and complete record as I understood it to be.

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' attorney or counsel connected with this action, nor am I financially interested in the action.

Dated this 31st day of January, 2025.


KIMBERLY L. RENFROE, RPR
Stenographic Reporter

(Transcript was ordered by Bjorn E. Brunvand, Esquire, on January 9, 2025.)

February 3, 2025

Detective John Diebel
xxxxx@xxxx.xx

Dear Detective Diebel:

Your deposition taken in the case of State of Florida v. Tomasz Kosowski on January 9, 2025 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 March 7, 2025.

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,

Kimberly L. Renfroe, RPR